



**DOÑA ANA COUNTY  
SHERIFF'S OFFICE  
POLICIES & PROCEDURES**

Adopted February 22<sup>nd</sup>, 2022



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The Doña Ana County Sheriff's Office (DASO) policies and procedures establish standards, expectations and procedures for the internal operations of the department.

The Doña Ana County Sheriff's Office (DASO) policies and procedures are a supplement to, and do not supersede County Ordinance, Human Resources Policies and Procedures, or applicable collective bargaining agreements.



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# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**100-000**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**  
**All related  
directives.**

### Mission & Core Beliefs

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### Doña Ana County Sheriff's Office Mission Statement:

We improve the quality of life in the communities of Doña Ana County. As responsible role models, we are dedicated to developing and maintaining partnerships, upholding the law, protecting life and property, providing a safe environment and ensuring the Constitutional rights of all. We are dedicated to continue our rich heritage of more than 150 years of quality service through our core beliefs of: Integrity, Professionalism and Fairness.

### Doña Ana County Sheriff's Office Core Beliefs:

**INTEGRITY** - We hold ourselves accountable to the highest standards of honesty and ethical conduct.

**PROFESSIONALISM** - We are dedicated to excellence in service through education, mutual cooperation, and pride.

**FAIRNESS** - We are committed to impartial and equal treatment for all through courtesy, compassion and respect.

### I. APPROVAL:

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-001	
<b>CALEA STANDARD:</b> 26.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### DASO Code of Conduct

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to define the DASO Code of Conduct, which is comprised of rules used to regulate the behavior of Dona Ana County Sheriff's Office (DASO) employees. While a policy is a philosophy statement of management, and procedures are a way of proceeding to achieve an objective, rules are more specific and less flexible. Rules are statements that a specific action will or will not be taken in a given situation. The only room for discretion under a rule is determining if the specific situation confronted by the member is one where the rule applies. Still, like any regulation that controls the actions of individuals, the spirit of reasonableness has to be inherent in its interpretation and enforcement.

#### II. POLICY:

It is the policy of DASO that the rules embodied in the Code of Conduct shall be applied and enforced with fairness, consistency, and reasonableness.

#### III. PROCEDURE:

This Code of Conduct shall be considered the rules and regulations governing the actions of members of DASO. This Code of Conduct shall replace and supersede the Rules and Regulations and all Orders of DASO inconsistent herewith issued before the date of this policy. Revisions incorporating rule changes, additions, or deletions after this date will be distributed periodically.

##### 1. Violations of Rules

Employees shall not violate or assist in violating rules, regulations, directives, or orders of DASO, whether stated in this Manual or elsewhere.



## **2. Conformance to Laws**

Employees shall obey the laws of the United States and of any state and local jurisdiction in which the employees are present. Any employee who is a suspect in or is arrested for any criminal offense, drug related offense, or major traffic offense, shall report the offense to the captain of the division to which the employee is assigned, as soon as possible, including during off-duty hours, and in all cases, prior to returning to duty. Incidents involving captains are reported to the Sheriff as soon as possible, including during off-duty hours, and in all cases, prior to returning to duty. Regardless of whether or not an employee is ultimately charged, indicted, prosecuted, or convicted for any criminal offense, drug related offense, or major traffic offense, employees failing to obey any laws of the United States and of any state and local jurisdiction may be subject to disciplinary action, up to and including termination.

Any employee who observes another employee commit a criminal act, other than a minor traffic offense, whether on-duty or off-duty, shall report the occurrence(s) to a supervisor.

Offenses committed, which are impermissible within this jurisdiction, but which are committed within other jurisdictions where such conduct is permissible, may be subject to disciplinary action, up to and including termination.

## **3. Unsatisfactory Performance**

Employees shall maintain sufficient competency to do their duties and assume the responsibilities of their positions. Employees shall do their duties in a way that will maintain the highest standards of efficiency in carrying out the functions and objectives of DASO. Unsatisfactory performance may be shown by a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to do assigned tasks, the failure to conform to work standards established for the employee's rank or position, the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention, and/or absence without leave. Consistent poor performance evaluations or a consistent written record of infractions of rules, regulations, directives, or orders of the DASO will also be considered unsatisfactory performance.

## **4. Insubordination and Intemperate Behavior**

Employees shall obey, in a timely manner, any lawful directives of a supervisor. This will include directives relayed from a supervisor by another employee of the same or lesser rank. Employees shall not exhibit intemperate behavior towards any supervisor or administrator of DASO.

## **5. Conflicting or Illegal Directives**

Employees who are given an otherwise proper directive that conflicts with a previous directive, rule, or regulation, shall respectfully inform the supervisor

issuing the directive of the conflict. If the supervisor issuing the directive does not alter or retract it, the directive shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting directive and shall not be held responsible for disobedience of the directive, rule, or regulation previously issued.

Employees shall not obey any directive that they know or should know would require them to commit any illegal act. If in doubt about the legality of a directive, employees shall request the issuing supervisor to clarify the directive, or shall request to confer with higher authority.

## **6. Dishonesty**

Knowingly making false or misleading representations, either orally or in writing, including but not limited to falsification of any information, record or report; filing false or altered documents, affidavits, giving a false reason for use of leave; the filing of repeated false or frivolous grievances found to be unsubstantiated, or the intentional fabrication of events, or knowingly failing to disclose information including but not limited to such matters.

## **7. Physical or Psychological Examinations**

Upon the recommendation of an employee's supervisor and division supervisor, the Sheriff may request through human resources that the employee submit to and undergo either a physical or psychological examination, or both, to determine the fitness of the employee to do the required duties of their position.

When complying with the requirements of this section, the employee shall authorize the attending physician or psychologist to release information regarding the employee's condition and ability to do required duties Human Resources who will then communicate the findings with the Sheriff.

## **8. Use of Polygraph, Medical Examinations, Photographs, and Lineups**

Polygraph Examinations: After reviewing all the information collected in the course of an investigation, and after all reasonable investigative means have been exhausted, upon the order of the Sheriff, employees shall submit to polygraph examinations by a licensed polygraph examiner. The employee will be advised of the reasons for ordering the polygraph examination. The questions incident to the polygraph examination will be specifically directed and narrowly related to the particular internal administrative investigation being conducted by DASO.

Examinations, Photographs, and Lineups: Upon the order of the Sheriff or the Sheriff's designee, employees shall submit to any, ballistics, chemical or other tests, photographs, or line-ups.

All examinations carried out, based on Section 8, paragraphs 1 and 2 above, shall be related to activities concerning the scope of employment, internal affairs, or affecting DASO affairs.

## **9. Financial Disclosure**

Employees shall not be required to show information regarding their financial status, unless all other reasonable investigative means have been exhausted, or except as otherwise required by law or County policy.

## **10. Personnel Files**

No document containing comments adverse to a deputy shall be entered into his or her personnel file, unless the deputy has read and signed the document. When a deputy refuses to sign a document containing comments adverse to him, the document will be entered into a deputy's personnel file and the deputy's refusal to sign is noted on the document by the supervisor.

A deputy may file a written response to any document containing adverse comments entered into his or her personnel file in accordance with county policy or applicable union agreements. The deputy's written response shall be attached to the document.

## **11. Notification of Constitutional Rights**

When any deputy is under administrative investigation, and a determination is made to commence a criminal investigation, he or she shall be notified of the investigation and shall be afforded all the protections set forth in the Bill of Rights of the United States and New Mexico Constitutions.

## **12. Political Activity**

A deputy shall not be prohibited by DASO from engaging in any political activity when the deputy is off duty, except as otherwise required by law.

## **13. Exercise of Rights**

A deputy shall not be subjected to any retaliation due to the deputy's lawful exercise of his or her rights under the Peace Officer's Employer-Employee Relations Act (29-14-1 to 29-14-11 NMSA 1978).

## **14. Complaints against Supervisors and Sheriff**

Complaints against supervisors shall be made by members of DASO in writing, with supporting facts and circumstances, directly to the captain of the division to which the employee is assigned. Complaints against a commander or captain are made in writing, with supporting facts and circumstances, directly to the Sheriff. This does not apply to complaints alleging discrimination, workplace violence or

violations of the County Code of Conduct.

### **15. Unbecoming Conduct**

Employees shall conduct themselves at all time, both on and off duty, in such a manner that reflects favorably on DASO. Conduct unbecoming is conduct that brings DASO into disrepute or reflects discredit upon the employee as a member of DASO. Conduct unbecoming is also that which impairs the operation or efficiency of DASO or the employee.

### **16. Neglect of Duty**

Employees shall not engage in any activities or personal business that would cause them to neglect or be inattentive to duty.

### **17. Sleeping on Duty**

Employees shall remain awake while on duty.

### **18. Reporting for Duty**

Employees shall report for duty at the time and place required, and shall be physically and mentally fit to do their duties. They shall be properly equipped for the performance of duty, so that they may immediately assume their duties. Judicial subpoenas and court notifications incident to performance as a deputy are orders to report for duty under this section.

### **19. Uniform and Personal Appearance**

Employees shall wear uniforms or other clothing according to established DASO procedures, and shall maintain a neat, well-groomed appearance, while on duty, court appearances, or training functions.

### **20. Carrying and Use of Weapons**

Commissioned deputies shall carry firearms and other weapons according to law and DASO procedures.

Deputies shall not handle weapons in a careless or imprudent manner. Deputies shall utilize weapons according to law and DASO procedures.

Any deputy who discharges a firearm, while performing any police function, either intentionally or unintentionally, shall make a written report to the Sheriff, giving the details of the incident. (DASO sponsored training functions are the exception to this requirement, unless an injury occurs as a result of the discharge of a weapon).

## **21. Illness or Injury Reports**

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive DASO about the condition of their health.

Employees, when reporting off sick for any reason other than an emergency, shall call the on-duty supervisor at least one (1) hour before the employee's scheduled hours of duty. This notification shall take place on a daily basis, unless excused from doing so by the employee's supervisor.

Any employee who becomes ill or injured while on duty shall report the facts to their supervisor, before absenting themselves from duty.

## **22. Payments for Line-of-Duty Injury**

Employees shall notify the Sheriff regarding any settlement for line of duty injuries.

## **23. Meals**

Employees are allowed meals/breaks. Sworn employees who are compensated for meals/breaks are subject to immediate call during any meal or break.

## **24. Searching of Detainees**

Persons in custody shall be searched for weapons, in order to ensure the safety of the deputy and the person in custody, according to DASO procedures. Where appropriate and permissible, suspects shall be searched for weapons in order to ensure the safety of the deputy and the suspect according to DASO procedures.

## **25. Treatment of Persons in Custody**

Employees shall not mistreat, nor permit mistreatment, of persons who are in their custody. Employees shall handle such persons according to law.

## **26. Use of Force/Duty to Intervene**

Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force according to law and DASO procedures.

Any employee present and observing another employee using force that he/she knows to be, or should know to be, in violation of law or policy shall intervene, when practicable, to prevent the use or continued use of unlawful force. An employee who observes another employee use any level of force that exceeds the level of force permitted by law or policy shall report their observations to a supervisor.

## **27. Transportation of Subjects**

When transporting people in custody, they shall be handcuffed with their hands behind their backs, unless the health or other physical condition of the person does not permit it. The starting and ending vehicle mileage and location will be given to the dispatcher upon transporting people of the opposite sex, juveniles, or any other persons who are readily apparent to be at risk, such as those suffering from severe mental or physical disability.

## **28. Passengers in Police Vehicles**

No person other than members of DASO or persons involved in police action or service shall be permitted to ride in DASO vehicles, except with prior supervisory approval.

## **29. Courtesy**

Employees shall be courteous to the public. Employees shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussions. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and not express any prejudice concerning race, religion, politics, national origin, gender identity/expression, life style or other protected class.

## **30. Responding to Requests for Assistance**

When any person or other agency applies for assistance or advice, or makes complaints or reports, either by telephone, in writing, or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon, consistent with established DASO procedures.

## **31. Reports**

Employees shall submit all necessary reports on time and according to established DASO procedures. Reports submitted by employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

## **32. Radio Discipline**

Employees shall operate the police radio in accordance with DASO procedures.

## **33. On Call Availability**

Deputies, when officially on-call, shall be directly available by telephone. They shall keep DASO or their supervisor informed of the means by which they may be

reached when not immediately available.

#### **34. Processing of Property and Evidence**

Property or evidence that has been discovered, gathered, or received, concerning DASO responsibilities, will be processed according to DASO procedures. Employees shall not convert to their use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence concerning an investigation or other police action, or otherwise process such property or evidence, except according to DASO procedures.

#### **35. Telephone and Address**

DASO employees who have been issued cellular telephones shall maintain the phones so they may receive emergency or important notifications.

Employees and deputies, who do not have issued telephones, shall have telephones by which they may be immediately contacted and shall immediately report any changes of their telephone numbers or residential addresses to their supervisor and to any other persons, as required by DASO procedure. Employees of DASO are expected to acknowledge emergency and important notifications, as soon as is practicable, upon reception of the notification.

#### **36. Mutual Respect (Conduct Toward Other Employees)**

*This Code of Conduct is not intended to shield employees from the reasonable impassioned attempts by a supervisor to correct performance deficiencies.*

DASO employees shall treat superiors, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, deputies shall be referred to by rank. Supervisors are forbidden to unreasonably injure or discredit those under their authority by coercive or irrational conduct or by unreasonable abusive language. Employees are encouraged to contact the other employee or a supervisor if they have concerns with the performance or conduct of another employee. Employees shall not disseminate or publicize rumors which may be detrimental to DASO or to any member of DASO.

#### **37. Citizen Complaints**

Employees shall properly notify their immediate supervisor of any complaint made by a citizen against any employee or DASO. Employees may attempt to resolve the complaint, where appropriate, and in accordance with DASO policy, but shall never attempt to dissuade any citizen from lodging a complaint against any employee or DASO. Employees shall follow established DASO procedures for processing complaints.

### **38. Employment Outside the DASO**

Employees may engage in off-duty employment, subject to the following limitations:

- a) Employees shall submit a written request for off-duty employment to the Sheriff, whose approval must be granted before engaging in such employment;
- b) Such employment shall not interfere with the employee's employment with the DASO.

### **39. Use of Tobacco**

The use of all tobacco is prohibited in any Doña Ana County facilities or vehicles, or while in contact with the public. The use of tobacco is permitted during meals/breaks in areas where smoking is normally allowed.

### **40. Alcoholic Beverages and Drugs in Doña Ana County Facilities**

Employees shall not store or bring any alcoholic beverages, controlled substances, narcotics, or hallucinogens into any Doña Ana County facility or vehicle, except those items held incidental to the police duties.

### **41. Possession and Use of Drugs**

Employees shall not possess or use any controlled substances, unless prescribed as treatment for that employee by properly authorized practitioners. Employees shall notify their supervisor when their performance may be impaired by using medications (prescription or non-prescription).

### **42. Use of Alcohol**

Employees shall not consume intoxicating beverages while on duty, except while acting under proper or specific orders from a supervisor. Employees in uniform shall not consume intoxicating beverages at any time.

Employees shall not appear for scheduled duty while under the influence of intoxicants to any degree, or with an odor of intoxicants on their breath.

### **43. Gifts, Gratuities, Bribes, or Rewards**

Employees shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the employees or DASO, if it may be implied that the person, business, or organization:



- a) Seeks to influence the action of an official nature or seeks to affect the performance or non-performance of an official duty, or
- b) Has an interest that may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty. Individual employees who enter a restaurant, eating establishment, or convenience store, will not accept free meals; No employee will accept a local, out of town, or out of state, business gratuity related to free meals. If it is determined to be non-negotiable at the time of the provision, the employee will tip or "pay it forward" the meal cost. If it is found or determined that an employee did not tip or "pay it forward" the meal cost related to a free meal, that employee may be found in violation of Section 43 of the Code of Conduct.

Any unsolicited gifts will be reported and forwarded to the Sheriff, with a written explanation.

#### **44. Endorsements and Referrals**

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). In the case of a towing service, when such service is necessary and the person needing the service is unable or unwilling to obtain it or requests assistance, employees shall proceed according to established DASO procedures.

#### **45. Public Statements and Appearances**

Employees shall not criticize or ridicule DASO, its policies, or other employees verbally, in writing, or by other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of DASO, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of DASO while representing DASO, without prior approval of the Sheriff, per established DASO procedures.

#### **46. Abuse of Position**

Employees shall not use their official position, official identification cards, or badges:

- a) For personal or financial gain;
- b) For obtaining privileges not otherwise available to them, except in the

- performance of their duty; or
- c) For avoiding consequences of illegal acts.

Employees shall not lend their identification cards or badges to another person or permit them to be photographed or reproduced, without the approval of the Sheriff.

Employees shall not authorize the use of their names, photographs, or official titles, that identify them as employees, in support of testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Sheriff.

Employees shall not utilize their training and expertise acquired as a police deputy in any manner which presents a conflict of interest with their employment at DASO. Determinations regarding whether a particular situation presents a conflict of interest will be decided on a case-by-case basis by the Sheriff.

#### **47. Dissemination of Information**

Employees shall treat the official business of the DASO as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, according to established DASO procedures. Employees may remove or copy official records or reports according to DASO procedures and in performance of duty. Employees shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

#### **48. Associations**

Employees shall avoid regular or continuous associations, or dealings, with persons whom they know, or should know, are persons under criminal investigation, or indictment, or who have a reputation in the community, or DASO, for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employee.

#### **49. Intervention**

Employees shall not interfere with cases being handled by other employees of DASO or by any governmental agency unless:

- a) They are ordered to intervene by a supervisor, or
- b) When the intervening employee believes, beyond a reasonable doubt, that manifest injustice would result from failure to take immediate action.

Employees shall not undertake any investigation or other official action not part of their regular duties, without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action.

## **50. Abuse of Process**

Employees shall not knowingly make false accusations of a criminal or traffic charge.

## **51. Restrictions While on Suspension**

Deputies shall not exercise police authority while under suspension, nor shall the uniform be worn while the deputy is under suspension, unless authorized by the Sheriff.

## **52. Personal Family Disputes**

Employees shall not attempt police discipline, or make arrests in their quarrels or in those between their families, or in disputes arising between them and their neighbors, except under such circumstances as would justify them in using self-defense, or to prevent injury to another, or when a serious offense has been committed.

## **53. Sexual Harassment**

Sexual harassment by any employee to any other employee is prohibited. The Supreme Court has defined illegal sexual harassment to include "unwelcome sexual advances, requests for sexual favors, and other verbal conduct of a sexual nature," even when there is no tangible effect on pay, promotion, or continued employment.

## **54. Unauthorized Expenditures**

An employee shall not incur liability chargeable to DASO or Doña Ana County, without proper authorization. Responsibility for payment of improper or unauthorized debts shall rest with the employee incurring the debt, disciplinary action notwithstanding.

## **55. Referrals to County Officials**

No employee shall refer any citizen to Doña Ana County officials, in reference to police-related matters, without approval of the Sheriff or his/her designee.

## **56. Contacting County Officials**

No employee shall contact Doña Ana County officials on police-related matters, except through the chain of command and approval of the Sheriff or his/her designee. Any employee contacted by Doña Ana County officials on police-related matters shall inform the Sheriff about the incident.

## **57. Identification**

Deputies shall furnish their name and police identification (PSN) to any person requesting that information, when they are on duty or while acting in an official capacity, unless withholding the information is necessary for the performance of police duties, or is authorized by proper authority. This may be accomplished by the deputy providing the person their business card.

## **58. Business Cards**

Employees may utilize business or personal cards that have been approved by the Sheriff or his/her designee.

## **59. Use of DASO Equipment**

Employees shall use DASO equipment only for its intended purpose, according to DASO procedures, and shall not abuse, damage, or negligently lose DASO equipment. All DASO equipment issued to employees shall be maintained in proper order. Any damaged or missing equipment shall be reported in writing.

## **60. Operating DASO Vehicles**

Employees shall operate DASO vehicles in a careful and prudent manner, and shall obey all DASO procedures about such operation. Loss or suspension of any driving privileges shall be reported to the employee's supervisor immediately.

## **61. Court Appearance**

Attendance at any court or hearing is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney or other court official.

## **62. Testifying for the Defendant**

Any employee subpoenaed to testify for the defense in any trial or hearing, or against Doña Ana County or DASO, shall notify the Sheriff upon receipt of the subpoena.

## **63. Civil Cases**

Employees, while representing themselves as members of DASO, shall not testify in civil cases, unless legally summoned or subpoenaed. Employees will not serve civil processes while on duty or in uniform, except those initiated by Doña Ana County.

**64. Civil Suits**

Employees shall not initiate civil action arising out of their official duties without first notifying the Sheriff in writing.

Any employee who has a damage suit filed against him or her, because of an act rendered by him or her in the line of duty, shall immediately consult with the Sheriff. The Sheriff shall be furnished a copy of the complaint with an accurate and complete report about the incident in question, so that he/she may notify the Doña Ana County Manager and Doña Ana County Attorney of the pending suit and relevant facts.

**65. Idle Loitering**

On-duty deputies shall not loiter in public places, except in the performance of duties or during any break. No more than two (2) deputies will be at the same location for a break, except with the permission of their supervisors.

**66. Criminal Conviction of Employees**

Employees who are convicted of any criminal offense, drug related offense, or major traffic offense, are subject to disciplinary action, up to and including termination.

**67. Supervision**

Supervisors shall properly supervise subordinate employees. Once having actual or constructive knowledge that a subordinate has engaged in conduct in violation of policy or law, the supervisor shall immediately respond to as appropriate, and not show deliberate indifference or tacit authorization of the inappropriate conduct.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-002	
<b>CALEA STANDARD:</b> 1.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u><b>I-02.02; All related directives.</b></u>

### Oath of Office

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to mandate and standardize the Oath of Office for specific personnel of the Doña Ana County Sheriff's Office (DASO) as prescribed by law.

#### II. POLICY

The Sheriff, Undersheriff, all deputies, and officers commissioned to enforce laws and testify in the various courts of the County, State, or United States shall, before entering upon their duties, take and subscribe to an oath or affirmation that they will support the Constitution of the United States and the Constitution and laws of the State of New Mexico, and that they will faithfully and impartially discharge the duties of their office to the best of their ability.

#### III. APPLICABILITY:

This policy shall be applicable to the Sheriff, Undersheriff, all deputies, and officers commissioned to enforce the laws of and testify in the various courts of the county, state, or United States.

#### IV. REFERENCES:

New Mexico Law Enforcement Accreditation Program Manual, Standard *ADM.01.01*; Constitution of the State of New Mexico Article XX §1 *Oath of office.*; New Mexico Statutes Annotated 1978: 1-1-17. *Person authorized to administer oaths.*; 4-41-2 *Duties.*; 4-41-3 *Failure to execute bond and oath; performing duties; penalty.*; 4-41-5 *Deputy sheriffs; appointment and term; merit system.* 4-41-10 *Right to carry arms; deputies; appointment.*; 10-1-13 *County officers; oath; bond.*; DASO Oath of Office;

14-13-2 *Administration of affirmation in lieu of oath.*; various Federal oaths of the United States of America.

**V. DEFINITIONS:**

Enumerated in policy or statute.

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-003	
<b>CALEA STANDARD:</b> 1.1.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Code of Ethics

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to mandate a Standard of Conduct for all commissioned officers of Doña Ana County Sheriff's Office (DASO). This policy also establishes the Mission Statement of DASO and a Code of Ethics for all non-commissioned employees.

### II. POLICY

It is the policy of the DASO that all personnel within DASO shall abide by the Mission Statement, core beliefs, and the Code of Ethics as adopted by the department. DASO shall conduct training on the Code of Ethics biennially.

International Association of Chiefs of Police (IACP) Code of Ethics adopted by the Doña Ana County Sheriff's Office:

#### Mission

We improve the quality of life in the communities of Doña Ana County. As responsible role models, we are dedicated to developing and maintaining partnerships, upholding the law, and protecting life and property. We are dedicated to continue our rich heritage of nearly 170 years of quality service through our core beliefs of Integrity, Professionalism, and Fairness.

**INTEGRITY**- We hold ourselves accountable to the highest standards of honesty and ethical conduct.



**PROFESSIONALISM-** We are dedicated to excellence in service through education, mutual cooperation, and pride.

**FAIRNESS-** We are committed to impartial and equal treatment for all through courtesy, compassion, and respect.

### **III. PROCEDURE**

All members of DASO are to be issued a copy of the Code of Ethics, along with this policy, in digital format through the Power DMS System.

Ethics training will be conducted for newly hired personnel within thirty days of their hire date, and training will be conducted for all personnel at least biennially.

It is required that newly hired sworn officers review the Code of Ethics- Law Enforcement signature form with their first phase Field Training Officer. Upon completion of the form, the officers' signature signifies their acceptance and willingness to adhere to our Code of Ethics. Field Training Officers also sign the form as a witnessing body.

It is required that new hired civilian employees review the Code of Ethics- Civilian signature form with their primary trainer/mentor. Upon completion of the form, the employees' signature signifies their acceptance and willingness to adhere to our Code of Ethics. The training/mentoring employee also signs the form as a witnessing body.

Failure to abide by the Code of Ethics not only damages our own reputation, but also that of DASO and our chosen profession. Therefore, as members of DASO, we hold and adhere ourselves to a higher standard of excellence than those outside of public service. As such, violations of the Code of Ethics, Code of Conduct, County or department policies and procedures, may subject an employee to disciplinary procedures, up to and including termination.

The signature page of acceptance of the Code of Ethics is to be added to all personnel files and will become a permanent record of our commitment to public service and the responsibility to serve with integrity, professionalism, and fairness.

#### **LAW ENFORCEMENT OFFICER CODE OF ETHICS**

**AS A LAW ENFORCEMENT OFFICER** my fundamental duty is to serve humankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder, and to respect the Constitutional rights of all persons to liberty, equality, and justice.

**I WILL** keep my private life honorable as an example to all; I will maintain courageous calm in the face of danger, scorn or ridicule; I will develop self-restraint and be constantly mindful of the welfare of others. By being honest in thought and deed in both my personal and professional life, I will be exemplary in obeying laws of the land and the regulations of the Dona Ana County Sheriff's Office. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless disclosure is necessary in the performance of my duty.

**I WILL** never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by my peers.

**I KNOW** that I alone am responsible for my own standards of professional performance, and I will take every reasonable opportunity to enhance my level of knowledge and expertise.

**I WILL** constantly strive to achieve these objectives and ideas, dedicating myself to my chosen profession-law enforcement.

### **LAW ENFORCEMENT CIVILIAN CODE OF ETHICS**

**AS AN EMPLOYEE OF THE DOÑA ANA COUNTY SHERIFF'S OFFICE**, I regard myself as a member of an important and honorable profession.

**I WILL** perform my duties with efficiency and to the best of my abilities.

**I WILL** be truthful at all times. My conduct and performance of duties will be accomplished in an honest manner, and in compliance with the laws-local, county, state and country.

**I WILL** adhere to the confidentiality of the law enforcement profession.

**I WILL NOT**, in the performance of my duties, work for unethical advantage or personal profit.

**I WILL** recognize at all times that I am a public safety employee, and that ultimately, I am responsible to the public.

**I WILL** give the most efficient and impartial service of which I am capable at all times.

**IV. APPLICABILITY:**

This policy is applicable to all employees of DASO.

**V. REFERENCES:**

International Association of Chiefs of Police (IACP) Code of Ethics.

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022

Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER  
100-004**

**CALEA STANDARD:  
4.1.1- 4.1.7**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### USE OF FORCE

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide the Doña Ana County Sheriff's Office (DASO) deputies with guidelines and limitations on the use of deadly and non-deadly force, in response to aggression or to accomplish lawful objectives.

#### II. POLICY

It is the policy of DASO, in compliance with the Fourth Amendment of the United States Constitution, that our deputies shall use only that force which is objectively reasonable to gain and maintain control of an incident, to effect lawful objectives, or while protecting the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects may cause issues that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of DASO is to protect the life and property of the citizens. In compliance with applicable law, deputies SHALL use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputy or others. There is a compelling public interest that deputies authorized to exercise the use of force do so in an objectively reasonable manner, and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy.

### **III. DEFINITIONS**

To view the definitions related to the use of force see: Use of Force Definitions.

### **IV. PROCEDURES**

#### **A. GENERAL GUIDELINES FOR THE USE OF FORCE**

Deputies of DASO should adhere to the following guidelines during the utilization of force:

1. When feasible, a deputy will identify him/herself as a deputy and issue verbal commands and warnings, prior to the use of force. NOTE: A verbal warning is not required in circumstances where the deputy has to make a split second decision, or if the deputy reasonably believes that issuing the warning would place the safety of the deputy or others in jeopardy.
2. When feasible, a deputy will allow the subject an opportunity to comply with the deputy's verbal commands prior to the use of force. When feasible, deputies will use de-escalation strategies prior to the use of force. Methods may include advisements, negotiations, and verbal persuasion.
3. When feasible, deputies will use area containment, surveillance, waiting on a subject, summoning reinforcements, and/or calling in specialized units, in order to reduce the need for force and increase the deputies and public safety.
4. In the event force is utilized, deputies shall de-escalate their force in proportion to the suspect's decrease in resistance.

#### **B. PERMITTED USE OF FORCE CIRCUMSTANCES**

Deputies of DASO are authorized to use only the amount of force necessary to accomplish lawful objectives, and in the following circumstances:

1. To control a situation, and to overcome passive or active resistance to a lawful order;
2. To detain an individual whom, the deputy reasonably believes has committed an offense;
3. To arrest an individual whom, the deputy has probable cause to believe has committed an offense;
4. To prevent the escape of an individual in custody;
5. To defend the deputy or others from the use or imminent use of physical force;

6. To execute a search warrant related to a person (i.e. blood draw warrant, DNA warrant, etc.); and
7. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.

### **C. PROHIBITED USE OF FORCE CIRCUMSTANCES**

Deputies of DASO are prohibited from using force to:

1. Punish or retaliate;
2. Subject a person to torture and/or other cruel, inhumane, or degrading treatment; or
3. Threaten or elicit information from a person.

### **D. CONSIDERATIONS RELATED TO THE USE OF FORCE**

The reasonableness of a particular use of force is based on the totality of the circumstances known by the deputy at the time of the use of force, and weighs the actions of the deputy against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable deputy, under the same circumstances, rather than with the 20/20 vision of hindsight. Factors to be considered in determining whether a deputy's use of force is within department policy include, but are not limited to:

1. The seriousness of the crime or suspected offense;
2. The level of threat or resistance presented by the subject;
3. Whether the subject posed an imminent or immediate threat to deputies or others;
4. The risk or apparent attempt by the subject to escape;
5. Whether the circumstances are tense, uncertain, and rapidly evolving;
6. The time available for a deputy to make a decision in response to the subject's actions;
7. The availability of other resources;
8. The training and experience of the deputy;
9. The number of subject(s) in relation to the number of deputy(ies);
10. Disparity factors to include the age, size, relative strength, skill level, injury, or exhaustion, related to both the deputy and subject.

### **E. THE USE OF DEADLY FORCE**

Deputies of DASO are permitted to use deadly physical force only when he or she reasonably believes such force is necessary to:

1. Defend the deputy, or another person, from the imminent or immediate threat of death or serious bodily injury.
2. Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit, a violent felony, involving the infliction or threatened infliction of serious physical injury; AND the deputy reasonably believes this person still poses a significant threat of death or serious physical injury to

the deputy or other persons. When feasible, the deputy should give warning of the intent to use deadly physical force.

3. See *Tennessee v. Garner*, 471 U.S.1, 85 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction, or threatened infliction, of great bodily harm.
4. Deadly force may not be used against an unarmed, non-violent, property crime offender. The United States Supreme Court decision went on to state that when a deputy is justified in the use of deadly force, he or she will, if feasible, first give a verbal warning. (Example: "Deputy, Halt").

## **F. THE USE OF NON-DEADLY FORCE**

Deputies of DASO shall, absent unforeseen or exigent circumstances, only use non-deadly force tools and techniques that are issued and/or approved for use by DASO. DASO recognizes that the application of a trained force option under dynamic circumstances may result in unanticipated outcomes.

Under certain circumstances when a confrontation escalates suddenly, a deputy, who is unable to access their issued force tools, may use any improvised means or device at hand such as a flashlight, radio, or other object, to defend himself/herself or another person from an attack.

The use of non-deadly force tools and techniques shall be limited to lawful police objectives and defensive purposes. The use of non-deadly force shall conform to applicable DASO standards, policies, procedures, and training.

In order to provide deputies with non-deadly force alternatives to resolve incidents warranting the use of force, all deputies who work in a patrol related capacity, on a full-time or part-time basis, are required by this policy to carry a minimum of one projectile based (OC Spray or Taser), non-deadly force option.

### **1. Authorization to Use Non-Deadly Force:**

Deputies are authorized to use DASO approved and, under certain circumstances, improvised non-deadly force tools and techniques in accordance with the permitted circumstances section of this policy.

### **2. Non-Deadly Force Restrictions:**

The following tactics of non-deadly force are permitted in circumstances ONLY when deadly force is authorized by this policy:

- a) Any chokeholds or neck restraints, with or without a device, which restricts a person's airway.
- b) Any strike with an impact weapon to a person's head or neck.

## **G. USE OF FORCE OPTIONS**

DASO recognizes the following force options:

### 1. Open Hand Technique

The authorized application of empty (soft or hard) hand force techniques may only be used in accordance with DASO's training and policy.

### 2. Oleoresin Capsicum (OC Spray)

The authorized application of OC spray may only be used in accordance with DASO training and policy.

### 3. Impact Weapons/Baton

The authorized application of impact weapons may only be used in accordance with DASO training and policy.

### 4. Electronic Control Weapon (ECW)

The authorized application of an ECW may only be used in accordance with DASO training and policy.

### 5. Canines (K9)

The authorized use of a police canine may only be used in accordance with approved training and DASO policy.

### 6. Extended Range Impact Device

The authorized use of a bean bag shotgun/Deuce may only be used in accordance with DASO training and policy.

### 7. Firearms

The authorized use of DASO approved firearms may only be used in accordance with DASO training and policy.

## **H. USE OF FORCE TRAINING STANDARDS**

DASO provides deputies with training related to use of force options. Use of force training is designed to enhance a deputy's discretion and judgment in using deadly and non-deadly force in accordance with constitutional policing standards. Deputies shall not carry or employ any force option prior to successfully completing the relevant DASO approved training for each tool or technique.



Deputies with the rank of sergeant and below are required to attend approved DASO use of force training. Administration personnel are expected to attend in-service requirements, as outlined in Title 10, Chapter 29, Part 7, of the NMAC. Each sergeant and below must complete the designated training for each force option they are issued, or are required to carry, as outlined below:

1. Firearms Training, per issued weapon system (pistol, rifle, shotgun)
2. Unarmed Defensive Tactics Training
3. OC/Chemical Spray Training
4. Impact Weapon/Baton Training
5. Electronic Control Weapon (ECW) Training
6. Extended Range Impact Device Training
7. Verbal De-escalation/Communications Training
8. Use of Force Update Training
9. Scenario Training (includes, but not be limited to, stress training, low light training, use of force decision making, and constitutional application in regards to force)

#### **I. MEDICAL AID PROVISIONS**

Any time a person has visible injuries, or complains of being injured, as a result of force used against him/her by a deputy of DASO, the deputy must take appropriate actions to provide medical care for the individual. Deputies shall adhere to the medical aid guidelines provided in individual force option policies. This includes providing first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility. If the person is offered and refuses treatment, this refusal shall be recorded in the police report, along with all relevant information.

#### **J. USE OF FORCE REPORTING AND INVESTIGATING**

DASO shall establish a use of force reporting and investigating system that allows for the effective review and analysis of all DASO's use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to DASO.

For more information, see the Reporting and Investigating Force Policy.

#### **K. WARNING SHOTS**

Warning shots are not authorized.

## **L. APPLICABLE CASE LAW**

### **1. Graham v. Connor:**

The United States Supreme Court, in a case entitled *Graham v. Connor*, set forth the analytical model by which all use of force cases are reviewed. As required by *Graham*, a deputy's use of force is assessed by examining the facts and circumstances known to the deputy, including a review of the following:

- a) The severity of the suspect's crimes;
- b) The immediacy of the threat posed by the suspect to the safety of the deputy or others;
- c) Whether the suspect was actively resisting arrest or attempting to evade arrest by flight; and
- d) Taking into account that the circumstances were "tense, uncertain and rapidly evolving."

As used by *Graham*, objective reasonableness is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than a deputy's subjective belief about a suspect and the level of threat that the suspect poses. Indeed, a deputy cannot base a decision to use force on a hunch, a feeling, or some other unquantifiable belief. It is an objective test, which means that the deputy's good faith beliefs for taking certain action are irrelevant.

Instead, an officer must be able to identify specific and articulable facts which led to the deputy's conclusion and subsequent decisions to act. Essentially, a deputy must list the information that he or she observed, heard, or otherwise collected, through reliable police channels, along with the source of that information. Equally important, a deputy must identify unknowns, and why this lack of information is important to an assessment of the suspect's threat level. A deputy may identify information collected which may only be apparent to a trained deputy.

Based on those specific and articulable facts, a deputy can then use his or her training and experience to interpret the known information, and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion a deputy draws about a suspect must be based on the known facts apparent to the officer at the time.

This process does not deal with hard certainties, but with probabilities. The use of the 20/20 vision of hindsight to analyze an officer's use of force decision is prohibited. This is why the *Graham* test is called objective reasonableness, not objective certainty.

2. Tennessee v. Garner:

After weighing the respective interests of law enforcement and the suspect, the United States Supreme Court, in a case entitled Tennessee v. Garner, held that the Fourth Amendment authorized a deputy's use of deadly force in the following circumstances:

"[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given."

The Supreme Court, in Garner, also prohibited the use of deadly force in the following circumstance:

"[t]he uses of deadly force to prevent the escape of all felony suspects, whatever the circumstance, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no immediate threat to the deputy and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. It is no doubt unfortunate when a suspect who is in sight escapes, but the fact that the police arrive a little late or are slower afoot does not always justify killing the suspect. A deputy may not seize an unarmed, non-dangerous suspect by shooting him dead."

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004a	
<b>CALEA STANDARD:</b> 4.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Open Hand Technique

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish guidelines and limitations concerning the appropriate and acceptable use of empty hand techniques to accomplish lawful objectives.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO), in compliance with the Fourth Amendment of the United States Constitution, that DASO deputies shall use only that force which is objectively reasonable to maintain control of an incident, to affect lawful objectives, or while protecting the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed, and/or violent subjects cause handling and control problems, that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of deputies is to protect the life and property of citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputies or others. There is a compelling public interest that deputies, authorized to exercise the use of force, do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive, or unjustified force, degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy

### **III. PROCEDURE**

#### **A. STANDARDS RELATED TO THE USE OF EMPTY HAND TECHNIQUES**

1. The use of trained or improvised empty hand techniques involves the application of force.
2. Justification for the use of force is limited to the facts known or perceived by the deputy at the time the force is used, including levels of resistance, subject's behavioral clues, the number of deputies and/or offenders present, and the availability of other options.
3. Each application of an empty hand technique involves a separate, additional use of force.
4. Multiple applications of an empty hand technique cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an deputy.
5. Any decision to apply multiple applications of a technique must take into consideration whether a subject is capable of complying with the deputy's commands.
6. Deputies are obligated to de-escalate his/her use of force as the subject's resistance decreases.
7. The use of force authorized under this policy ends when resistance ceases, and/or the deputy has accomplished the purpose necessitating the use of force.
8. Nothing in this policy is intended to discourage deputies from using a higher level of force, whenever such force is necessary and objectively reasonable under the circumstances.
9. Empty hand techniques are not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative.
10. Supervisors shall make a reasonable attempt to ensure DASO personnel comply with this policy while working their assigned shift.

## **B. TRAINING GUIDELINES FOR EMPTY HAND TECHNIQUES**

DASO provides deputies with a minimum of 4 hours of defensive tactics training biennially. Training sessions include, but are not limited to, technique application against passive and resistive subjects, policy review and application, and the proper use of force decision making to adequately prepare for real life situations.

DASO maintains a designated individual who will annually review the training curriculum, revise it as necessary, and submit a report to the Professional Standards Division, confirming the annual review and any updates.

## **C. QUALIFICATION GUIDELINES FOR EMPTY HAND TECHNIQUES**

Proficiency for empty hand techniques includes a written exam and a practical application demonstration on a biennial basis. Each deputy must demonstrate proficiency by attending a biennial DASO qualification course. Upon successful completion, a deputy will be provided with proof of biennial qualification.

DASO shall maintain all empty hand training and certification records. Any deputy failing to demonstrate proficiency or attend required training shall be placed on administrative duty. The deputy will be prohibited from taking any law enforcement action, until proficiency is demonstrated, and training is completed and documented. DASO members may be subject to discipline for failing to attend required training or qualifications.

## **D. APPLICATION GUIDELINES FOR THE USE OF EMPTY HAND TECHNIQUES**

The following procedures and guidelines shall be followed when a deputy uses empty hand techniques:

1. Trained empty hand techniques shall be employed in a manner which is consistent with the use of force policy, and in accordance with the training each deputy receives.
2. A verbal warning, and time to allow the subject to comply, should be given prior to the use of empty hand techniques, unless a warning would present a danger to the deputy or others.
3. In an attempt to minimize the number of empty hand technique applications necessary for subject compliance, deputies should, while applying techniques, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc.
4. After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that appropriate medical treatment is forthcoming. Without this reassurance, the subject may again become resistant or violent from frustration, or in an effort to escape discomfort. Statements such as "No one is going to hurt you" and "Stay calm and we will help you" provide incentive for

cooperation, and demonstrate the de-escalation of force as the subject's resistance is reduced.

5. Whenever possible, the application of empty hand techniques shall be deployed using a back-up deputy to assist with handcuffing or providing cover.
6. As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force, as outlined in the Reporting Use of Force Policy.

## **E. GUIDELINES FOR THE PERMITTED USE OF EMPTY HAND TECHNIQUES**

Deputies are only permitted to use empty hand techniques in accordance with training, and in the following instances:

### **1. Soft Empty Hand Techniques**

- a) To detain, or take into custody, subjects who are passively resisting.
- b) Against subjects who are actively resisting.

### **2. Soft or Hard Empty Hand Techniques**

- a) Against subjects who are actively fleeing or resisting in a manner that is likely to result in injuries to deputies or others.
- b) Against a subject who is displaying imminent or immediate active aggression towards a deputy or others (i.e. fighting stance, clinched fists, armed or unarmed physical battery, etc.)
- c) During circumstances where exigency exists outside of the above instances, but the application of force is reasonable given the circumstances.

When applying hard hands, the no-strike areas, identified as red target areas (see attached strike chart), should be avoided, due to the increased risk of potential great bodily harm or fatality. Such areas include: any area of the head/neck, genital area, spinal area, solar plexus, or celiac plexus.

## **F. GUIDELINES FOR THE PROHIBITED USE OF EMPTY HAND TECHNIQUES**

Other than approved DASO training exercises, deputies are prohibited from utilizing empty hand techniques under the following circumstances:

1. Hard Empty Hand Techniques
  - a) Against an individual who is passively resisting.
  - b) Against handcuffed prisoners and detainees, absent extreme circumstances where a deputy's safety would be in danger.
  - c) Against vulnerable populations, absent extreme circumstances where a deputy's safety would be in danger.
  - d) To rouse unconscious or intoxicated persons.
2. Soft or Hard Empty Hand Techniques
  - a) For illegal purposes such as torture, punishment, or other cruel, inhumane, and degrading treatment.
  - b) To threaten or elicit information from a person.

DASO recognizes that deputies may be placed in situations that are stressful, rapidly evolving, and unpredictable. Therefore, DASO permits deputies the discretion to utilize empty hand techniques under certain exigent circumstances, as long as the application is found to be objectively reasonable, as outlined in the permitted use section of this policy.

## **G. MEDICAL PROCEDURES**

Immediately after the use of force on a subject, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

- a) breathing difficulties;
- b) gagging;
- c) significant obvious increase in body temperature;
- d) profuse sweating; and
- e) loss of consciousness.

Upon observing these or other medical problems, or if the subject requests medical assistance, the deputy shall immediately summon emergency medical aid. Appropriate medical aid will be rendered following any use of force that results in visible injuries, or complaints of injury. Subjects with injuries will be examined by emergency medical personnel on scene and/or transported to the nearest medical facility for treatment, prior to incarceration.



While transporting a subject to a law enforcement or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A subject should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when an impact weapon has been utilized on a subject.

Deputies receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid prior to EMS arriving on scene. Under circumstances where deputies are obligated, per this policy, to provide medical aid and a subject refuse's, the deputy will summon or transport the subject to a certified medical professional. The subject will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal shall be recorded in the police report and the use of force report, along with all relevant information.

#### **H. REPORTING AND INVESTIGATING PROCEDURES**

All reporting procedures and guidelines outlined in Policy Reporting Use of Force shall be followed.

In all cases (with the exception of training and qualification purposes) deputies shall, as soon as practical, notify the shift supervisor of the use of open hand techniques, whether accidental or intentional.

In addition to the above requirements, and as outlined in the Reporting and Investigating policy, the use of force report will include the following impact weapon specific information:

- a) The number of strikes applied.
- b) The location of the strikes on the subject's body (i.e. right/left thigh, arm, etc.)
- c) Photographs, (or arrange for the photographs), of the impact weapon strike areas and any secondary injuries.

#### **IV. APPLICABILITY**

This policy is applicable to all sworn law enforcement deputies of DASO.

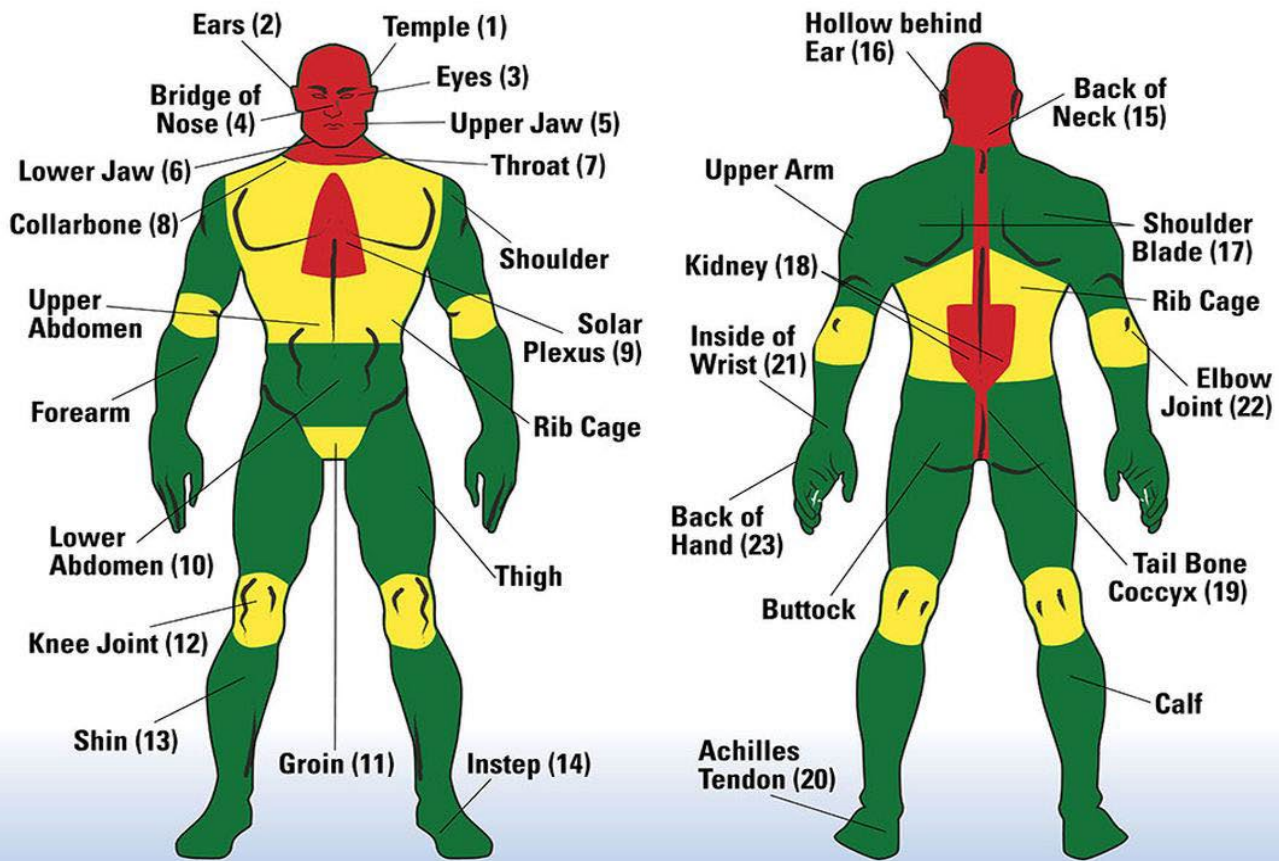
#### **V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-004b**

**CALEA STANDARD:  
4.1.4**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### OC Spray

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish Doña Ana County Sheriff's Office (DASO) guidelines and limitations concerning the appropriate and acceptable use of Oleoresin-Capsicum (OC Spray) or other chemical agents to accomplish lawful objectives.

#### II. POLICY

It is the policy of DASO, in compliance with the Fourth Amendment of the United States Constitution that DASO deputies shall use only that force which is objectively reasonable to maintain control of an incident, to affect lawful objectives, or while protecting the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects may cause issues that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of DASO deputies is to protect the life and property of the citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputies or others. There is a compelling public interest that deputies authorized to exercise the use of

force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy.

### **III. DEFINITIONS**

To view the definitions related to OC Spray see: Use of Force definitions.

### **IV. PROCEDURES**

#### **A. STANDARDS RELATED TO THE DEPLOYMENT OF A CHEMICAL AGENT**

The use of a chemical agent involves the application of force.

Justification for the use of force is limited to the facts known or perceived by the deputy at the time such force is used, including levels of resistance, subject's behavioral clues, the number of deputies and/or offenders present, and the availability of other options.

Each application of a chemical agent involves a separate, additional use of force.

Multiple applications of a chemical agent cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an deputy.

Any decision to apply multiple applications of a chemical agent must take into consideration whether a subject is capable of complying with the deputy's commands.

Deputies are obligated to de-escalate his/her use of force as the subject's resistance decreases.

The use of force authorized under this policy ends when resistance ceases and/or the deputy has accomplished the purpose necessitating the use of force.

Nothing in this policy is intended to discourage deputies from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

The chemical agent is not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative.

Supervisors shall make a reasonable attempt to ensure DASO personnel, who are issued and carry OC spray or chemical agents, comply with this policy while working their assigned shift.

## **B. TRAINING GUIDELINES FOR OC SPRAY OR OTHER CHEMICAL AGENTS**

Deputies are required to carry either OC Spray or an electronic control weapon (ECW) as a less lethal option. Deputies who elect to carry OC Spray must meet the training guidelines outlined in this policy.

No member of DASO is authorized to carry or use chemical agents without first completing an initial training session.

DASO provides deputies OC Spray training a minimum of 2 hours annually. Training sessions include but are not limited to; technique application against actively resistive subjects, policy review and application, liability associated with the deployment of OC Spray, proper use of force decision-making to adequately prepare for real life situations.

DASO maintains a designated individual who will annually review the training curriculum, revise it as necessary, and submit a report to the Professional Standards Division confirming the annual review and updates, if any.

## **C. QUALIFICATION GUIDELINES FOR OC SPRAY OR OTHER CHEMICAL AGENTS**

Any Deputy who fails to pass DASO's mandated qualification for a specified force option shall:

- a) Not carry said force option on duty until the deputy has completed remedial training from a certified instructor in the respective discipline.
- b) Successfully pass the mandated qualification for the force option before carrying the option on duty.

Proficiency for OC Spray may include a practical application demonstration and/or written exam on an annual basis. Each deputy must demonstrate proficiency by attending an annual DASO qualification course. Upon successful completion, a deputy will be provided with proof of annual qualification.

DASO shall maintain all OC Spray training and certification records. Any deputy failing to demonstrate proficiency or attend required training with OC Spray shall not return to duty with OC Spray until such time as proficiency is demonstrated and training is completed and documented. DASO members may be subject to

discipline for failing to attend required training or qualifications.

#### **D. DEPLOYMENT GUIDELINES FOR OC SPRAY OR OTHER CHEMICAL AGENTS**

The following procedures and guidelines shall be followed when a deputy deploys OC spray or a chemical agent:

##### 1. General:

OC spray shall be deployed in a manner which is consistent with the use of force policy, and in accordance with the training each deputy receives prior to being issued OC spray.

A verbal warning, and time to allow the subject to comply, should be given prior to the use of a chemical agent, unless a warning would present a danger to the deputy or others;

In an attempt to minimize the number of OC Spray applications necessary for subject compliance, deputies should, while deploying OC Spray, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc. Upon completion of the OC Spray application, the subject should be given reasonable opportunity to comply with deputy commands prior to another OC Spray application.

After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that appropriate medical treatment is forthcoming. Without this reassurance, the subject may again become resistant or violent from frustration, or in an effort to escape discomfort. Statements such as "No one is going to hurt you" and "Stay calm and we will help you" provide incentive for cooperation and demonstrate the de-escalation of force as the subject's resistance is reduced.

Whenever possible OC Spray shall be deployed using a back-up deputy to assist with handcuffing or providing cover.

As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force, as outlined in the Reporting Use of Force Policy.

##### 2. OC Spray Specific:

When deployed, OC spray should be administered in two ½ second to 1 second bursts directed toward the subject's face. For the purposes of this policy, two ½ second to 1 second bursts consist of a single application of force, per training.

Allow a brief time for the OC Spray to take effect before a second application. Be

prepared to take other appropriate action should the spray fail to be effective.

Direct discharge into the eyes should be avoided. Due to increased risk of permanent injury and self or cross-contamination, deputies should avoid discharging OC at a distance of closer than three feet.

#### **E. GUIDELINES FOR THE PERMITTED USE OF OC SPRAY OR OTHER CHEMICAL AGENTS**

Deputies are only permitted to use OC spray or other chemical agents in accordance with training, and in the following instances:

- a) Against subjects who are passively resisting but attempts to control the subject by lower levels of force or tactics are, or will likely be ineffective.
- b) Against subjects who are actively resisting but attempts to control the subject by lower levels of force or tactics are, or will likely be ineffective.
- c) Against subjects who are actively resisting in a manner that is likely to result in injuries to deputies or others.
- d) Against a subject who is displaying imminent or immediate active aggression towards a deputy or others (i.e. fighting stance, clinched fists, armed or unarmed physical battery, etc.)
- e) During circumstances where exigency exists outside of the above instances, but the application of force is reasonable given the circumstances.

#### **F. GUIDELINES FOR THE PROHIBITED USE OF OC SPRAY OR OTHER CHEMICAL AGENTS**

Other than approved DASO training exercises, deputies are prohibited from deploying OC Spray or other chemical agents under the following circumstances:

- a) To affect the arrest of a person who is passively resisting in a manner which poses no significant resistance from being taken into detention or custody (i.e. going limp, etc.)
- b) Against handcuffed prisoners and detainees, absent circumstances where lower force options have failed to gain compliance, or exigent circumstances where a deputy's safety would be in danger if physical control was attempted.
- c) Absent exigent circumstances, OC or other chemical agents should not be deployed on vulnerable populations or persons with known respiratory conditions, or in other circumstances where the deployment of OC or chemical agents poses an increased risk of causing serious health risks to a subject.

- d) In crowded areas, except with supervisor approval after taking into account all of the circumstances, including possible exposure to involved bystanders.
- e) Near an open flame or flammable material.
- f) In closed or poor ventilated spaces.
- g) For illegal purposes such as torture, and/or other cruel, inhumane, degrading treatment or punishment.
- h) To threaten or elicit information from a person.
- i) To rouse unconscious or intoxicated persons.
- j) Experimenting on a person, even upon their request, during horseplay or in an unprofessional manner.
- k) DASO recognizes that deputies may be placed in situations which are stressful, rapidly evolving and unpredictable. Therefore, DASO permits deputies the discretion to utilize OC Spray or other chemical agents under certain exigent circumstances, as long as the deployment is found to be objectively reasonable as outlined in the permitted use section of this policy.

## **G. MEDICAL PROCEDURES**

### **1. General Medical Evaluation and Aid:**

Immediately after the use of force on a subject, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

- a) breathing difficulties;
- b) gagging; and
- c) significant obvious increase in body temperature;
- d) profuse sweating; and
- e) loss of consciousness

Upon observing these or other medical problems, or if the subject requests medical assistance, the deputy shall immediately summon emergency medical aid. Appropriate medical aid will be rendered following any use of force that results in visible injuries or complaints of injury. Subjects with injuries will be examined by emergency medical personnel on the scene and/or are transported to the nearest medical facility's emergency department for treatment, prior to incarceration.

While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A



subject should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when OC Spray or a chemical agent has been utilized on a subject.

Deputies receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid prior to EMS arriving on scene.

Under circumstances where deputies are obligated, per this policy, to provide medical aid and a subject refuses, the deputy will summon or transport the subject to a certified medical professional. The subject will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal should be recorded in the police report and use of force report along with all relevant information.

## 2. OC Spray or Chemical Agent Specific Medical Guidelines:

The following OC Spray or Chemical Agent specific medical guidelines shall be adhered to following an OC Spray application:

Deputies should remove a subject exposed to a chemical agent from a face-down position as soon as it is safe to do so.

After the OC spray has been used and the subject has been restrained and moved to an uncontaminated area, the affected areas of the subject should be flushed with water within a reasonable time, absent exceptional circumstances.

The subject should be asked if they suffer from any respiratory diseases or problems, such as asthma, bronchitis or emphysema. If a subject displays respiratory problems, the subject should be exposed to fresh air, if possible, and medical attention should be sought immediately.

While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of breathing difficulty, nausea, or other physical discomfort.

Under normal circumstances, all symptoms should disappear within thirty to forty-five minutes. If the symptoms persist beyond forty-five minutes, medical attention should be sought immediately.

## **H. REPORTING AND INVESTIGATING PROCEDURES**

All reporting procedures and guidelines outlined in Policy #4.2.1 Reporting Use of Force shall be followed.

In all cases (with the exception of training and qualification purposes) deputies shall, as soon as practical, notify the shift supervisor of an OC spray deployment, whether accidental or intentional.

In addition to the above requirements, as outlined in the Reporting and Investigating policy, the use of force report will include the following OC Spray specific information:

- a) The number of OC Spray applications, and the length of each.
- b) The location of the OC Spray contamination on the subject's body.
- c) A photograph, or arrange for the photograph, of the OC contamination and any secondary injuries.

## **I. STORAGE, MAINTENANCE AND INSPECTIONS**

### **1. STORAGE:**

Deputies shall carry their OC Spray in a DASO approved holster while working their assigned shifts and/or functions.

Deputies will secure and store the OC Spray, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the OC Spray.

Deputies will ensure that any DASO OC Spray kept at home will be secured in a safe place, inaccessible to family members, especially children.

When removing his/her OC Spray, deputies will ensure that the item is not left in the open, and is secured so that it is not readily accessible to the public, subjects, victims, or witnesses.

### **2. MAINTENANCE:**

Deputies shall maintain their issued OC Spray canisters in a manner that allows the weapon to be deployed in a safe manner and in conjunction with the manufacturer's recommendations.

Deputies shall acquire a replacement canister from the DASO Quartermaster under the following circumstances:

- a) The canister is beyond its posted expiration date;
- b) The canister becomes damaged; or
- c) The content level of the canister is not sufficient for duty use.

### **3. INSPECTIONS:**

To maintain control, the Quartermaster will maintain a record of all OC Spray, all related equipment, and to whom the equipment has been assigned.

Only authorized and assigned OC Spray and equipment may be used by DASO personnel.

**V. APPLICABILITY:**

This policy is applicable to all sworn law enforcement deputies of DASO.

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004c	
<b>CALEA STANDARD:</b> 4.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Electronic Control Weapon (ECW)

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish Doña Ana County Sheriff's Office (DASO) guidelines and limitations concerning the appropriate and acceptable use of Electronic Control Weapons (ECW) to accomplish lawful objectives.

#### II. POLICY

It is the policy of DASO, in compliance with the Fourth Amendment of the United States Constitution that our police deputies shall use only that force which is objectively reasonable to maintain control of an incident, to effect lawful objectives, and to protect the lives of themselves or another.

It is the policy of the DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects may cause issues that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of DASO deputies is to protect the life and property of the citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputies or others. There is a compelling public interest that deputies authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy.

### **III. DEFINITIONS**

To view the definitions related to the use of ECW see: Use of Force Definitions.

### **IV. PROCEDURES**

#### **A. STANDARDS RELATED TO THE DEPLOYMENT OF AN ELECTRONIC CONTROL WEAPON**

The use of an ECW involves the application of force.

Justification for the use of force is limited to the facts known or perceived by the deputy at the time such force is used, including levels of resistance, suspect's behavioral clues, the number of deputies and/or offenders present, and the availability of other options.

Each application of an ECW involves a separate, additional use of force.

Multiple applications of an ECW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an deputy.

Any decision to apply multiple applications of an ECW must take into consideration whether a subject is capable of complying with the deputy's commands.

Deputies are obligated to de-escalate his/her use of force as the subject's resistance decreases.

The use of force authorized under this policy ends when resistance ceases and/or the deputy has accomplished the purpose necessitating the use of force.

Nothing in this policy is intended to discourage deputies from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

The ECW is not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative.

Supervisors shall make a reasonable attempt to ensure DASO personnel, who are issued and carry the ECW, comply with this policy while working their assigned shift.

## B. TRAINING GUIDELINES FOR ELECTRONIC CONTROL WEAPONS

Deputies are required to carry either OC Spray or an ECW as a less lethal option. Deputies who elect to carry an ECW must meet the training guidelines outlined in this policy. No member of DASO is authorized to carry or use the ECW without first completing a manufacturer-required ECW training session.

DASO provides deputies with ECW training for a minimum of 2 hours annually. Training sessions include, but are not limited to, instruction/demonstration of the proper maintenance, use and deployment of an ECW, policy review and application, liability associated with the deployment of an ECW, proper use of force decision making to adequately prepare for real life situations, and the proper removal of ECW probes which have contacted a subject's skin.

DASO maintains a designated individual who will annually review the training curriculum and revise it as necessary, and will submit a report to the Professional Standards Division confirming the annual review and updates, if any.

## C. QUALIFICATION GUIDELINES FOR ELECTRONIC CONTROL WEAPONS

Any deputy who fails to pass DASO mandated qualification for a specified force option shall:

1. Not carry that force option on duty until the deputy has completed remedial training from a certified instructor in the respective discipline.
2. Successfully pass the mandated qualification for the force option before carrying the option on duty.

Proficiency for the ECW may include a practical application demonstration and/or exam on an annual basis. Each deputy must demonstrate proficiency by attending an annual DASO qualification course. Upon successful completion, a deputy will be provided with proof of annual qualification.

DASO shall maintain all ECW training and certification records. Any deputy failing to demonstrate proficiency or attend required training with a weapon shall not return to duty with that weapon until proficiency is demonstrated, and training is completed and documented. DASO members may be subject to discipline for failing to attend required training sessions or qualifications.

## D. DEPLOYMENT GUIDELINES FOR ELECTRONIC CONTROL WEAPONS

The following procedures and guidelines shall be followed when a deputy deploys an ECW:

### 1. General Guidelines

The ECW shall be employed in a manner which is consistent with the use of force policy and in accordance with the training each deputy receives prior to being issued the ECW device.

A verbal warning, and time to allow the subject to comply, should be given prior to the use of an ECW, unless a warning would present a danger to the deputy or others.

In an attempt to minimize the number of ECW discharges necessary for subject compliance, deputies should, while deploying the ECW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc. Upon completion of the ECW cycle, the subject should be given reasonable opportunity to comply with deputy commands prior to initiating another ECW cycle.

After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that appropriate medical treatment is forthcoming. Without this reassurance, the subject may again become resistant or violent from frustration, or in an effort to escape discomfort. Statements such as "No one is going to hurt you" and "Stay calm and we will help you" provide incentive for cooperation and demonstrate the de-escalation of force as the subject's resistance is reduced.

Whenever possible the ECW shall be deployed using a back-up deputy to assist with handcuffing or providing cover.

As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force, as outlined in the Reporting and Investigating Force Policy.

### 2. ECW Specific:

Use the laser and/or fixed sights to aim the ECW, per training and manufacturer's instructions. Deputies should attempt to aim for the lower torso for frontal discharges, engaging the balancing muscles of the pelvic triangle, and center mass for discharges to the back.

When feasible, other deputies on scene should be alerted to the impending use of the ECW by stating, "Taser, Taser, Taser," to prepare other deputies and avoid contagious or sympathetic weapon discharges.

The subject should be secured, as soon as practical, while disabled by the ECW, in order to minimize the number of deployment cycles. In determining the need for additional energy cycles, deputies should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the ECW for one standard cycle, and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the ECW should be independently justifiable. Deputies should only deploy the ECW to the extent necessary to gain control of the subject.

#### E. GUIDELINES FOR THE PERMITTED USES OF AN ECW

Deputies are only permitted to use an ECW in accordance with training, and in the following instances:

1. Against subjects who are actively resisting in a manner that is likely to result in injuries to themselves or others.
2. Against a subject who is displaying imminent or immediate active aggression towards a deputy or others (i.e. fighting stance, clinched fists, armed or unarmed physical battery, etc.)
3. Against violent felony suspects who are passively resisting (i.e. not responding to verbal commands.)
4. During DASO authorized training programs and/or demonstrations.
5. During circumstances where exigency exists outside of the above instances, but the application of force is reasonable given the circumstances.

#### F. GUIDELINES FOR THE PROHIBITED USES OF AN ECW

Other than approved DASO training exercises, deputies are prohibited from deploying an ECW under the following circumstances:

1. In drive stun mode, unless being used to complete an incomplete circuit, or to gain separation between a deputy and the subject, so that the deputy can consider a different force option.
2. Against a non-violent misdemeanor who is not posing a threat (Cavanaugh v. Woods Cross City, 10th Circuit 2010).
3. Against an individual who has not committed a violent felony, and is passively resisting.
4. Against handcuffed prisoners and detainees, absent extreme circumstances where a deputy's safety would be in danger if physical control was attempted.



5. Absent exigent circumstances, ECW should not be deployed on vulnerable populations or in other circumstances where the deployment of an ECW poses an increased risk of causing serious health risks to a subject.
6. Against a person seated in the driver's seat of a running motor vehicle, motorcycle, scooter, or ATV, absent clear, identifiable facts that detail the risks posed to the deputies and general public, if the subject is allowed to maintain control of the vehicle. Great care should be used during these incidents, which would allow for the deputy to quickly gain control of the vehicle once the subject has been incapacitated by the ECW.
7. Against a person who is at an elevated location where a fall may cause substantial death or injury.
8. Against a subject who is in close proximity to a flammable gas or liquid.
9. Against subjects who are in an environment where the deployment of an ECW would place them at risk of drowning.
10. For illegal purposes such as torture, and/or other cruel, inhumane, or degrading treatment, or punishment.
11. To threaten or elicit information from a person.
12. To rouse unconscious or intoxicated persons.
13. To experiment on a person, even upon their request, during horseplay or in an unprofessional manner.

DASO recognizes that deputies may be placed in situations that are stressful, rapidly evolving, and unpredictable. Therefore, DASO permits deputies the discretion to utilize ECW under certain exigent circumstances, as long as the deployment is found to be objectively reasonable as outlined in the permitted use section of this policy.

#### G. MEDICAL PROCEDURES

##### 1. Medical Evaluation and Aid:

Immediately after the use of force on a subject, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

- a) breathing difficulties;
- b) gagging;
- c) significant obvious increase in body temperature;
- d) profuse sweating; and
- e) loss of consciousness.

Upon observing these or other medical problems, or if the subject requests medical assistance, the deputy shall immediately summon emergency medical aid.

Appropriate medical aid shall be rendered following any use of force that results in visible injuries or complaints of injury. Subjects with injuries shall be examined by emergency medical personnel on scene and/or are transported to the nearest medical facility for treatment prior to incarceration.

While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A subject should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when an ECW has been utilized on a subject.

Deputies receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid prior to EMS arriving on scene.

Under circumstances where deputies are obligated, per this policy, to provide medical aid and a subject refuses, the deputy will summon or transport the subject to a certified medical professional. The subject will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal shall be recorded in the police report and use of force report along with all relevant information.

## 2. ECW Specific:

The following ECW specific medical guidelines shall be adhered to following an ECW deployment:

Any subject who has been energized or to whom probes have made contact with the skin, shall be transported to a medical facility or have EMS personnel respond to the scene for an examination.

In all other cases, where the ECW probes are removed by the operator, universal precautions shall be followed to protect the deputy from the transfer of body fluids.

In cases where ECW probes are imbedded in the skin, the ECW operator will ensure the subject is properly restrained prior to the removal of the probes, using the procedure outlined in training. After any probe removal in which there was skin contact, medical clearance must be obtained.

In any case where the probes contact a subject's head, eye, female breast, neck, or genital area, the subject shall be transported to a medical facility for medical treatment. Only medical personnel may remove the ECW probes from these areas. A medical release for jail shall be obtained.

## H. REPORTING AND INVESTIGATING PROCEDURES

All reporting procedures and guidelines outlined in Policy 100-005 Reporting Uses of Force shall be followed.

In all cases (with the exception of training and qualification purposes) deputies shall, as soon as practical, notify the shift supervisor of an ECW deployment, whether accidental or intentional.

In addition to the requirements outlined in the Reporting and Investigating policy the use of force report will include the following ECW specific information:

1. The number of ECW cycles, and the length of each.
2. The location the probes that impacted the subject's body.

In addition to the requirements outlined in the Reporting and Investigating policy the use of force on-scene investigation will include the following ECW specific information/actions:

1. Secure the expended cartridge(s) with probes and the ECW for data download. Arrange to have the weapon delivered to the appropriate individual for downloading of data from the ECW.
2. Photograph, or arrange for the photograph, of the probe penetration sites and any secondary injuries.
3. Attach the ECW data download report to the use of force report packet.

## I. STORAGE, MAINTENANCE AND INSPECTIONS

### STORAGE:

Deputies shall carry the ECW in a DASO approved holster on the opposite side of their firearm, with the cartridge attached, while working their assigned shifts and/or functions.

Deputies will secure and store the ECW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the ECW.

Deputies will ensure that any DASO ECW kept at home will be secured in a safe place, inaccessible to family members, especially children.

Deputies will store and carry spare cartridges in a manner consistent with training and with the manufacturer's expiration requirements.

When removing his/her ECW, deputies will ensure that the item is not left in the open, and that it is secured so that it is not readily accessible to the public, subjects, victims, or witnesses.

**MAINTENANCE:**

Deputies will point the ECW in a safe direction when loading, unloading, or testing the weapon.

Deputies will visually and physically inspect the ECW and cartridges at the beginning of their shift.

ECW devices will not be checked for readiness when inside the DASO building, except when the deputy is at the weapons downloading stations, as provided for similar readiness checks of firearms.

**INSPECTIONS:**

To maintain control, the quartermaster will keep a record of all ECW and related equipment and to whom the equipment has been assigned.

Only authorized and assigned ECW, probe cartridges, and equipment may be used by sworn DASO personnel.

A certified ECW Instructor will an active maintenance log bi-annually. Any damaged or malfunctioning unit will be removed from service and reported to an ECW Armorer.

**V. Applicability**

This policy is applicable to all sworn law enforcement deputies of the Dona Ana Sheriff's Office.

**VI. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004d	
<b>CALEA STANDARD:</b> 4.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Extended Range Impact Devices

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish guidelines and limitations concerning the appropriate and acceptable use of Extended Range Impact Devices (ERID) to accomplish lawful objectives.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO), in compliance with the Fourth Amendment of the United States Constitution, that DASO deputies shall use only that force which is objectively reasonable to maintain control of an incident, to effect lawful objectives, and to protect the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, DASO has adopted the use of Extended Range Impact Devices (ERID) to assist with the de-escalation of potentially violent confrontations.

The main responsibility of deputies is to protect the life and property of the citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that deputies authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy.

### **III. PROCEDURES**

#### **A. TRAINING GUIDELINES FOR EXTENDED RANGE IMPACT DEVICES**

No member of DASO is authorized to carry an impact weapon without first completing required training.

DASO provides deputies ERID training for a minimum of 2 hours annually. Training sessions include, but are not limited to application, policy review, deployment of extended range impact devices, stress training, and proper use of force decision making to adequately prepare for real life situations.

DASO maintains a designated individual who will annually review the training curriculum, revise it as necessary, and who will submit a report to the Professional Standards Division, confirming the annual review and updates, if any.

#### **B. QUALIFICATION GUIDELINES FOR EXTENDED RANGE IMPACT DEVICES**

Any deputy who fails to pass the department mandated qualification for a specified force option shall:

1. Not carry that force option on duty until the deputy has completed remedial training from a certified instructor in the respective discipline.
2. Successfully pass the mandated qualification for the force option before carrying the option on duty.

Proficiency for extended range impact devices may include a practical application demonstration and/or written examination on an annual basis. Each deputy must demonstrate proficiency by attending an annual DASO qualification course.

Upon successful completion, a deputy will be provided with proof of annual qualification.

DASO shall maintain all impact weapon training and certification records. Any deputy failing to demonstrate proficiency or attend required training with an ERID shall not return to duty with an ERID until proficiency is demonstrated and training

is completed and documented. DASO members may be subject to discipline for failing to attend required training or qualifications.

### **C. DEPLOYMENT GUIDELINES FOR EXTENDED RANGE IMPACT DEVICES**

The following procedures and guidelines shall be followed when an officer uses an impact weapon:

1. The ERID shall be employed in a manner which is consistent with the use of force policy, and in accordance with the training each deputy receives prior to being issued the weapon system.
2. A verbal warning, and time to allow the subject to comply, should be given prior to the use of an ERID, unless a warning would present a danger to the deputy or others.
3. In an attempt to minimize the number of ERID applications necessary for subject compliance, the deputy should, while applying the ERID, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc. Upon completion of the application of force, the subject should be given reasonable opportunity to comply with deputy commands prior to additional application of the ERID.
4. After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that appropriate medical treatment is forthcoming. Without this reassurance, the subject may again become resistant or violent from frustration, or in an effort to escape discomfort. Statements such as "No one is going to hurt you" and "Stay calm and we will help you" provide incentive for cooperation and demonstrate the de-escalation of force as the subject's resistance is reduced.
5. Whenever possible the ERID shall be deployed using a back-up deputy to assist with handcuffing or providing cover.
6. As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force, as outlined in the Reporting and Investigating Force Policy.

### **D. GUIDELINES FOR THE PERMITTED USE OF IMPACT WEAPONS**

Officers are only permitted to use an impact weapon in accordance with training, and in the following instances:

1. Against subjects who are actively resisting in a manner that is likely to result in injuries to officers or others.
2. Against a subject who is displaying imminent or immediate active aggression

towards an officer or others (i.e. fighting stance, clinched fists, armed or unarmed physical battery, etc.)

3. During circumstances where exigency exists outside of the above instances, but the application of force is reasonable given the circumstances.

#### **E. GUIDELINES FOR THE PROHIBITED USES OF IMPACT WEAPONS**

Other than approved DASO training exercises, deputies are prohibited from applying an impact weapon under the following circumstances:

1. Against an individual who is passively resisting.
2. Against handcuffed prisoners and detainees, absent extreme circumstances where a deputy's safety would be in danger if physical control was attempted.
3. Absent exigent circumstances, ERID should not be deployed on vulnerable populations, where the deployment of an impact weapon poses an increased risk of causing serious health risks to a subject.
4. For illegal purposes such as torture, and/or other cruel, inhumane, or degrading treatment, or punishment.
5. To threaten or elicit information from a person.
6. To rouse unconscious or intoxicated persons.
7. To experiment on a person, even upon their request, during horseplay or in an unprofessional manner.

DASO recognizes that deputies may be placed in situations that are stressful, rapidly evolving, and unpredictable. Therefore, DASO permits deputies the discretion to utilize ERID under certain exigent circumstances, as long as the deployment is found to be objectively reasonable, as outlined in the permitted use section of this policy.

#### **F. MEDICAL PROCEDURES**

##### **Medical Evaluation and Aid:**

Immediately after the use of force on a subject, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

1. breathing difficulties;
2. gagging;
3. significant obvious increase in body temperature;



4. profuse sweating; and
5. Loss of consciousness.

Upon observing these or other medical problems, or if the subject requests medical assistance, the deputy shall immediately summon emergency medical aid. Appropriate medical aid will be rendered following any use of force that results in visible injuries or complaints of injury. Subjects with injuries will be examined by emergency medical personnel on scene and/or are transported to the medical facility for treatment prior to incarceration. While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A subject should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when an extended range impact device has been utilized on a subject.

Deputies receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid prior to EMS arriving on scene.

Under circumstances where deputies are obligated, per this policy, to provide medical aid and a subject refuses, the deputy will summon or transport the subject to a certified medical professional. The subject will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal shall be recorded in the police report and use of force report, along with all relevant information.

## **G. REPORTING AND INVESTIGATING PROCEDURES**

All reporting procedures and guidelines outlined in Policy #4.2.1 Reporting Uses of Force shall be followed.

In all cases (with the exception of training and qualification purposes) deputies shall, as soon as practical, immediately notify the shift supervisor of the use of an extended range impact device, whether accidental or intentional.

In addition to the above requirements outlined in the Reporting Uses of Force policy the use of force report will include the following extended range impact device information.

1. The number of applications.
2. The location of the application on the subject's body (i.e. right/left thigh, arm, etc.).
3. Photograph, or arrange for the photograph, of the application area and any secondary injuries.

## **H. STANDARDS RELATED TO THE USE OF EXTENDED RANGE IMPACT DEVICE'S (ERID)**

The use of an ERID involves the application of force.

Justification for the use of force is limited to the facts known or perceived by the deputy at the time such force is used, including levels of resistance, subject's behavioral clues, the number of deputies and/or offenders present, and the availability of other options.

Each application of an extended range impact weapon involves a separate, additional use of force.

Multiple applications of an ERID cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to a deputy.

Any decision to apply multiple applications of an extended range impact weapon must take into consideration whether a subject is capable of complying with the deputy's commands.

Deputies are obligated to de-escalate his/her use of force as the subject's resistance decreases.

The use of force authorized under this policy ends when resistance ceases and/or the deputy has accomplished the purpose necessitating the use of force.

Nothing in this policy is intended to discourage deputies from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

ERID are not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a less-lethal alternative.

Supervisors shall make a reasonable attempt to ensure DASO personnel comply with this policy while working their assigned shift.

### **Authorized Extended Range Impact Devices:**

Authorized ERID include DASO approved weapons to launch and disperse teargas, Pepper Balls, beanbags, rubber balls, or pellets.

### **Pepper Ball System**

The Pepper Ball launcher is considered an intermediate response to resistance weapon, capable of delivering the chemical agent OC alone or in combination with a kinetic impact.

The Pepper Ball launcher may be utilized in those situations where a suspect exhibits violent or potentially violent behavior, and its intended use is to reduce

the possibility of injury to both the offender and to the deputy.

The Pepper Ball launcher may be used as a chemical delivery system in those situations that would be appropriate to use the OC spray.

The Pepper Ball launcher may be used as both a kinetic impact intermediate weapon and chemical delivery system on suspects who are engaged in violent behavior, amounting to armed threatening behavior or attack, whether armed or not against a deputy or another citizen.

When applying this weapon system, no-strike areas should be avoided due to the increased risk of potential great bodily harm or fatality. Such areas include any area of the head/neck, the genital area, the spinal area, the solar plexus, or the celiac plexus.

Due to the probability that other citizens may be affected by Pepper Ball OC powder, consideration of the physical condition of other citizens should be made, prior to use of the Pepper Ball system. Items to consider should include possible exposure to pregnant citizens or citizens with respiratory disease.

When a suspect has been exposed to Pepper Ball OC or struck by a Pepper Ball round, he or she shall be taken to a secure area where decontamination and examination by EMS can be safely conducted. If the suspect remains combative or uncooperative, a medical assessment shall be completed as soon as it is safe to do so.

Only deputies trained in the use of the Pepper Ball system are authorized to use the Pepper Ball system.

Trained personnel must qualify at least annually with the Pepper Ball system. Those trained personnel who are authorized to use the Pepper Ball system shall qualify with it through the weapon system recertification process.

### **37mm (SAGE) Weapon System**

The SAGE weapon system may be utilized in those situations where a suspect exhibits violent or potentially violent behavior, and the weapon's intended use is to reduce the possibility of injury to both the offender and to the deputy.

When applying this weapon system, no-strike areas should be avoided due to the increased risk of potential great bodily harm or fatality. Such areas include any area of the head/neck, the genital area, the spinal area, the solar plexus, or the celiac plexus.

Due to the probability that other citizens may be in the area of the suspect, consideration of use should be made prior to use of the SAGE system. The four firearms safety rules apply at all times with the SAGE system.

When a suspect has been struck by a SAGE round, he or she shall have an examination by EMS and/or transported to the nearest medical facility for medical clearance. If the suspect remains combative or uncooperative, a medical assessment shall be completed as soon as it is safe to do so.

The SAGE shall be carried by the deputy who has been issued the weapon system, in his/her patrol vehicle, so that it is available should deployment be necessary.

Only deputies trained in the use of the SAGE weapon system are authorized to use the SAGE weapon system.

Trained personnel must qualify at least annually with the SAGE. Those trained personnel who are authorized to use the SAGE shall qualify with it through the weapon system recertification process.

**IV. APPLICABILITY:**

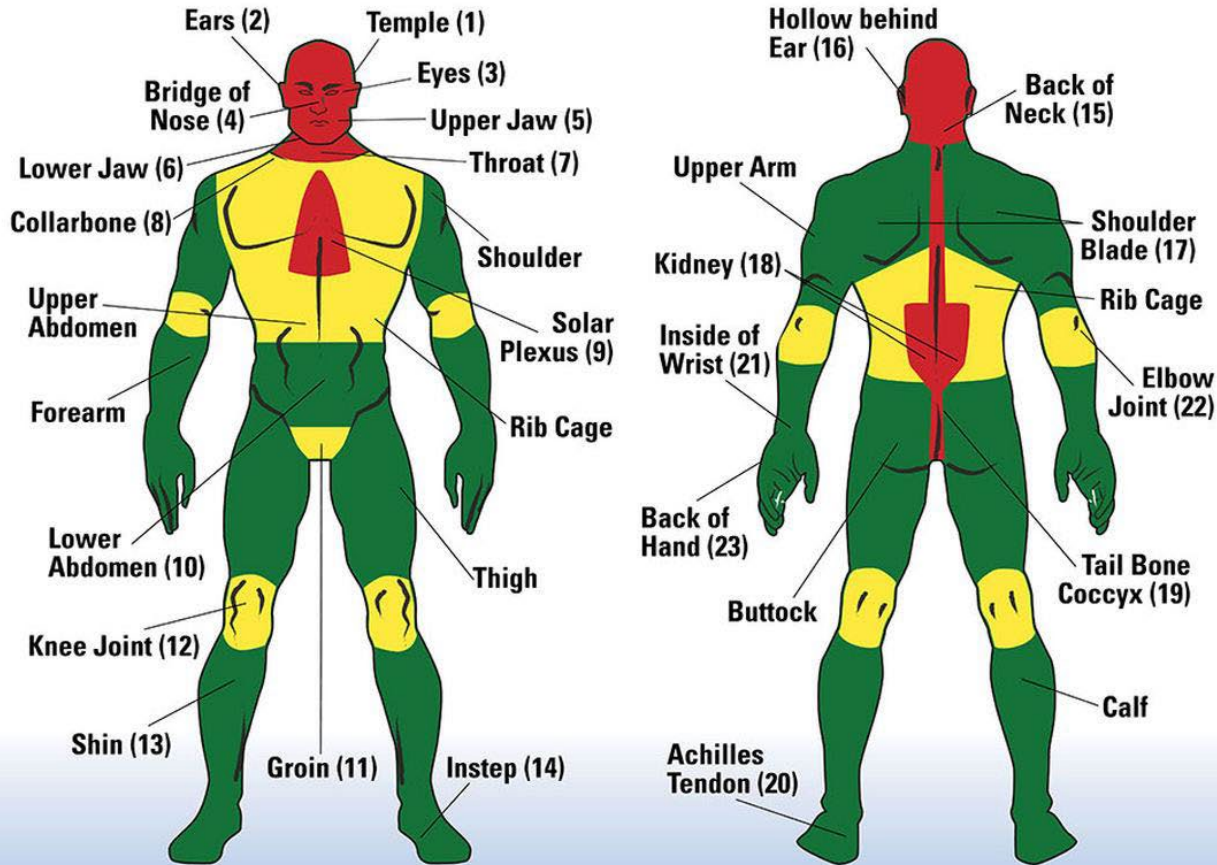
This policy is applicable to all sworn law enforcement deputies of DASO.

**V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004e	
<b>CALEA STANDARD:</b> 4.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Impact Weapons

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish guidelines and limitations concerning the appropriate and acceptable use of impact weapons to accomplish lawful objectives.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO), in compliance with the Fourth Amendment of the United States Constitution that our deputies shall use only that force which is objectively reasonable to maintain control of an incident, to effect lawful objectives, and to protect the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of deputies is to protect the life and property of the citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputies or others. There is a compelling public interest that deputies authorized to exercise the use of force do so in an objectively reasonable manner, and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy

### **III. PROCEDURES**

#### **A. STANDARDS RELATED TO THE USE OF AN IMPACT WEAPON**

1. The use of an impact weapon involves the application of force.
2. Justification for the use of force is limited to the facts known or perceived by the deputy at the time such force is used, including levels of resistance, subject's behavioral clues, the number of deputy's and/or offenders present, and the availability of other options.
3. Each application of an impact weapon involves a separate, additional use of force.
4. Multiple applications of an impact weapon cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to a deputy.
5. Any decision to apply multiple applications of an impact weapon must take into consideration whether a subject is capable of complying with the deputy's commands.
6. Deputies are obligated to de-escalate his/her use of force as the subject's resistance decreases.
7. The use of force authorized under this policy ends when resistance ceases and/or the deputy has accomplished the purpose necessitating the use of force.
8. Nothing in this policy is intended to discourage deputies from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.
9. Impact weapons are not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative.
10. Supervisors shall make a reasonable attempt to ensure DASO personnel comply with this policy while working their assigned shift.

## **B. TRAINING GUIDELINES FOR IMPACT WEAPONS**

Deputies are required to have an issued impact weapon, and they are permitted to carry either an expandable or straight impact weapon for duty use. No member of DASO is authorized to carry an impact weapon without first completing required training.

DASO provides deputies with impact weapon training for a minimum of 2 hours annually. Training sessions include, but are not limited to, technique application against passive and resistive subjects, policy review and application, deployment of impact weapons, stress training, and proper use of force decision making to adequately prepare for real life situations.

DASO maintains a designated individual who will annually review the training curriculum, revise it as necessary, and who will submit a report to the Professional Standards Division, confirming the annual review and updates, if any.

## **C. QUALIFICATION GUIDELINES FOR IMPACT WEAPONS**

Any deputy who fails to pass the department mandated qualification for a specified force option shall:

1. Not carry that force option on duty until the deputy has completed remedial training from a certified instructor in the respective discipline.
2. Successfully pass the mandated qualification for the force option before carrying the option on duty.

Proficiency for impact weapons may include a practical application demonstration and/or written examination on an annual basis. Each deputy must demonstrate proficiency by attending an annual DASO qualification course.

Upon successful completion, a deputy will be provided with proof of annual qualification.

DASO shall maintain all impact weapon training and certification records. Any deputy failing to demonstrate proficiency or attend required training with an impact weapon shall not return to duty with an impact weapon until proficiency is demonstrated and training is completed and documented. Department members may be subject to discipline for failing to attend required training or qualifications.

## **D. DEPLOYMENT GUIDELINES FOR IMPACT WEAPONS**

The following procedures and guidelines shall be followed when a deputy uses an impact weapon:



1. The impact weapon shall be employed in a manner which is consistent with the use of force policy, and in accordance with the training each deputy receives prior to being issued an impact weapon.
2. A verbal warning, and time to allow the subject to comply, should be given prior to the use of an impact weapon, unless a warning would present a danger to the deputy or others.
3. In an attempt to minimize the number of impact weapon applications necessary for subject compliance, deputies should, while applying the impact weapon, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc. Upon completion of the application of force, the subject should be given reasonable opportunity to comply with deputy commands prior to additional application of the impact weapon.
4. After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that appropriate medical treatment is forthcoming. Without this reassurance, the subject may again become resistant or violent from frustration, or in an effort to escape discomfort. Statements such as "No one is going to hurt you" and "Stay calm and we will help you" provide incentive for cooperation and demonstrate the de-escalation of force as the subject's resistance is reduced.
5. Whenever possible the impact weapon shall be deployed using a back-up deputy to assist with handcuffing or providing cover.
6. As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force, as outlined in the Reporting and Investigating Force Policy.

**Impact Weapon Specific:**

1. In order to cause the minimum possible harm, impact weapons should be used in a manner consistent with training, by contacting pressure points, nervous centers, and any other area where the bones are close to the skin, especially the limbs.
2. When applied, an impact weapon should be administered in 1 to 2 strikes, to an approved strike area, which is less likely to cause serious bodily harm, as identified in the attached strike chart as green target areas (see attached strike chart).
3. When applying an impact weapon, no-strike areas, identified as red target areas (see attached strike chart), should be avoided due to the increased risk of potential great bodily harm or fatality. Such areas include: any area

of the head/neck, the genital area, the spinal area, the solar plexus, or the celiac plexus.

#### **E. GUIDELINES FOR THE PERMITTED USE OF IMPACT WEAPONS**

Deputies are only permitted to use an impact weapon in accordance with training, and in the following instances:

1. Against subjects who are actively resisting, and the application of the impact weapon is used to apply mechanical leverage or pressure to the limbs of the individual to facilitate compliance (i.e. escort leverage, limb immobilization, etc.).
2. Against subjects who are actively resisting in a manner that is likely to result in injuries to deputies or others.
3. Against a subject who is displaying imminent or immediate active aggression towards a deputy or others (i.e. fighting stance, clinched fists, armed or unarmed physical battery, etc.)
4. During circumstances where exigency exists outside of the above instances, but the application of force is reasonable given the circumstances.

#### **F. GUIDELINES FOR THE PROHIBITED USES OF IMPACT WEAPONS**

Other than approved DASO training exercises, deputies are prohibited from applying an impact weapon under the following circumstances:

1. Against an individual who is passively resisting.
2. Against handcuffed prisoners and detainees, absent extreme circumstances where a deputy's safety would be in danger if physical control was attempted.
3. Absent exigent circumstances, impact weapons should not be deployed on vulnerable populations where the deployment of an impact weapon poses an increased risk of causing serious health risks to a subject.
4. For illegal purposes such as torture, and/or other cruel, inhumane, or degrading treatment, or punishment.
5. To threaten or elicit information from a person.
6. To rouse unconscious or intoxicated persons.
7. To experiment on a person, even upon their request, during horseplay or in an unprofessional manner.

DASO recognizes that deputies may be placed in situations that are stressful, rapidly evolving, and unpredictable. Therefore, DASO permits deputies the discretion to utilize impact weapons under certain exigent circumstances, as long as the deployment is found to be objectively reasonable, as outlined in the permitted use section of this policy.

## **G. MEDICAL PROCEDURES**

Immediately after the use of force on a subject, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

1. breathing difficulties;
2. gagging;
3. significant obvious increase in body temperature;
4. profuse sweating; and
5. loss of consciousness.

Upon observing these or other medical problems, or if the subject requests medical assistance, the deputy shall immediately summon emergency medical aid.

Appropriate medical aid shall be rendered following any use of force that results in visible injuries or complaints of injury. Subjects with injuries shall be examined by emergency medical personnel on scene and/or are transported to the nearest medical facility for treatment prior to incarceration.

While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A subject should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when an impact weapon has been utilized on a subject.

Deputies receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid prior to EMS arriving on scene. Under circumstances where deputies are obligated, per this policy, to provide medical aid and a subject refuses, the deputy will summon or transport the subject to a certified medical professional. The subject will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal shall be recorded in the police report and use of force report, along with all relevant information.

## **H. REPORTING AND INVESTIGATING PROCEDURES**

All reporting procedures and guidelines outlined in Policy #4.2.1 Reporting Uses of Force shall be followed.

In all cases (with the exception of training and qualification purposes) deputies shall, as soon as practical, immediately notify the shift supervisor of the use of an impact weapon, whether accidental or intentional.

In addition to the above requirements outlined in the Reporting and Investigating policy, the use of force report will include the following impact weapon specific information:

1. The number of strikes applied.
2. The location of the strikes on the subject's body (i.e. right/left thigh, arm, etc.)
3. Photograph, or arrange for the photograph, of the impact weapon strike areas and any secondary injuries.

#### **I. IMPACT WEAPON APPROVAL PROCESS**

DASO issues composite batons to all sworn personnel. DASO recommends that personnel carry impact weapons of quality design, strength, safety, and durability. Each deputy who elects to carry a personally owned impact weapon is responsible for the purchase of their own impact weapon, based on the procedures outlined in this policy.

A personally owned impact weapon must be inspected and approved for use by the Training Unit, prior to being carried. Requests to carry a personally owned impact weapon must be submitted in writing, in the form of an inter-office memorandum, to the Training Unit. Approval is based on the impact weapon meeting the above listed quality standards.

#### **IV. APPLICABILITY**

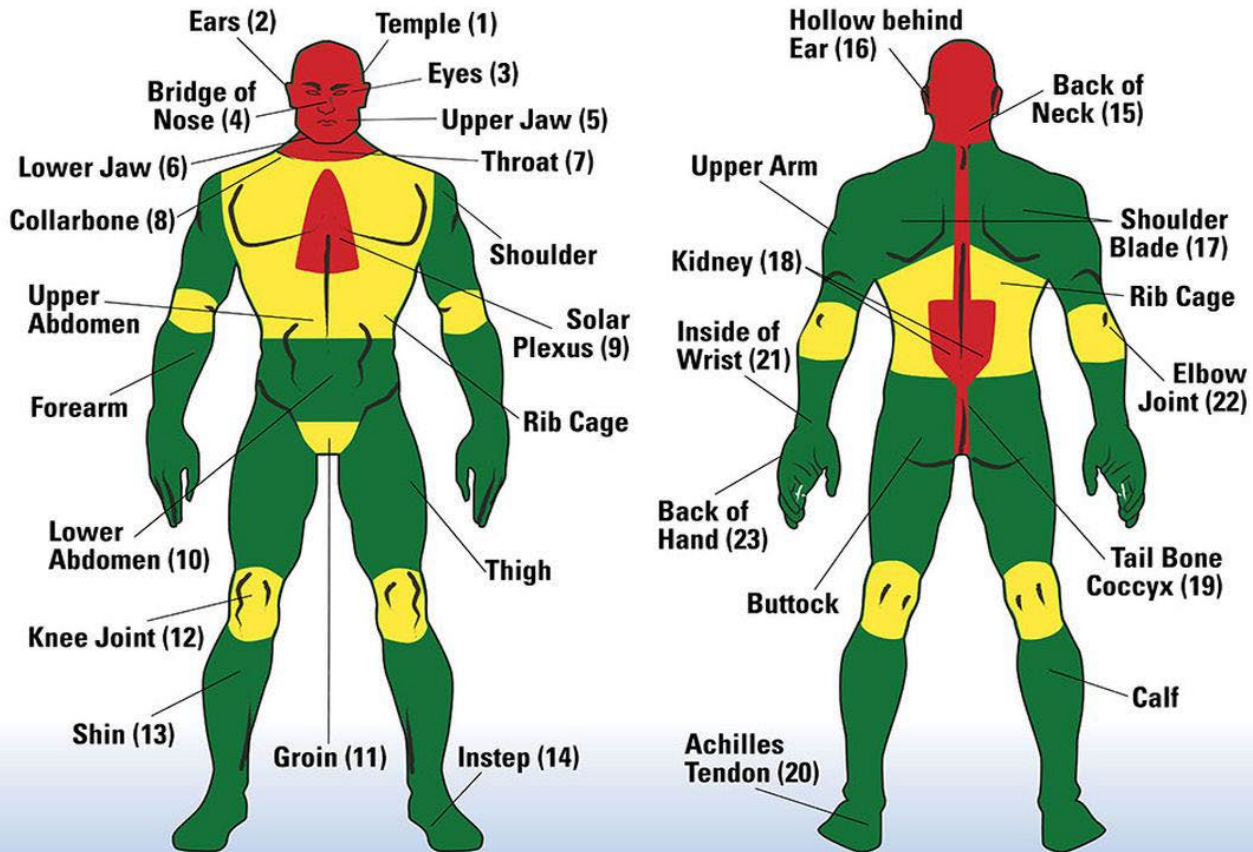
This policy is applicable to all sworn law enforcement deputies of DASO.

#### **V. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004f	
<b>CALEA STANDARD:</b> 41.1.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Canine Unit

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and procedures for the application and selection process for membership into the Dona Ana County Sheriff's Office Canine Handlers Unit and guidelines for its deployment and utilization.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain a highly flexible and mobile canine handler's unit for the performance of specialized assignments.

#### III. APPLICABILITY:

This Policy is applicable to all sworn Deputies of the Dona Ana County Sheriff's Office and any agency entering into a mutual aid agreement with Dona Ana County Sheriff's Office.

#### IV. DEFINITIONS:

**Apprehension** – Any patrol canine deployment resulting in the canine physically controlling, which may include biting.

**Bite** – Any application of force caused by the canine mouth.

**Canine or K-9** – A specially trained domestic dog, assigned to a DASO commissioned Deputy.

**Certification Testing** – A comprehensive practical and written examination given by a certified trainer, evaluating the proficiency of the handler and the K-9.

**Detection Canine** – A specially trained dog used to detect, by scent, contraband such as narcotics, explosives, etc.

**Dual Purpose Canine** – A canine trained in patrol and detection.

**Handler** – The Deputy assigned to care for and maintain an assigned K-9.

**K-9 Team** – Consists of a Deputy and assigned K-9.

**Patrol Canine** – A specially trained dog certified for field use in the detecting, detaining, physically apprehending and/or controlling a subject.

**Proficiency Training** – Training required to maintain the skill of the K-9.

**Search** – To explore thoroughly.

**Sniff** – Utilization of a K-9 to smell out or inspect a given area.

**Training Aid** – An article/item used by the handler for proficiency training of the K-9, e.g., controlled substance. Canine (K-9) Handlers will be utilized to detect and prevent criminal activity within the state of New Mexico. Canine handlers will be available to law enforcement divisions of DASO as well as other police and governmental agencies within the state. Canine (K-9) handlers will consist of commissioned DASO Deputies. K-9 Teams are designed to be mobile and highly flexible. They will perform assignments that require the services of trained and skilled canine (K-9) handlers that perform specialized day-to-day operations. These operations include, criminal detection/enforcement efforts, explosive detection, felony searches, and criminal apprehension.

## **V. PROCEDURE:**

DASO Canine (K-9) Handlers will be utilized to detect and prevent criminal activity within the State of New Mexico. Canine handlers will be available to law enforcement divisions of DASO as well as other police and governmental agencies within the state. K-9 Teams are designed to be mobile and highly flexible. They will perform assignments that require the services of trained and skilled canine (K-9) handlers that perform specialized day-to-day operations. These operations include, criminal detection/enforcement efforts, explosive detection, felony searches, and criminal apprehension.

### **A. Activation**

A canine handler may be activated when a supervisor requests assistance in contraband detection, in locating and apprehending subjects suspected of illegal activity, in searching for subjects who have fled from Law Enforcement, subjects that are hiding in buildings or related structures, in crowd control, in tracking missing persons, criminals, or concealed evidence of a crime, or for explosive detection.

K-9 teams are available for activation on a twenty-four (24) hour, on-call basis and are subject to overtime provisions per DASO Policy. Their use includes, but may not be limited to:

1. Conducting building searches for what are believed to be felony or violent misdemeanor suspects in hiding;
2. Assisting in the arrest or prevention of the escape of violent offenders;
3. Protecting Deputies or others from death or serious injury; and
4. Engaging in assignments not listed here with the approval of the K-9 team supervisor.

## **B. Response**

1. A K-9 team may be used to respond to minor complaint situations. In such a case, the K-9 should not be deployed unless criteria for a deployment are found.
2. All K-9 team call-outs will be requested through the canine handler's chain of command.

## **C. Operations**

1. Canine warnings should be issued, if feasible, prior to deploying a patrol canine on any search, concealed human, or apprehension. The warnings to be used are as follows:
  - a. On a visible subject: "Sheriff's Office, stop or I will send the dog";
  - b. On a search for a subject outside of the view of the Deputy: "Sheriff's Office, speak to me now or I will send the dog"; and
  - c. Warnings must be issued a minimum of three (3) times.
2. K-9 assistance may be requested from any Deputy through their immediate supervisor. Dispatch or the immediate supervisor will forward requested information concerning the incident to the canine handler's chain of command or an available canine handler.



### 3. Activation and Deployment for Narcotic/Illegal Substance Detection

- a. The K-9 may be deployed upon Vehicles under the following conditions, including but not limited to:
  - i. When the Deputy has reasonable suspicion that illegal substances are contained within a vehicle;
  - ii. During a valid vehicle stop, the K-9 may be used to sniff the exterior of the vehicle if suspicion exists that the vehicle contains illegal substances;
  - iii. Interior sniffs may be conducted if the Deputy possesses an approved search warrant, verbal or written consent to search from the driver, or probable cause along with exigent circumstances; and/or
  - iv. All deployments will be at the discretion of the handler.
- b. Roadblocks/Checkpoints
  - i. A K-9 may be utilized, when reasonable suspicion or probable cause exists, to sniff the exterior of a particular vehicle.
  - ii. A K-9 may be utilized for random exterior sniffs at permanent or temporary checkpoints. The length of the stop should not be extended for the purpose of utilizing a K-9.
- c. Privately Owned Businesses/Locations with Public Access – A K-9 may be utilized to randomly sniff areas that are open to public access with consent from the business management, including but not limited to, hotel/motel parking lots, bus terminals, train terminals, airport terminals, etc.
- d. Parcel Service – A K-9 may be utilized to randomly sniff parcel post with the consent from the service's management, including Federal Express, United Parcel Service, Airborne Express, and others.
- e. Private Residences – A K-9 will not be deployed at a private residence without an approved search warrant, consent from someone who is in power to grant consent or probable cause with exigent circumstances.
- f. Search Warrants – A K-9 will be utilized pursuant to the scope of the search warrant.
- g. Persons – Under no circumstances will a K-9 be utilized to sniff persons for controlled substances.

### 4. Activation and Deployment for Locating and Apprehending Suspects.

- a. The deployment of a canine for locating and apprehending a suspect is considered a less lethal use of force. Use of less-lethal force shall be consistent with Doña Ana Sheriff's Office **USE OF FORCE POLICY**.

- b. Decisions to deploy a canine on an armed or unarmed subject are at the discretion of the canine handler and shall be based upon the following criteria:
  - i. On the severity of the crime;
  - ii. Whether the suspect and circumstances pose an immediate threat and a reasonable apparent danger to the safety of the Deputies or others and the deployment of a canine is necessary for the protection of the handler, the canine, Deputies, or citizens;
  - iii. Whether there is reason to believe that a suspect is believed to have committed a crime and is actively resisting arrest or attempting to evade arrest;
  - iv. K-9 handlers shall take extra care and alternative options should be considered when deciding to deploy a canine during an incident involving juvenile suspects;
  - v. Where a tactical deployment is justified by agency policy, the tactical measures used shall be at the discretion of the canine handler and must be objectively reasonable; and/or
  - vi. A K-9 shall not be handled or given commands by anyone other than the assigned handler unless extenuating circumstances exist.

5. Activation and Deployment for the Search of suspects Hiding in Buildings or Related Structures.

A primary use of a K-9 is for locating suspects in buildings or related structures. These searches shall be governed by the following:

- a. The building perimeter shall be secured by law enforcement personnel;
- b. Whenever possible, the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout;
- c. When the search of a building is anticipated, a preliminary search by Deputies should not be conducted because this will interfere with the K-9's ability to discriminate scents;
- d. The on-scene supervisor shall also take the following steps in preparation for the K-9 search:
  - i. Evacuate all tenants, workers, or others from the facility.
  - ii. Request that all air conditioning, heating, or other air-blowing systems be shut off so as not to interfere with the canine's senses.
- e. Upon entrance to the building, all exits should be secured and communications limited to that of a tactical nature;

- f. The K-9 may be off-lead during a building search, unless there is an imminent risk of injury to persons within the facility that are not the subject of the search:
  - i. The K-9 should be released once a backup Deputy is available to work with the K-9 team.
  - ii. the K-9 should be kept in visual contact by the canine handler except in exigent circumstances or where there is an imminent danger of death or serious injury,
- g. The K-9 should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present;
- h. Before commencing a search, the handler or other appropriate person shall make an announcement. The announcement shall be that there are Deputies on the premises and that a trained police K-9 will be released and may bite if they do not surrender and comply. The announcement shall be given and repeated a minimum of 3 times.
  - i. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated on each level of all multilevel structures.
  - ii. Where there is a reasonable belief that the suspect speaks a language other than English, a Deputy or other individual fluent in that language should be summoned to the scene if available and if the exigency of the situation permits.
- i. When apprehending suspects, the K-9 shall be commanded to disengage as soon as the suspect is subdued or complies with the Deputies direction; and/or
- j. Arrestees shall not be transported in the same vehicle with a K-9 unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

## 6. Activation and Deployment for Crowd Control

- a. K-9 teams may respond as backup but shall not deploy a K-9 for crowd control at peaceful demonstrations.
- b. K-9 teams may be used upon approval of the handler's supervisor or designee to protect life during a riot or other major unlawful assembly after an order to disperse has been made. In these situations, the following shall be adhered to:
  - i. K-9's shall be short-leashed at all times to protect individuals from serious injury; and
  - ii. K-9 Teams shall not initiate any offensive action, unless to guard against imminent loss of life or serious bodily injury.

7. Activation and Deployment for Tracking Missing Persons, Criminal Suspects, or Concealed Evidence of a Crime.

Where trained K-9's are available for tracking, they may be used with supervisory approval to track missing persons or criminal suspects or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

- a. When pursuing suspects and contact with the suspect is lost, the Deputy, prior to summoning a K-9 team, shall:
  - i. Stop and pinpoint the location where the suspect was last seen;
  - ii. Shut off engines of vehicles in the area if possible; and
  - iii. Avoid vehicle or foot movements in the area where the suspect was last seen.
- b. K-9's used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the K-9's tracking abilities.
- c. On-scene supervisory personnel shall:
  - i. Secure the perimeter of the area to be searched;
  - ii. Secure the integrity of the area to be searched by keeping all personnel out of the area; and
  - iii. Protect all items of clothing that will be used for scent from being handled.

8. Activation and Deployment for Explosive Detection.

Explosive detection K-9 teams will be activated by the Hazardous Device Technician (Bomb Tech) Supervisor and shall be under the direction and control of the lead Bomb Technician when deployed.

**D. Selection, Qualification, Membership, Training, and Dismissal**

1. Selection

- a. Deputies interested in being assigned as a canine handler must submit a request through their appropriate chain of command to the Sheriff or the Sheriff's designee.
- b. Applicants will be interviewed by existing canine handlers and persons in which the Division Commander deemed appropriate to participate in the interview for the vacant position with the approval of the Sheriff.
- c. A list of those Deputies chosen to be assigned as a canine handler will be provided to the Sheriff through the K-9 Units' chain of command as applicable.
- d. The Sheriff, or the Sheriff' designee, will have the final authority over assigning and removing handlers to/from as a canine handler.

## 2. Qualification

- a. All applicants must have a minimum of two (2) years patrol experience and have successfully completed the department FTO program. Patrol experience may include time spent in patrol with other agencies prior to becoming commissioned with the Dona Ana Sheriff's Office.
- b. Must provide Deputy evaluation forms for the last two years of service, if applicable.

## 3. Membership

- a. Once selected as a canine handler the candidate must successfully complete and pass the classroom curriculum, the skill portion, and performance evaluation standards of a certified K-9 School. Once the candidate has passed the classroom and skills curriculum, the K-9 team must certify using the certification standards as set forth by the certified training facility, or school deemed equivalent by chain of command.
- b. If the candidate is unable to successfully complete and pass the K-9 training curriculum or equivalent schooling, he/she shall return to his/her previous assignment.
- c. Each handler is authorized one (1) hour of on-duty training per day, plus a minimum four (4) hour block of instruction weekly per discipline.
- d. Each handler provides 24-hour care and maintenance for their assigned K-9.

## 4. Training

- a. All personnel will attend in-service training, as well as specialized training outside the department as allowed by budgetary constraints. All canine handlers will participate in group performance training. Training will be of an advanced nature, to include a variety of controlled substance and explosive aides for explosive detector K-9. All assigned controlled substances will be inspected and accounted for during this training by the canine supervisor.
- b. All simulated training will be as realistic as possible.
- c. Training will be conducted with actual controlled substances unless training with pseudo/scent logic has been authorized by a canine supervisor.
- d. Training and deployment of K-9's shall employ the guard and bark, rather than the guard and hold method.
- e. Re-certification of K-9 teams shall be conducted annually.
- f. All training shall be documented.

- g. Training Aids – All canine handlers will be issued training aids to be utilized for maintenance training with their assigned K-9. See Canine Training Aids policy for guidance in the issuing and security of training aids.

## 5. Dismissal

- a. Membership and participation as a part of the team is considered a privilege not a promotion. To maintain team integrity and the highest level of standards, all members are subject to disciplinary action and may be removed from the team by the Sheriff or the Sheriff's designee. Reasons for removal or suspension from the team may include, but are not limited to, the following:
  - i. Failure to attend special assignments;
  - ii. Failure to attend training unless excused;
  - iii. Failure to pass a certification or re-certification course;
  - iv. Failure to maintain team's standards; and/or
  - v. Failure to meet duties and responsibilities.

## **E. Canine Handler Responsibilities**

1. The overall health and welfare of the Department issued K-9 is the assigned handler's responsibility. Dona Ana Sheriff's Office canines shall not be used for any non-department approved activities.
2. When in contact with the public, handlers will follow the following "Rules of Public Contact" guidelines:
  - a. At no time will a canine be left unattended with anyone other than a certified Handler, Instructor, or authorized personnel;
  - b. Any public demonstration should have prior approval from the K-9 supervisor. The handler should only perform public demonstrations with a Patrol K-9 off leash in a secured and controlled environment;
  - c. During any contacts with the public, always be aware of, and control, the canine's head;
  - d. Never allow the canine to jump on any person when not in the performance of his/her duties or in training; and/or
  - e. Never leave the canine chained or tied to an object.
3. Medical Care.
  - a. Non-Emergency – Veterinarian visits will be coordinated by the handler with approval from a canine supervisor. Preventative treatments will be kept current and documented.
  - b. Emergency – Emergency medical treatment will be rendered by the designated veterinarian, if practical. The handler will submit a memorandum to the appropriate canine supervisor as soon as practical following the emergency.

4. K-9 Care and Maintenance of K-9 Equipment.
  - a. The K-9 will be groomed and brushed at least three (3) times per week.
  - b. The general health of the K-9 will be checked daily.
  - c. Any indication that the K-9 is unfit for duty will be reported to the K-9 supervisor immediately.
  - d. Equipment will be inspected prior to each tour of duty. Defective equipment will be brought to the attention of the appropriate canine supervisor.
  - e. Department K-9 vehicles will be maintained in good operating condition. The interior will be cleaned and disinfected at least every two (2) weeks.
  - f. Dona Ana County Sheriff's Office shall provide canine handlers with proper housing for their K-9 and will conduct periodic inspections to ensure that the housing is properly maintained.
5. Unattended K-9 Unit.
  - a. When a K-9 unit is unattended, and if the rear windows are covered with screens, they may be opened all the way for maximum ventilation while the K-9 is inside the vehicle.
  - b. K-9s will be equipped with "hot-dog" sensors or a similar system. These sensors will be utilized as appropriate.
  - c. Handlers will leave their K-9s unattended in a manner consistent with their training.
6. Abuse or Neglect of K-9.
  - a. Handlers will not abuse their assigned K-9s or neglect them from proper care.
  - b. Handlers found to be abusing or neglecting their assigned K-9s will be subject to immediate disciplinary action.
7. Handlers will maintain all health, training, and deployment records pertaining to their assigned K-9s.
8. Notification of Arrests, Seizures, or any Injuries.

Handlers will be responsible for notifying his/her chain of command of arrests, seizures, injuries to assigned K-9s or injuries or damage caused by assigned K9s.
9. Off-Duty Maintenance - The handler is authorized one (1/2) hour of compensable maintenance time per day.

## F. K-9 Bites

In the event of a K-9 bite, the handler will notify his/her appropriate supervisor as soon as practical. The following guidelines will be adhered to:

1. Bite during an apprehension incident:
  - a. The handler will request EMS to the scene to assess the level of injury. If necessary, the subject will be transported to a medical facility. If the subject is under arrest, the suspect will be accompanied by police and remain in police custody until booked.
  - b. For all bites during a criminal apprehension incident, the handler will follow Use of Force guidelines by documenting the incident in the Inter Departmental Tracking System, (Guardian).
2. Accidental bites:
  - a. The handler will make arrangements to have the bitten person medically treated and transported to the nearest medical facility, if necessary.
  - b. The handler will provide the bitten person with the following information:
    - i. The name and identification number of the canine (K9) handler; and
    - ii. The name of the K-9.
  - c. The handler will obtain the following information from the bitten person:
    - i. Name;
    - ii. Birth Date;
    - iii. Current address;
    - iv. Current telephone number; and
    - v. Attending physician or treating party.
  - d. An audio/video taped statement will be taken from the bitten person and/or witnesses, if possible.
  - e. The incident will be documented in the Inter Departmental Tracking System (Guardian).
  - f. The handler will obtain the name, birth date, current address, and telephone number from every witness to the incident.
  - g. The handler will arrange for color photographs to be taken of the affected bite area after the wounds have been cleaned, and prior to the application of Betadine solution.
  - h. The incident will be documented in the Inter Departmental Tracking System (Guardian), and notification to the Division Commander through the chain of command as immediate as practical.



- i. If the bitten person refuses medical treatment or transportation for medical treatment, the information, along with the reason for refusal, must be included in the reporting system.
- j. In the event a K-9 accidentally bites the handler, or other Police officer, the handler or officer should receive medical attention immediately, if necessary. The incident should then be documented with a memo up the chain of command as well as per department policy Notice of Injury Procedures where applicable.
- k. Risk Management will be notified as soon as practical at the direction of the Division Commander.

## **G. Kennels**

1. Department-issued K-9s will be kept at the homes of their handlers, in kennels, or quarters approved and/or provided by the Department. The kennels will be kept clean and sanitary at all times.
2. K-9s will be securely kenneled or under the control of their handlers while off-duty. The K-9 will not be lodged at another location, other than the handler's residence, unless approved by the appropriate handler's supervisor.
3. When the handler anticipates taking vacation or an extended number of days off, the handler will notify the appropriate handler's supervisor. If necessary, the handler will make arrangements for the care and kenneling of the K-9 while on vacation or on extended time off.
4. The K-9 will not be allowed to roam at will.
5. Handlers will ensure a secure and restful home environment for their K-9s. The K9 must be safe and not at risk from attacks by persons, wild animals or neighborhood/personal pets.

## **H. Uniforms**

Refer to department policy - Uniforms, Grooming, and Equipment, for the uniform designated for canine handlers.

## **I. Retirement of Department Canines**

Should it become necessary to retire a canine from service with the department, the department may transfer ownership of the animal to its last handler, or another interested party approved by the Sheriff, provided they wish to accept the K-9, and sign suitable releases, i.e. releasing Dona Ana County and its employees from future liability.

## **J. Equipment**

It is the goal of the team to keep equipment in a constant state of readiness and to be accountable for all issued equipment.

1. All canine handlers will be issued the following equipment:

- a. Issued Canine
- b. Reflective Collar, Fur Saver (Collar).
- c. Two (2) Leashes, 4' Lead and 20' Lead
- d. Muzzle
- e. Water Bucket, Two (2) Food Bowls
- f. Dog First Aid Kit
- g. Large Dog Kennel, Portable Travel Kennel, Kennel for Unit
- h. K-9 Training Log Book
- i. K-9 Deployment Log
- j. Exposed Sleeve (one [1])
- k. German Muzzle (one [1])
- l. Pinch Collar (one [1])
- m. Tracking Harness (one [1])
- n. 2" Agitation Collar (one [1])
- o. 10 Meter 1" Nylon Long Line (one [1])

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004g	
<b>CALEA STANDARD:</b> 41.1.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Canine Training Aids

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#### I. PURPOSE:

The purpose of this policy is to provide guidelines for the storage and use of controlled substances as canine training aids.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish procedures for the storage and use of controlled substances which are used as canine training aids for the canine handler.

#### III. PROCEDURE:

Controlled substance evidence that has been tested by the New Mexico State Crime Laboratory and is no longer of any evidentiary value, or controlled substances obtained from the United States Drug Enforcement Administration, may be used as a canine training aid.

##### Issuing and Replacement of Training Aids:

The canine supervisor, with the authorization of the District Court, is responsible for the transition of the controlled substances from evidentiary purposes to use as a training aid. Controlled substances used as training aids are weighed, field tested, and placed in sealed, marked containers by the evidence clerk and the canine supervisor.

The canine supervisor is responsible for the training aids until they are issued to the canine handler. When the training aid is issued, the canine supervisor and the canine handler will jointly inspect the training aid to ensure they are properly sealed and marked. The canine supervisor will maintain a log, detailing the issuance of each training aid.

In order to ensure the quality of canine training aids, all training aids should be

replaced every twelve months, where feasible to do so, and appropriate replacement training aids are available. The canine supervisor is responsible for returning the training aid which will be replaced to the evidence clerk. The canine supervisor and the evidence clerk will jointly weigh and inspect the seals of the training aid container. The evidence clerk and the canine supervisor will report any discrepancy in the weight, or any appearance of tampering with the container or seals, to their respective supervisors, as soon as possible.

Once the canine supervisor and the evidence clerk satisfactorily determine the absence of discrepancies in the weight, appearance, or packaging of the controlled substance, a final verification of the container's content shall be jointly undertaken. For the purpose of content verification, and prior to the acceptance of the controlled substance for final destruction, a field testing kit, appropriate to the drug being tested, shall suffice for content verification. Any discrepancy revealed in the content of the controlled substance shall be immediately reported to the respective supervisors of the canine supervisor and the evidence clerk.

Training aids that are scheduled to be replaced will undergo evidence destruction procedures.


#### **Training Aids Security:**

The canine supervisor is responsible for the storage of the training aids, until they are issued to the canine handler. The training aids are stored in a locked safe in the canine supervisor's office. The canine supervisor will maintain a log of each issued training aid. The log will indicate the date the training aid is issued, to which canine handler it is issued, and a description of the training aid, including the type of controlled substance and the weight.

Secure storage of the training aids is the responsibility of the canine handler to whom it is issued. Training aids shall be stored in a locked safe in each canine handler's patrol vehicle. The patrol vehicle shall also be locked at all times, when not in use. When not being used for a training exercise, training aids are to be stored in a locked cabinet. Access to the cabinet is restricted to the canine handler and canine supervisor. While not in storage, the training aid will always remain within the immediate control of the canine handler.

Canine training aids are subject to un-announced inspection and audit by the Special Services captain or the Professional Standards lieutenant.

#### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-004h	
<b>CALEA STANDARD:</b> 4.3.1-4.3.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Firearms, Range Training and Ammunition

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide deputies with guidelines on the types of weapons systems and ammunition authorized to be used by Doña Ana County Sheriff's Office (DASO) personnel in the performance of their responsibilities.

#### II. POLICY

It is the policy of (DASO), in compliance with the Fourth Amendment of the United States Constitution, that DASO deputies shall use only that force which is objectively reasonable to maintain control of an incident, to effect lawful objectives, or while protecting the lives of themselves or another.

It is the policy of DASO to provide clear procedures to sworn deputies regarding the use of force in the performance of their duties. The safety of innocent persons and deputies is of paramount importance.

DASO recognizes that combative, noncompliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, DASO has adopted the use of a non-lethal and lethal force philosophy to assist with the de-escalation of potentially violent confrontations.

The main responsibility of DASO deputies is to protect the life and property of the citizens. In compliance with applicable law, deputies shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the deputies or others. There is a compelling public interest that deputies, authorized to exercise the use of force, do so in an objectively reasonable manner, and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law.

Deputies who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a deputy's authority, and hinder DASO's ability to provide effective law enforcement services to the community. Therefore, deputies who use excessive or unauthorized force shall be subject to discipline, criminal prosecution, and/or civil liability.

Accordingly, DASO will thoroughly review and/or investigate all uses of force by deputies to assure compliance with all legal requirements and this policy.

Every deputy is provided an electronic copy of this policy, via PowerDMS, and is required to review and electronically sign the policy on an annual basis.

### **III. DEFINITIONS**

To view the definitions related to firearms, see the Definitions Appendix.

### **IV. PROCEDURE**

#### **A. AUTHORIZED WEAPONS AND AMMUNITION FOR DUTY CARRY**

All DASO personnel must carry DASO issued weapons while on duty. This includes DASO issued side arms, rifles, and/or shotguns. All sworn personnel, except for administrative personnel (rank of lieutenant, or above), are required to carry and remain qualified on one long gun (rifle or shotgun) for DASO use.

DASO personnel are not permitted to carry personally owned side arms for on/off-duty use and for concealed back-up use while on duty. Authorized on/off-duty and back-up weapons for duty carry must meet specifications outlined in later sections of this policy.

DASO personnel may only carry issued or approved ammunition for duty and training purposes. Under no circumstances will a deputy carry personally manufactured or reloaded ammunition in a DASO issued weapon. Under no circumstances will a deputy carry personally manufactured or reloaded ammunition in a personally owned firearm, while on duty or during any DASO-sponsored training session.

DASO will provide ammunition for all DASO issued firearms and/or ammunition for personal weapons which fall under one of the below listed calibers for duty and training purposes. Deputies who carry a personally owned weapon which is not one of the issued calibers, will carry duty ammunition of reputable make and manufacture and only with prior approval from the DASO Training Division. The following ammunition is issued by DASO:

WEAPON	CALIBER	DUTY	TRAINING
Smith/Wesson M&P 2.0	9mm	+P 127 Grain	124 Grain FMJ
AR-15	.223 caliber	55 Grain (Soft Point)	55 Grain FMJ
Remington 870	12 gauge	Low-Recoil Rifled Slug Flight Controlled 00 Buck	Low-Recoil Rifled Slug Flight Controlled 00 Buck

For less-lethal weapon systems and specialty unit weapon systems, refer to those specific policies for guidance on approved use, types of weapon systems, specific ammunition, procedure for review, inspection, and approval.

## **B. TRAINING GUIDELINES FOR FIREARMS**

No member of DASO is authorized to carry or use a DASO approved firearm without proper training. Initial training for entry level deputies will be completed during the basic police academy. Lateral entry deputies, who do not need to attend an academy, shall complete required training for each weapon system issued to the deputy. Training includes instruction in the proper care, maintenance, and safe operation of the firearm.

Each deputy must maintain their training by annually attending DASO authorized proficiency training courses for each weapon system issued to the deputy.

Deputies must attend a minimum of 4 hours per year of approved firearms training for each issued weapon system (pistol, rifle, and/or shotgun).

Deputies who fail to meet the annual minimum training requirement with their issued shotgun or rifle shall, upon the request of a supervisor or firearms instructor, immediately surrender the weapon system for which the deputy did not meet the annual training requirement.

Deputies who fail to meet the annual minimum training requirement with their issued sidearm shall:

1. Upon the request of a supervisor or firearms instructor, immediately surrender their sidearm; and
2. Sign a written notice that informs the deputy they are prohibited from taking any law enforcement action, driving any DASO issued vehicle, and are being placed on administrative, unarmed duty.

## **C. LIVE FIRE TRAINING GUIDELINES FOR FIREARMS**

Given the inherent risk involved in any live fire training exercise, it is the policy of DASO to adhere to reasonable firearms safety practices when conducting such

training. Live fire safety protocols are the primary responsibility of the range master or firearms instructor who is conducting the training session.

The range master or firearms instructor will ensure the following safety protocols are adhered to by all participants, and will conduct or assign a comprehensive safety briefing, prior to the beginning of any live fire exercise.

1. Safety Protocols-Participants

- a. Upon arrival at the training site all participants will either unload their weapon system(s) 'on-line' under the direction of the range master or firearms instructor, or will unload their weapon system(s) while facing one of the berms. It is unacceptable for any participant to unload their weapon system(s) behind a designated line or while facing away from one of the berms.
- b. Prior to any live fire exercise, all participants will have participated in the safety briefing conducted by the range master or firearms instructor.
- c. Prior to any live fire exercise, all participants will be wearing eye protection, ear protection (plugs or muffs), and their DASO-issued bullet resistant vest.
- d. During any live fire exercise all participants will strictly adhere to the direction of the range master or firearms instructor.

2. Safety Protocols-Range Master/Firearms Instructor

- a. The range master or firearms instructor will ensure that all participants are adhering to the safety protocols outlined above.
- b. The range master or firearms instructor will ensure a comprehensive safety briefing is conducted, and no participant will be permitted to participate in any live fire exercise until they have been given the safety briefing.
- c. The safety briefing will consist of the following information:
  - 1) An understanding that all participants are safety deputies and can call a cease fire command on the line, if they witness any perceived unsafe practice, injury, or policy violation.
  - 2) The location of medical aid on the range and the emergency medical plan and evacuation of the injured party, in the event of a life-threatening injury.
  - 3) In the event of a minor injury, a cease fire command will be called on the line, all weapons will be made safe, and an appropriate course of action will be determined.



- 4) In the event of a life-threatening injury a cease fire command will be called on the line, all weapons will be made safe and the emergency medical plan will be initiated.
- 5) A review of the four firearms safety rules:
  - a) Treat all firearms as if they are loaded.
  - b) Keep your finger off the trigger and outside the trigger guard, until you have made the conscious decision to fire.
  - c) Never point the muzzle at anything you are not willing to destroy.
  - d) Be aware of the foreground and background in relation to your target.
- d. Weapon system persistent malfunction, damage, or operational deficiency:
  - 1) If any DASO issued weapon system, magazine, or related equipment becomes damaged, persistently malfunctions, or fails to operate within reasonable expectations, the firearms instructor will retire the weapon until it can be inspected by a DASO armorer. Following the inspection, and any subsequent servicing of the weapon, a function check (Certified Armorer Standards) shall be completed by a DASO armorer before the weapon system will be placed back in service.
  - 2) The above live fire training guidelines apply only to DASO conducted training exercises. Nothing in this policy governs the off duty, personal practice of an individual deputy, except for paragraph 2, above. In the event a deputy experiences any of the issues outlined in paragraph 2 above, during personal or DASO sponsored training or practice, they are to notify the Training Division of the issue prior, to the weapon being carried in service.

Additionally, specialized units (i.e. SWAT, K9, Gangs, Investigations, etc.) may need to conduct live fire exercises which do not strictly adhere to the recommendations above. Such trainings may be conducted with the approval of the designated lieutenant over that division or specialty unit. Such specialized trainings will be documented, including the reasons outlining the necessity of such training in relation to the unit's responsibilities.

Any reported injury, complaint of injury, perceived policy violation, accidental or negligent discharge of firearm, or other unsafe practice sustained during live fire training exercises shall be reported, in writing, to the Professional Standards lieutenant. The Professional Standards lieutenant may request a review of the incident by the Firearms Panel.

## **D. QUALIFICATION GUIDELINES**

Proficiency for the firearm includes successfully passing a state mandated or DASO mandated qualification course. The course of fire is dependent upon the type of firearm.

DASO shall maintain all firearm training and certification records.

All deputies must qualify with their issued sidearm. Any deputy failing to demonstrate proficiency by failing two consecutive firearms qualifications, any remedial training during that specific qualification, and after the third attempt with their issued sidearm shall:

1. Sign a written notice informing the deputy that he or she is prohibited from taking any law enforcement action,
2. Be placed on administrative duty, and
3. The deputy's immediate supervisor shall be notified within 24 hours.

Deputies who have failed to qualify with their sidearm will be assigned to a firearms instructor, who will arrange a time for the instructor and deputy to meet for a 16-hour remedial training session.

During the training session, the instructor will have the deputy shoot a qualification course, while the instructor monitors the deputy's performance for the purpose of determining individual training needs. The assigned firearms instructor will evaluate the deputy's shooting technique and skills.

Based on the identified skill area(s), the instructor will then utilize skill development drills to assist the deputy in overcoming the area of deficiency. The firearms instructor will use the Firearms Remedial Training Form to document the problems and methods used to correct the deficiency. All remedial training will be completed within two weeks of the qualification failure.

Upon completion of remedial training, the deputy must pass two consecutive qualification courses to demonstrate proficiency.

Any deputy failing to demonstrate proficiency by failing two consecutive firearms qualifications with any other weapon system shall:

1. Sign a written notice informing the deputy that he or she is prohibited from utilizing that weapon system on duty.
2. Deputy will be notified that he or she is to remain on administrative duty, and are subject to discipline up to and including termination.

Any deputy who fails two qualifications requiring remedial training within an 18-

month period will be subject to discipline up to, and including, termination.

DASO reserves the right to require employees, at any time and without notice, to demonstrate proficiency with their issued weapons systems.

## **E. LIGHT DUTY/MEDICAL DEFERMENT/ABSENCE FROM DUTY PROCEDURES**

During employment with DASO, sworn personnel may be placed on a light duty status or medical deferment, based on the recommendation of a certified physician. Light duty status, in some instances, may include a non-firearm status for the deputy.

Any deputy, who is required by a medical condition to take any prescription or over the counter drug which may inhibit their ability or judgement to carry a weapon, shall notify their immediate supervisor.

The determination of a non-firearm classification, while a deputy is on light duty, will be at the sole discretion of the Sheriff, and will be based on the following considerations:

1. Physical limitation or impairment which would prevent or severely affect the deputy's ability to safely and accurately deploy a firearm as a means of personal protection.
2. Over the counter or prescription medication which would impair the deputy's ability to safely and accurately deploy a firearm as a means of personal protection.
3. The deputy's ability to complete annual firearms qualifications and training requirements.
4. Any additional considerations will be reviewed by the Sheriff.

Any deputy, who is placed on a non-firearm status in connection to a light duty assignment, shall sign a written notice informing the deputy that she or he is being placed on administrative unarmed duty.

Upon written notification from the employee's physician or psychologist that the employee can perform all essential job functions, the employee may be re-assigned to his/her former duties, after demonstrating proficiency for all weapons systems. If the light duty status duration is 16 consecutive working days or more, then the deputy will be required to successfully pass a state mandated or DASO mandated qualification course for each weapon system. For more information regarding reinstatement of full duty see the Light or Restricted Duty Assignments Policy.

During employment with DASO, sworn personnel may be assigned to specialized training, FMLA, military deployment, or restrictive duty. If any of these temporary

duty status/assignments extend to 16 working days or longer, the deputy will be required to successfully pass a state mandated or DASO mandated qualification course for each weapon system. If necessary, arrangements will be made by the Advanced Training Unit to provide to the deputy at least 4 hours of approved firearms training, prior to the deputy completing the qualification course. A deputy who fails to demonstrate proficiency by failing the firearms qualifications is subject to the qualification guidelines established in this policy.

## **F. STANDARDS RELATED TO THE USE OF A FIREARM**

The use of a firearm involves the application of force.

Each application of a firearm involves a separate, additional use of force.

Multiple applications of a firearm cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject poses an immediate threat to a deputy or others.

Any decision to apply multiple applications of a firearm must take into consideration whether a subject can comply with the deputy's commands.

## **G. DEPLOYMENT GUIDELINES**

A verbal warning, and time to allow the subject to comply, should be given prior to the use of a firearm, unless a warning would present a danger to the deputy or others. The subject should be given adequate time to comply with commands before the firearm is discharged, unless circumstances exist where the immediate discharge of the firearm is necessary;

When feasible, other deputies on scene should be alerted to the impending use of the firearm to prepare other deputies and avoid sympathetic weapon discharges.

The firearm shall be employed in a manner which is consistent with the Use of Force policy, and in accordance with the training each deputy receives prior to being issued a firearm.

As soon as the subject is compliant, restrained, or when reasonably safe to do so, a supervisor shall be notified of the use of force.

## **H. PERMITTED USES OF A FIREARM**

Deputies are only permitted to use a firearm in accordance with training, and in the following instances:

1. To protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury;
2. To prevent the escape of, or to stop, a suspected felon who has committed a

crime involving infliction of serious physical injury, and who has the ability to carry out that action or threat.

3. To safely destroy an animal that represents a threat to public safety, or as a humanitarian measure, where the animal is seriously injured;
4. During qualifications, range practice, or sporting events.

## **I. PROHIBITED USES OF A FIREARM**

Deputies are prohibited from discharging a firearm under the following circumstances:

1. For illegal purposes such as torture or coercion;
2. Experimenting on a person, even upon their request, during horseplay or in an unprofessional manner;
3. Warning shots (see Warning Shots policy);
4. Deputies are prohibited from discharging a firearm at, or from, a moving vehicle, except as the ultimate measure of self-defense or defense of another.

DASO recognizes that deputies may be placed in situations which are stressful, rapidly evolving and unpredictable. Therefore, DASO permits deputies the discretion to utilize firearms under certain exigent circumstances, as long as the deployment is found to be objectively reasonable, as outlined in the permitted use section of this policy.

## **J. MEDICAL PROCEDURES**

Immediately after the discharge of a firearm on a suspect, the deputy will summon emergency medical aid, as soon as it is reasonably safe to do so.

Immediately after the use of force on an individual, the deputy shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to:

1. breathing difficulties;
2. gagging;
3. significant obvious increase in body temperature;
4. profuse sweating;
5. loss of consciousness, and
6. bleeding.

Upon observing these or other medical problems, or if the individual requests medical assistance, the deputy shall immediately summon emergency medical aid.

Appropriate medical aid will be rendered following any use of force that results in visible injuries or complaints of injury. Individuals with injuries will be examined by emergency medical personnel on scene and/or will be transported to the nearest medical facility for treatment, prior to incarceration.

While transporting an individual to a police or medical facility, the individual's condition should be monitored for signs of shock or other physical discomfort. An individual should never be left unattended while awaiting medical attention. Furthermore, detention facility personnel shall be informed when an empty hand technique has been utilized on an individual. Deputies will receive biennial training in basic first aid and CPR. When feasible, deputies shall provide reasonable medical aid, prior to EMS arriving on scene.

Under circumstances where deputies are obligated, per this policy, to provide medical aid, and an individual refuses the medical aid, the deputy will summon or transport the individual to a certified medical professional. The individual will be provided the opportunity to accept or refuse aid from a licensed medical professional. If an individual refuses medical aid, the refusal should be recorded in the police report and use of force report, along with all relevant information.

#### **K. REPORTING AND INVESTIGATING PROCEDURES**

All reporting procedures and guidelines outlined in the policy, Reporting and Investigating Force, shall be followed.

Upon any discharge of a firearm, (except for training and qualification purposes, and the instances outlined in the permitted uses section of this policy), whether accidental, negligent, or intentional, the deputy shall immediately, when safely practical, notify a supervisor. Supervisors shall report to the scene to investigate the discharge of a firearm.

In the event of a negligent or accidental firearms discharge, the investigating supervisor shall provide same day notification to the Professional Standards lieutenant, via e-mail.

Supervisors shall investigate any firearm discharge, as outlined in the Reporting and Investigating Force policy under (Level 3 Use of Force).

#### **L. BACK-UP WEAPONS PROTOCOL**

DASO permits deputies to carry department owned back-up weapons while on duty. Back-up carry is defined as the concealed carry of an authorized back-up weapon while on duty. Prior to carrying a personal back-up weapon, deputies must receive approval from the Sheriff, or her or his designee. The carry of a back-up weapon is not a substitution for the requirement to carry a primary DASO issued weapon while on duty.

Back-up weapons must be a minimum of a .380 caliber. All back-up firearms must

be approved, inspected, and documented by a Training Division armorer, as described in this policy. Documentation will be completed and placed into the DASO's inventory management system. For a back-up weapon to be considered for use, it must be manufactured by a reputable firearms manufacturer.

Deputies are required to qualify annually with department owned back-up weapons.

#### Back-up Weapon Carry Guidelines:

Deputies, who carry approved department back-up weapons on duty, must successfully pass an annual DASO qualification course and are under the guidelines of DASO's firearms and use of force policies. Approved back-up weapons will be carried in a manner that promotes safe firearms handling. Back-up weapons must be carried concealed from view, and retained in a holster, which covers the firearm's trigger guard and secures the firearm to the deputy's body.

Holsters, concealment methods, and weapon locations may be disqualified upon the recommendation of the Firearms Instructor Review Panel.

### **M. OFF-DUTY WEAPONS PROTOCOL**

Deputies may carry personally owned or DASO-issued weapons off duty in accordance with their constitutional rights, applicable federal and state law, and DASO policy and procedures.

Personal weapons carried concealed while off duty must be a minimum of .380 caliber. Personally owned weapons must be approved, inspected, and documented by a Training Division armorer, as described in this policy.

Documentation will be completed and placed into the DASO's inventory management system. In order for an off-duty weapon to be considered for use, it must be manufactured by a reputable firearms manufacturer.

Deputies are required to qualify annually with personal weapons they intend to carry concealed off duty.

The off-duty concealed carry weapon approval process is as follows:

1. A Training Division armorer will inspect the weapon for safety, reliability, and quality, and the armorer will complete the Personally Owned Weapon Carry / Approval Form,
2. The deputy must successfully complete a DASO Day and Night qualification (NMDPS CCW Qualification) course with a 70%, or better, score.

## **N. WEAPONS MODIFICATIONS**

Deputies are prohibited from making any permanent modifications to any DASO-issued weapon system without approval from the Sheriff. The following non-permanent modifications to DASO-issued weapon systems are approved, but the modifications must be completed by a DASO certified armorer and reported to the Training Division:

Pistols: Reputable aftermarket night sights or optics (red dot sight); grip enhancers (i.e. grip tape, grip sleeves, etc.); aftermarket connectors (3.5 lb. minimum) which results in no less than a 4 lb. trigger pull; aftermarket slide stops; and aftermarket magazine releases.

Rifles: Reputable aftermarket iron sights, optics, and scopes; aftermarket furniture (grips, stocks, sling adapters, etc.); and weapon lights.

Shotgun: Reputable aftermarket iron sights and optics; aftermarket furniture (stock, forend, etc.); and weapon lights.

Any non-permanent modification, which is not listed above, can be screened by the Firearms Panel and receive approval or disapproval, based on the panel's recommendations, or per the Sheriff.

## **O. AMERICANS WITH DISABILITIES ACT FIREARMS COMPLIANCE GUIDELINES**

It is the intention of DASO to comply with the regulations outlined by the American with Disabilities Act. As such, DASO will provide reasonable accommodations for deputies who possess a physical limitation which may preclude them from demonstrating proficiency with a DASO-issued weapon system.

DASO has identified the following two commonly occurring conditions where reasonable accommodations can be made:

1. The proper fit of a handgun to a deputy's hand in order to provide the safe, manageable, and competent handling of the firearm.

### Reasonable Accommodation:

DASO presently issues the Smith and Wesson M&P. The Smith and Wesson handgun is constructed with a smaller grip and an adjusted angle to accommodate the natural point of aim and a shorter length of pull.

2. Issues with focusing vision on the iron sights of a given weapon system.

### Reasonable Accommodation:

DASO presently purchases handguns with traditional tritium iron sights. If a



deputy cannot properly focus their vision to obtain an adequate sight alignment and sight picture, DASO will purchase a holographic red dot sight for the deputy.

In all cases, an instructor, who believes an individual deputy's firearms deficiency is based upon one of the above conditions, shall report the issue to the Training Division, so arrangements can be made to accommodate the issue.

If a firearms instructor believes a physical limitation or disability, not included in the previously mentioned conditions, is preventing a deputy from demonstrating firearms proficiency, the instructor shall report the suspected deficiency to the Training Division, who will determine if arrangements can be made to accommodate the issue.

## **P. STORAGE, MAINTENANCE AND INSPECTIONS**

### **1. STORAGE:**

- a. Deputies shall carry DASO-approved firearms in a DASO-approved holster, while working their assigned shifts and/or functions.
- b. Deputies will secure and store the firearm, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the firearm.
- c. Deputies will ensure that any DASO firearm, kept at home, will be secured in a safe place, inaccessible to family members, especially children.
- d. After a deputy has removed his/her firearm, the deputy will ensure that the firearm is not left in the open, and it is secured, so that it is not readily accessible to the public, detained individuals, suspects, interviewees, victims, or witnesses.
- e. DASO personnel shall abide by DASO policy (Transportation of Detainees) for carrying and storage of weapons at detention and holding facilities.

### **2. MAINTENANCE:**

- a. Any deputy who experiences problems with a weapon system's functionality shall immediately report the issue to a DASO armorer for inspection and repair.
- b. Deputies are required to maintain DASO-approved-carry firearms in a serviceable manner. This includes completing periodic cleaning, function checks, and inspection for parts wear and breakage, consistent with firearms training.

### 3. INSPECTIONS:

- a. A quartermaster system is in place, and the Training Division maintains records of all DASO-owned firearms and related equipment, and to whom the equipment has been assigned.
- b. Only authorized and approved firearms and equipment may be used by sworn DASO personnel.
- c. Certified DASO armorer's complete annual firearms inspections on DASO-owned firearms during annual firearms qualification training.
- d. No firearm will be allowed in service prior to the inspection by a certified DASO Armorer.

### V. APPROVAL



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## Policy and Procedures



<b>POLICY NUMBER:</b> 100-004i	
<b>CALEA STANDARD:</b> 4.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> All related directives.

### Use of Force Definitions

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### **Accidental Discharge:**

An accidental discharge is the unintentional discharge of a weapon, due to a mechanical failure or operational failure of the weapon system, absent deputy negligence.

#### **Active Resistance:**

Active resistance occurs when a subject flees from the presence of a deputy, or makes physically evasive movements (i.e. bracing, tensing, pulling away) to interfere with a deputy's attempt to control or detain that subject.

#### **Active Aggression:**

Active aggression is when a subject demonstrates imminent or immediate physically aggressive movements likely to result in the assault or battery of a deputy or another.

#### **Authorized Weapons:**

Authorized weapons are weapons that meet DASO specifications which deputies are permitted to carry, and for which deputies successfully complete proficiency and safety training.

#### **Behavioral Cues:**

Behavioral cues include actions taken by a person, coupled with outside information which is available to a deputy, or which are observed during an incident, that indicates potential threat levels.

#### **Critical Firearm Discharge:**

A critical firearm discharge occurs when a deputy intentionally discharges a firearm, excluding training exercises and killing animals for humane purposes.

#### **Central Information Display:**

The Central Information Display (CID) is a window display on the Taser which indicates whether the Taser is 'SAFE' or 'ARMED', the amount of battery life still remaining, and a 5 second (standard cycle) countdown each time the Taser trigger is pulled.

**Data Port:**

Each Taser X26 unit contains an internal data unit which records the date and time of all Taser discharges. This information is downloaded onto a computer, located at DASO, and used specifically for Taser tracking. (THIS NEEDS TO BE REWRITTEN. IS THE DATA PORT THE INTERNAL UNIT, THE ACCESS PORT FOR DOWNLOADING THE DATA, OR THE COMPUTER?)

**Deadly Force:**

Deadly force is considered to be any physical force that can reasonably be expected to cause death or serious physical injury. Deputies must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in the Use of Force policy.

**De-escalation (Prior to Force):**

De-escalation strategies and techniques, prior to the use of force, are those actions used by deputies, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of voluntary compliance.

**De-escalation (Relative to Level of Resistance):**

De-escalation is a decrease in the severity of force used by a deputy in direct response to a decrease in the level of resistance or aggression by a suspect.

**Drive Stun Deployment:**

There are two separate modes of drive stun deployment:

Method 1) the drive stun is achieved by applying direct contact of the electrodes of the Taser to a subject without a cartridge attached to the ECW. This method may cause pain and will not achieve Neuromuscular Incapacitation (NMI) where no probes have made contact with the subject.

Method 2) a three-point deployment, which is achieved by deploying the probes into a subject and creating a third point of contact with the electrodes of the Taser to another distant point on the subject's body. This method, if properly executed can achieve NMI.

**Electronic Control Weapon (ECW):**

An ECW is also commonly referred to as a CEW, CED, and ECD. These are a hand held neuromuscular disruption device capable of temporarily incapacitating a subject through the application of an electrical current. The ECW currently utilized at DASO is the Taser.

**Empty Hand Techniques:**

Empty hand techniques consist of a physical contact technique that includes many different methods of subject control. Empty Hand Techniques can be broken down into two categories:

**1. Soft Empty Hand Techniques:**

Techniques that have a minimal potential for injury such as escort holds, joint manipulations, assisted take-downs, or pressure points.

**2. Hard Empty Hand Techniques:**

Techniques that pose a higher likelihood of injury including, but not limited to strikes, arm-bar takedowns, unassisted take-downs, leg sweeps, or tackles.

**Excited Delirium:**

Excited delirium is a state of extreme mental and physiological excitement, often characterized by some, or all, of the following: exceptional agitation and hyperactivity, profuse sweating, overheating, excessive tearing of the eyes, removal of clothing, hostility, exceptional strength, aggression, paranoia, and/or endurance without apparent fatigue.

**Firearm:**

A firearm is a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels.

**Force:**

Force is considered the means intentionally applied or the amount of physical effort by a deputy(ies) to overcome passive and active resistance or active aggression. The term does not include escorting or handcuffing a person with minimal or no resistance.

**Great Bodily Harm/Serious Physical Injury:**

Great bodily harm/serious physical injury includes any serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

**Gross Criminal Negligence:**

Gross criminal negligence may be construed as being criminal in nature where such negligence is accompanied by acts of commission and/or omission of a wanton and willful nature, which show reckless or indifferent disregard of the rights of others, under circumstances reasonably calculated to produce injury, or which will make it probable that injury will occur.

**Harm:**

Harm is any injury inflicted upon a person, whether visible or not.

**Immediate Threat:**

An immediate threat is a deputy's reasonable perception that a suspect's actions are presently creating a threat of danger, death, or serious injury from any action or outcome that may occur during an encounter. For example, a subject pointing a gun at a deputy would be an immediate threat.

**Imminent Threat:**

An imminent threat is a deputy's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger, even if he or she is not pointing a weapon at the deputy but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the deputy has reason to believe a weapon is available.

**Impact Weapons:**

Impact weapons are standard issue batons, or personally owned and approved batons, which meet the following criteria: straight batons comprised of hard wood or composite, or manufactured cold-rolled steel, collapsible batons (i.e. Asp, Monadnock, etc.).

**Extended Range Impact Device:**

Extended range impact device(s) are measures or equipment designed by the manufacturer to incapacitate without causing death or serious physical injury. These measures may still possess the potential to cause death or serious physical injury.

**Lethal Force:**

Lethal force is any use of force that is likely to cause death or serious physical injury.

**Level of Force:**

The level of force is the force option or amount of force that a deputy uses to gain control over a subject.

**Level of Resistance:**

The level of resistance is the amount of force demonstrated by a subject to resist compliance with the lawful order or lawful actions of a deputy.

**Motor Vehicle Pursuit:**

A motor vehicle pursuit is an active attempt by a law enforcement deputy, operating an authorized emergency vehicle, to apprehend one or more occupants of a motor vehicle, the driver of which is actively attempting to avoid apprehension by, but (not?) limited to exceeding the posted speed limit, disobeying traffic laws, or attempting to elude the deputy through evasive maneuvers or tactics. A visual and audible signal must be given by the deputy directing the operator to stop.

**Negligent Discharge:**

Negligent discharge is the unintentional discharge of a weapon where the deputy demonstrated willful behavior likely to cause injury or harm, carelessness, or purposeful wanton disregard for accepted safety protocols in the handling of the weapon, which led to the discharge.

**Neuromuscular Incapacitation (NMI):**

Neuromuscular Incapacitation (NMI) is a direct involuntary contraction of the muscles that disrupts neuromuscular control, affecting the motor, sensory, and nervous systems of the body.

**Non-Deadly Force:**

Non-deadly force is any force used by a deputy that would not reasonably be expected to cause death.

**Non-Verbal and Verbal Non-Compliance:**

Non-verbal and/or verbal non-compliance occurs when a subject expresses his/her intentions not to comply with a deputy's directive through verbal and/or non-verbal means. A deputy may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

**Objectively Reasonable Force:**

Objectively reasonable force is the degree of force required in effecting an arrest, investigatory stop, or other seizure, when evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable deputy on the scene, based on the facts and circumstances known to and confronting the deputy at the time. (*Graham v. Connor*, 490 US 388 (1989)). In determining the appropriate level of force to be used, deputies shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the

crime or suspected offense, the level of threat or resistance presented by the subject, the risk or apparent attempt by the subject to escape, and whether the subject was posing an imminent threat to deputies or others.

**Oleoresin Capsicum (OC) Spray:**

OC spray is an inflammatory agent that irritates the mucus membrane and eyes to cause tears and pain. It is an intermediate weapon that is classified as being non-deadly. It should only be used, however, when a deputy is met with a certain degree of resistance or aggression through either actions or words.

**Passive Resistance:**

Passive resistance occurs when a subject does not cooperate with a deputy's commands, through non-verbal or verbal non-compliance, or prevents the deputy from gaining control of a scene, physical control, or custody of the subject (i.e. a suspect who refuses to go to a prone position when given a lawful command to do so).

**Pepper ball:**

A Pepper ball is a frangible projectile (pellet) which contains a powdered chemical that irritates the eyes and nose in a manner similar to pepper spray.

**Pepper ball Launcher:**

A Pepper ball launcher is a device which launches a frangible projectile (pellet) containing a powdered chemical that irritates the eyes and nose in a manner similar to pepper spray.

**Physical Stress Training:**

Physical stress training requires the deputy to successfully perform a live fire exercise during or after an agility drill.

**Positional Asphyxia:**

Positional asphyxia is a form of asphyxia, which occurs when body position prevents adequate gas exchange (breathing), such as from upper airway obstruction or a limitation in chest wall expansion.

**Probes:**

Probes are the two (2) straight, stainless steel barbs that are projected from the ECW cartridge, upon discharge of the ECW. They are connected to the ECW by a thin insulated wire up to a distance of 7.6 meters (25 feet).

**Probe Deployment:**

Upon the discharge of an ECW with an attached cartridge, two probes connected to the ECW are deployed. When both probes positively contact a subject's person, Neuromuscular Incapacitation (NMI) occurs.

**Reasonable Belief:**

A reasonable belief is the facts or circumstances the deputy knows, or should know, which would cause an ordinary and prudent deputy to act or think in a similar way under similar circumstances.

**Reportable Use of Force:**

The minimum threshold DASO recognizes as a reportable use of force is defined as any method which constitutes a Level 1 force application or higher. The minimal efforts of a deputy to overcome a subject's passive or active resistance to being handcuffed or escorted does not constitute a reportable application of force.

**Resisted Handcuffing:**

Resisted handcuffing occurs when a person actively resists being placed in handcuffs, and the deputy must use soft hand control techniques to gain compliance by forcibly moving the subject's wrists or arms, or to physically maneuver the subject's body, so the handcuffs can be applied. The resistance may range from an active struggle to a person simply "locking" his/her arms to prevent compliant handcuffing.

**Serious Bodily Injury:**

Serious bodily injury is any injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging, evaluation with no injury discovered, etc., will be evaluated on a case-by-case basis by a supervisor. Absent extenuating circumstances, these may not be designated as serious bodily harm.

**Show of Force:**

A show of force is the intentional demonstration or pointing of a less-lethal or lethal force option at or towards an individual.

**Spark Test:**

A spark test is a full five (5) second maintenance cycle of an ECW device without a cartridge attached. Spark tests are conducted weekly by each deputy who is issued an ECW. The purpose of the spark test is to verify the ECW device is functioning properly. This spark test verifies the battery is adequately charged, and ensures the components in the high voltage section of the ECW are energized (conditioned) on a regular basis, for optimal operational use.

**Standard Cycle:**

A standard cycle consists of an automatic five (5) second cycle delivered by the ECW in a single trigger application.

**Supervisor:**

A supervisor includes a sergeant and above who is assigned responsibility for supervising deputies.

**Tactical Advantage:**

A tactical advantage is any means by which a deputy may gain an advantage over an opposing suspect, or suspects, during a confrontation. This advantage can be by the positioning of one's body, concealment or cover options, or through weaponry options.

**Taser:**

Taser is a brand name for a less lethal force ECW purchased and issued by DASO. The Taser ECW is designed to incapacitate human beings or animals, while minimizing fatalities and permanent injury, through the delivery of short duration electrical impulses that overpower the normal electrical nerve signals within the nerve fibers.



**Tire Deflation Device:**

A spike strip (also known as traffic spikes, tire shredders, one-way traffic treadles, stingers, stop sticks, and formally known as a tire deflation device) is a device used to impede or stop the movement of wheeled vehicles by puncturing their tires.

**Unresisted Handcuffing:**

Unresisted handcuffing occurs when the subject complies with the deputy’s verbal commands and/or unresistingly allows the deputy to position their arms in order to apply handcuffs, or the subject positions their arms as commanded for the application of handcuffs.

**Verbal Commands:**

Verbal commands are the use of directions, persuasion, and/or warnings. In an arrest situation, deputies shall, when feasible, give the arrestee simple directions and encourage the arrestee to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

**Vulnerable Populations:**

Vulnerable populations are individuals who are determined to be at a higher risk for adverse effects from force application due to poor or fragile health. These populations include young children, the elderly, pregnant women, the handicapped, etc.

**Weapon:**

A weapon is any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE

## Policy & Procedure



<b>GENERAL ORDER NUMBER: 100-005</b>	
<b>CALEA STANDARD: 4.2.1-4.2.3</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No: <u>All related directives.</u></b>

### Use of Force Reporting and Administrative Review

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide deputies and their supervisors with guidelines for reporting and investigating use of force incidents. In order to protect citizens and employees, the Doña Ana County Sheriff's Office (DASO) is committed to documenting and investigating use of force incidents.

#### II. POLICY

The authority to use force carries with it the need for accountability, in order to safeguard the rights of the public and preserve the integrity of DASO. As such, it is DASO's policy that deputies report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any deputy who uses force, who is a witness to a use of force incident, or who authorizes conduct leading to a use of force, shall not be allowed to conduct the review/investigation.

#### III. DEFINITIONS

See Use of Force Definitions

#### IV. PROCEDURES

##### A. FORCE LEVEL CLASSIFICATION

##### 1. Level 1

Any of the following uses of force are considered a Level 1 use of force:

- a) A weaponless compliance technique applied to a vulnerable area, likely to generate pain (i.e., pressure points, direct pressure to a subject's limbs, etc.); or

- b) Isolated joint locks, likely to generate pain (i.e. wrist/arm locks, escort lock, etc.); or
- c) Grounded immobilization techniques (i.e., face down stabilization, 'Figure 4' of legs, direct pressure to a subject's torso, etc.); or
- d) Assisted takedown (the weight of the individual is supported by the deputy, resulting in a controlled decent, minimizing the possibility of injury to the subject); or
- e) A complaint of injury from the subject, directly related to a force application.

## **2. Level 2**

Any of the following uses of force are considered a Level 2 use of force:

- a) The use of a chemical agent applied to a person.
- b) The use of an ECW involving any of the following circumstances:
  - (1) When one or more probes impact or penetrate the subject's clothing or skin;
  - (2) When the push stun arc touches the subject's clothing or skin; or
  - (3) When an ECW is fired at a person, but no contact is made.
- c) The use of an impact weapon involving any of the following circumstances:
  - (1) Any impact weapon, including specialty impact munitions, or any other instrument which is used in an attempt to strike another person, but no contact is made; or
  - (2) The use of impact weapons, including specialty impact munitions, or any other object, to strike a subject and contact is made, regardless of injury: or
  - (3) The impact weapon is used for a non-striking purpose (i.e., prying limbs, come-along technique, or leveraged control of a person).
- d) The use of a weaponless defense technique, other than control holds, for example:
  - (1) Hand/palm/elbow strikes;
  - (2) Knee strikes/kicks;
  - (3) Leg sweeps; and
  - (4) Unassisted or hard takedowns.

- e) The use of any weaponless strike to the head.
- f) The use of a police canine for apprehension, resulting in a bite to the skin or clothing of a suspect.
- g) Any use of force which results in injuries to the subject, requiring emergency medical treatment beyond first aid.

### **3. Level 3**

Any force option resulting in any of the below listed criteria will be considered a Level 3 use of force.

- a) Any use of force resulting in death.
- b) Any firearm discharge, regardless of injury.
- c) Any force which creates a substantial risk of causing death.
- d) Any force which causes serious bodily injuries, as defined in this policy.
- e) Any impact weapon or improvised weapon strike to the head.
- f) Any deployment of an ECW on a handcuffed individual.
- g) Any use of force investigation that is elevated to a Level 3, and is approved by a supervisor.

## **B. FORCED ENTRY REPORTING AND INVESTIGATION**

- a) Forced Entry will be considered a "Level 2" use of force for supervisor response and Guardian entry.
- b) Number of forced entry areas made in one structure.
- c) How was entry made? With the use of tools, hands and or feet etcetera.
- d) Photographs of the damaged property.
- e) Owner of property damaged from forced entry must be issued a "Citizens Claim Procedure Form" (Form located in El Sol County website.)

## **C. PURSUIT REPORTING AND INVESTIGATION**

- a) Pursuits will be considered a "Level 2" use of force for supervisor response and Guardian entry.
- b) See Pursuit Roadblock and Forcible Stop policy (200-004)

## **D. TRAINING**

DASO shall provide training that will enhance the abilities of deputies and supervisors to conduct effective, complete, and thorough use of force reports and investigations.

## **E. REPORTING PROCEDURE**

### **1. Notification**

NOTE: The minimum threshold DASO recognizes as a reportable use of force is defined as any method which constitutes a Level 1 force application or higher. The minimal efforts of a deputy to overcome a subject's passive or active resistance to being handcuffed or escorted do not constitute a reportable application of force.

Deputies shall, as soon as practical, notify the shift supervisor of any Level 1 use of force. In all cases, the notification shall be made by the end of the deputy's shift.

Deputies shall immediately notify the shift supervisor following any Level 2 or Level 3 use of force, or any level of force involving a juvenile age 17 or younger.

### **2. Reporting Criteria**

- a) Any deputy involved in the application of force will document the use of force in the use of force reporting system. (Blue Team)
- b) Any deputy who witnesses a use of force (Level 2 or Level 3) shall advise a shift supervisor, or appropriate commanding deputy, and shall submit the required supplemental reports in the use of force reporting system. (Blue Team)
- c) If a deputy uses force on more than one subject during the same event, the deputy shall complete one use of force report in the reporting system, including all involved individuals whom force was used against.
- d) If deputy is unable to complete the report due to an unforeseen circumstance, then another deputy on scene, directly involved, will complete the report to the extent possible. Otherwise, the immediate supervisor will complete it to the extent possible.
- e) The completed use of force report shall be submitted and tracked to the shift supervisor, prior to the end of the deputy's shift.
- f) All use of force reports shall include the following information:
  - (1) Contact type (i.e. dispatch, self-initiated, flag-down, etc.)
  - (2) Information known to the deputy prior to the contact (i.e., criminal history of suspect, outstanding warrants, etc.)

- (3) Reason for contact (suspected crime, welfare check, etc.)
- (4) Actions of the subject
  - (a) Level of resistance (i.e. passive, active resistance, etc.) perceived by the deputy; and/or
  - (b) Threat (i.e. punch, weapon grab, etc.) perceived by the deputy.
- (5) Efforts made to de-escalate. If de-escalation was unfeasible, state why.
- (6) The force used by the deputy in response to the actions of the subject.
- (7) Extent of injuries to the subject.
- (8) Extent of injuries to the deputy.
- (9) Description of first aid provided or the refusal of medical aid by the subject.
- (10) The name of the supervisor notified, and the time of the notification.

### **3. Supervisor's Responsibility for Reporting**

A supervisor who uses force, or authorizes the use of force, shall not be allowed to conduct the on-scene investigation or provide a finding. Under these circumstances the following procedures shall apply:

- a) Contact another on-duty supervisor to conduct the on-scene investigation into the use of force.
- b) If no other supervisor is on duty, contact the on-duty lieutenant to conduct the on-scene investigation into the use of force.
- c) If the lieutenant is not on duty, contact the on-call detective supervisor to conduct the on-scene investigation into the use of force.
- d) The supervisor, after being notified of a Level 3 use of force, will immediately notify the Sheriff through the chain of command.

## **F. ON-SCENE INVESTIGATION**

### **1. Level 1 Use of Force**

When notified of a Level 1 use of force, the supervisor shall do the following:

- a) Complete the on-scene investigation report, and ensure all required elements are included in the use of force report.

- b) Review the deputy(ies)'s use of force report(s) to ensure compliance, prior to the end of the supervisor's scheduled work week.
- c) Forward the completed use of force report to their respective lieutenant for initial review, who, in turn, will forward the report to Professional Standards within seven days of the incident.

## **2. Level 2 Use of Force**

When notified of a Level 2 use of force, or use of force involving a juvenile age 17 or younger, the supervisor will respond to the scene, and shall do the following:

- a) Ensure that deputy(ies), suspect(s), and citizens receive appropriate medical attention.
- b) Identify all parties involved in the use of force, including deputy(ies), suspect(s), or other involved parties (i.e. security, loss prevention, etc.).
- c) Identify and interview all witnesses to the use of force, and document their statement(s).
- d) Interview suspect(s) involved in the use of force, and document their statement(s).
- e) Photograph all claimed or visible injuries, and all areas where the deputy(ies) report application of force on the suspect(s). Attach the media to the report.
- f) Photograph all claimed or visible injuries sustained by involved deputy(ies), and attach the media to the report.
- g) Collect, or cause to be collected, all evidence of the use of force (i.e. ECW probes, cartridges, aphids, etc.), and any other evidence the supervisor deems relevant to the investigation.
- h) Assess the immediate area of the incident to determine if the use of force was possibly recorded on private video surveillance cameras. If surveillance footage is available, arrange for a copy to be secured as evidence.
- i) Complete the on-scene investigation, and ensure all required elements are included in the use of force report.
- j) Review the deputy(ies)'s use of force report to ensure compliance, prior to the end of the supervisor's scheduled work week.
- k) Forward the completed use of force report to their respective lieutenant for initial review, who, in turn, will forward the report to Professional Standards within seven days of the incident.

### **3. Level 3 Use of Force**

When notified of a Level 3 use of force, not rising to the level of deadly force, as defined by this policy, the supervisor shall do the following:

- a) Immediately respond to and secure the scene.
- b) Ensure that deputy(ies), suspect(s), and citizens receive appropriate medical attention.
- c) Secure, or cause to be secured, the scene and all evidence of use of force for appropriate processing by the investigative units;
- d) Identify witnesses, deputy(ies), suspect(s), and citizens, and ensure that they are segregated for interview by investigating units.
- e) Ensure prompt notification of the chain of command.
- f) If warranted, the Officer Involved Shooting Team may be activated to assist with the on-scene investigation.

## **G. FORCE INVESTIGATION REVIEW**

All use of force reviews conducted by Professional Standards will be completed within sixty (60) days of receipt. If necessary, the sixty (60) day review time period may be extended by the captain of Special Services.

Upon receipt of a use of force report, the Professional Standards lieutenant will assign the report to a Force Investigation sergeant for review.

### **1. Force Investigation Review**

Upon receipt of a use of force report, the assigned Force Investigation sergeant will conduct a review of the following:

- a) Ensure that supervisors responded to the scenes of Level 2 and 3 uses of force as required.
- b) Review use of force report(s) and on-scene investigations submitted by the immediate supervisor.
- c) Verify that all applicable use of force reports and accompanying paperwork were submitted within the specified timelines and reviewed by the immediate supervisor.
- d) Verify that the use of force was reported accurately and completely, and that all required deputy(ies) submitted a report.



- e) Review the on-scene investigation to ensure the submitting supervisor complied with this policy.

In instances where use of force reports are lacking required information, the Force Investigation sergeant will refer the report back to the submitting supervisor and:

- a) Detail missing, omitted, or required information.
- b) Specify a time frame for the supervisor to correct and resubmit the report.

The Force Investigation sergeant will conduct a review of the use of force report, and determine the disposition of the use of force incident.

## **2. Force Investigation Disposition and Findings**

The following are the designated dispositions for use of force incidents:

- a) Within DASO Policy – a use of force is determined to be within DASO policy.
- b) Not Within DASO Policy – a use of force is determined to not be within DASO Policy.

During a use of force review, if a collateral issue, policy failure, or training opportunity is identified, the reviewing sergeant will notate the areas of concern in the disposition, and refer the findings to the Division lieutenant.

During a use of force review, if misconduct is identified related to the use of force incident, the reviewing sergeant will notify the Professional Standards lieutenant, who will initiate an Internal Affairs investigation.

If during a use of force review, the Force Investigation sergeant cannot reach a determination on the disposition of the use of force incident, the investigating sergeant will notify the Professional Standards lieutenant, who may elect to convene an incident review panel.

## **H. ACCOUNTABILITY**

The Division lieutenant, in conjunction with the Professional Standards lieutenant, shall hold deputy(ies) accountable for their actions, if any are determined not to be within DASO policy, as it relates to use of force incidents.

The Division lieutenant, in conjunction with the Professional Standards lieutenant, shall hold supervisor(s) accountable for any failure to comply with the standards outlined in this policy.

In all cases, appropriate non-disciplinary corrective action and/or disciplinary action will be taken, and reviewed by the Division lieutenant or Disciplinary Review Board.

## **I. LEVEL 3 DEADLY FORCE, GREAT BODILY INJURY, OR IN-CUSTODY DEATH PROTOCOL**

If the actions of a deputy(ies) are in question, the investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees.

### **1. Responsibilities and Duties of the Involved Deputy(s)**

When deadly force has been utilized, upon first opportunity after the scene is secured, the deputy(ies) shall immediately:

- a) Notify the immediate supervisor of the incident and location.
- b) When a firearm is involved, the deputy(ies) should refrain from manipulating the weapon system, outside of selecting mechanical safe or holstering.
- c) If feasible, determine the physical condition of any injured person and render first aid.
- d) Request emergency medical aid.
- e) If feasible, begin securing the scene.

Upon request, the involved deputy(ies) shall submit his/her weapon to the appropriate supervisor or investigator. When a weapon is taken from a deputy, it will be replaced, as soon as practicable, by the supervisor.

The involved deputy(s) shall not discuss the case with anyone except:

- a) Supervisors and assigned investigative personnel;
- b) His/her attorney; and/or
- c) Mental health professional.

### **2. Responsibilities and Duties of the Shift Supervisor**

Upon notification of a deadly force in-custody death incident, the immediate supervisor shall:

- a) Immediately respond to and secure the scene;
- b) Ensure that deputy(ies), suspect(s), and citizens receive appropriate medical attention;
- c) Assign a companion deputy to each involved deputy who discharged their firearm.
- d) Secure, or cause to be secured, the scene and all evidence of use of force for

- appropriate processing by the investigative units;
- e) Identify witnesses, deputy(ies), suspect(s), and citizens, and ensure that they are segregated for interview by investigating units;
  - f) Ensure proper notification of the chain of command;
  - g) Establish a command post;
  - h) Instruct the involved deputy(ies) that they are not to wash their hands until given permission by a lead investigator; however, the investigator must take into consideration the need for washing or decontamination, in the event of the presence of blood borne pathogens or other contaminants;
  - i) Unless injured, the deputy(ies) will remain at the scene, until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the deputy(ies) at the scene might cause a more hazardous situation to develop (i.e., violent crowd), the immediate supervisor at the scene shall have the authority to instruct the deputy(ies) to move to another, more appropriate, location.
  - j) Ensure a Crime Scene Security Log is assigned and maintained to record the time and identifying information of all persons entering and exiting the scene, unless relieved by the investigating agency, to include:
    - (1) DASO personnel;
    - (2) Medical personnel;
    - (3) Fire Department personnel; and
    - (4) Other necessary persons.

### **3. Treatment of Deputy(ies)**

- a) The immediate supervisor shall contact a companion deputy (DASO member) of the involved deputy(ies) choosing, who will abide by the following protocol:
  - (1) The companion deputy will remain with the involved deputy, and will ensure that all his/her needs, where possible and appropriate, are met.
  - (2) Under no circumstances will the involved deputy be left unattended, due to the likelihood or the potential that the deputy may become mentally and/or physically overwhelmed, due to the severe nature of the event.
  - (3) The companion deputy will not ask questions in regards to the incident itself.
  - (4) The companion deputy is solely in place to attend to the needs and comfort the involved deputy.

- (5) The companion deputy may also be assigned to remain with the involved deputy, while off-duty or on administrative leave, if deemed necessary.
- b) During the immediate aftermath of the incident, the involved deputy(ies) will not be subjected to any questioning or discussion of the incident, except as it is absolutely necessary to the on-scene investigation. The involved deputy(ies) will also be directed to not discuss the incident with anyone who is not officially assigned to the investigation, to include the companion deputy.
- c) In order to ease the potential anxiety of the involved deputy(ies) and the deputy(ies)'s family, the deputy(ies) shall not be prohibited from notifying immediate family members of his or her status and safety, following the incident.
- d) Additional arrangements will be made to contact the involved deputy(ies)'s family, to advise them of the incident and post incident procedures that will be followed. The following will be adhered to in regards to family notification:
  - (1) Expeditious notification will be made, so as to avoid family member(s) being notified by media entities, or other outside sources, prior to DASO contact.
  - (2) An open line of communication with the involved deputy(ies)'s family will be maintained throughout the investigation.
  - (3) If the deputy(ies) is injured or hospitalized, arrangements shall be made to transport his/her spouse or other immediate family member(s) to the hospital. If possible, this should be accomplished by a DASO member (other than the companion deputy(ies)), who is a close friend of the involved deputy(ies).

#### **4. Witness Deputy(s)**

Deputy(ies) who witness a deadly force or in-custody death incident will abide by the following:

- a) Shall not discuss their observations with anyone except the first responding supervisor(s) or investigator(s).
- b) Upon the request of an investigator, provide a statement and detailed report of their observations.

#### **5. Investigative Protocol**

Investigations of deadly force incidents are conducted by Internal Affairs and/or in conjunction with the Officer Involved Incident Task Force.

The Professional Development lieutenant will initiate an Internal Affairs Investigation and assign an investigator.

If the preliminary investigation discloses a question about the deputy's actions regarding the incident, then the appropriate guidelines will be followed.

## **6. Administrative Leave**

- a) In every instance in which a deputy uses deadly force, or is directly involved in an in-custody death, the deputy will be placed on standard administrative leave. Assignment to administrative leave status shall be non-disciplinary, with no loss of pay or benefits to the deputy.
- b) Administrative leave serves two purposes:
  - (1) To address the personal and emotional needs of a deputy involved in the use of deadly force, or an in-custody death.
  - (2) To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.
- c) Deputy(s) placed on administrative leave shall:
  - (1) Be available at all times after the incident for official interviews and statements regarding the case.
  - (2) Be subject to recall to normal or restricted duty at any time after the preliminary investigation.

## **J. USE OF FORCE ON JUVENILES**

When force is used on a juvenile who is 13 years of age or younger, the incident requires a full, on-scene investigation by a supervisor. Any use of force on this population will be reported to the supervisor immediately, after the scene is secure. The supervisor will treat these investigations, and respond, as if a level 2 use of force was used. Any deficiencies or issues that are discovered during this review will be directed to the supervisor's lieutenant and/or the Professional Development lieutenant.

## **K. ANALYSIS OF REPORTS FROM USE OF FORCE**

Annually, DASO will conduct an analysis of its use of force activities, policies, and practices, and any assault/battery on a peace officer. The annual review is designed to identify trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. See Early Identification System Policy.

## **V. APPROVAL**

APPROVED BY: \_\_\_\_\_



Kim Stewart – Doña Ana County Sheriff

DATE: 1/17/2022

# DOÑA ANA SHERIFF'S OFFICE



## Policies and Procedures



<b>POLICY NUMBER:</b> 100-006	
<b>CALEA STANDARD: 1.2</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b>All related directives</b>

### Deputy Sheriff Limits of Authority

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I PURPOSE

The purpose of this Policy is to set the limits of Doña Ana Sheriff's Office (DASO) Deputy Sheriffs' authority in compliance with NMSA 4-41-2 and 4-41-9. See also **Policy 1.2.3, Compliance with Constitutional Requirements.**

#### II POLICY

It is the policy of DASO to comply with all state laws, regulations, and requirements, as well as restricting Deputies' actions to within the scope of lawful limits and requirements.

#### III APPLICABILITY

This policy shall be applicable to the Sheriff, Undersheriff, all deputies, and officers who are commissioned, to enforce the laws of and testify in the various courts of the County, State, or United States.

#### IV REFERENCES

NMSA 4-41-2 and 4-41-9 refers to New Mexico Statutes Annotated, Chapter 4, Article 41, Sections 2 and 9.

#### V DEFINITIONS

None

## VI PROCEDURES

### A. Legal Authority Defined

1. DASO Deputy Sheriffs' authority is in compliance with New Mexico Statutes Annotated, Chapter 4, Article 41, Section 2 (NMSA 4-41-2) and Chapter 4, Article 41, Section 9 NMSA 4-41-9). It is the policy of DASO to comply with all state laws, regulations, and requirements, as well as restricting Deputies' actions to within the scope of lawful limits and requirements.
2. Deputy Sheriff Supervisors shall oversee the actions of subordinate personnel and prevent them from exceeding the limits of their statutory authority. In instances where the limits of authority have been, or appear to have been, exceeded, the Supervisor shall:
  - a) Take appropriate and immediate corrective action;
  - b) Instruct the Deputy in the limits of his or her authority;
  - c) Report the incident through the Chain of Command to the Sheriff.

## VII APPROVAL

APPROVED BY: \_\_\_\_\_



Kim Stewart – Doña Ana County Sheriff

DATE: 01/17/2022



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-007	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Social Media

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide the Dona Ana County Sheriff's Office's position on the utility, management, administration, and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to acknowledge the new and potentially valuable forums which social media provides in meeting DASO's community outreach, problem solving, investigative, crime prevention, and related objectives. It is our policy to identify potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The DASO also recognizes the role that these tools play in the personal lives of some of our personnel. The personal use of social media can have a bearing on DASO personnel in their official capacity. As such, this policy provides information of a precautionary nature, as well as prohibitions on the use of social media by DASO personnel.

#### III. DEFINITIONS:

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram, SnapChat, TikTok, WeChat, WhatsApp), microblogging sites (Twitter, Riddit, Nixle), photo-and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs and news sites.

#### IV. PROCEDURE:

##### DASO-Sanctioned Presence:



1. Where possible, each DASO-created social media page shall include an introductory statement clearly specifying the purpose and scope of the agency's presence on the website.
2. Where possible, the page(s) should link to DASO's official website.
3. All DASO-related social media sites or pages shall be approved by the Sheriff, or a designee, and shall be administered by the Community Relations Liaison/PIO or as otherwise designated.
4. The Sheriff or a designee must approve social media pages for specific employees, divisions, or programs within DASO. Care must be taken to maintain the integrity of the DASO's online marketing image and its reputation for professionalism and that each on-line page remains consistent with DASO's overall efforts.
5. Where possible, social media pages shall clearly indicate they are maintained by DASO and have DASO contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, DASO, and County policies.

#### **DASO-Sanctioned Use:**

DASO personnel representing DASO via social media outlets shall:

1. Conduct themselves at all times as representatives of DASO and adhere to all DASO standards of conduct;
2. Identify themselves as a member of DASO;
3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information;
4. Not conduct political activities or private business;
5. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

#### **Uses:**

Social media is a valuable investigative tool when seeking evidence or information about:

1. Missing persons;
2. Wanted persons;

3. Gang participation;
4. Crimes perpetrated online;
5. Photos or videos of a crime posted by a participant or observer.

Social media can be used for community outreach and engagement by:

1. Providing crime prevention tips;
2. Offering online-reporting opportunities;
3. Sharing crime maps and data;
4. Soliciting tips about unsolved crimes.

Social media can be used to make time-sensitive notifications related to:

1. Road closures;
2. Special events;
3. Weather emergencies;
4. Missing or endangered persons;
5. Any other types of emergency events.

Social media may be used for:

1. Recruiting;
2. Advertising employment opportunities;
3. Publicizing volunteer positions; and
4. Offering training opportunities.

#### **PERSONAL USE:**

In accordance with State and Federal law, DASO personnel shall abide by the following when using social media:

Precautions and Prohibitions:

DASO personnel are free to express themselves as private citizens on social media sites to the degree their speech does not impair working relationships of DASO for which loyalty and confidentiality are important, impede the performance of duties, or negatively impact the public perception of DASO.

As public employees, DASO personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to DASO. DASO personnel should assume their speech and related activity on social media sites reflects upon their office and DASO.

DASO personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Sheriff or a designee.

DASO personnel may not display logos, uniforms, or similar identifying items on personal web pages.

This does not include the display of such items when associated with public service type events. For example, sporting events, Special Olympics activities etc. If an employee is unsure whether the display of such items would be acceptable, approval should be obtained from the Sheriff or designee.

When using social media, DASO personnel should be mindful that their speech becomes part of the worldwide electronic domain and that such information remains available on-line for an indefinite period of time, even when original postings are deleted by the poster. Adherence to DASO's Code of Conduct, Ethics and Sexual Harassment Policy are required in the personal use of social media.


DASO personnel should be aware that speech containing obscene or sexually explicit language, images, or acts and statements that ridicule, malign, disparage, or otherwise express bias against any race, religion, sexual orientation, or protected class of individuals, may provide grounds for undermining or impeaching a deputy's testimony in criminal proceedings.

DASO personnel may not divulge information gained because of their authority; make any statements, speeches, endorsements, or publish materials that could reasonably be considered to represent the views of DASO without express authorization.

DASO personnel should expect any information created, transmitted, downloaded, exchanged, or discussed in a public online forum, may be accessed by DASO at any time.

DASO personnel should use caution in the type of information published on social media venues and should carefully monitor the accessibility of information published on social media venues so as to not unduly jeopardize the safety of the employee, the employee's family, or that of fellow employees within DASO.

**V. APPROVAL:**

APPROVED BY:  DATE: 1/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-008**

**CALEA STANDARD:  
1.2.4**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Search and Seizure

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Doña Ana County Sheriff's Office (DASO) personnel to consider when dealing with search and seizure issues.

#### II. POLICY (100-008)

It is the policy of DASO to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property. In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, as well as local community standards and prosecutorial considerations to specific search and seizure situations, as appropriate.

#### III. SEARCHES:

The Fourth Amendment - U.S. Constitution: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The Fourth Amendment generally provides that a valid warrant is required in order for a search to be valid. There are, however, exceptions to the rule that permit a warrantless search. Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent.
- Community caretaker
- Stop and Frisk/Pat down search for weapons
- Vehicle searches under certain circumstances- "Automobile Exception"
- Vehicle inventory
- Exigent circumstances
- Incident to a lawful arrest
- Seizure of evidence or contraband in plain view or by plain touch

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, where the deputy has legal access and observations of activities and property located on open public areas. All exceptions require the deputy to be able to articulate the facts that justify and support his/her belief that the application of the exception to the warrant requirement was appropriate and reasonable. These facts should be explained in the deputy's report. Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law. Whenever practicable, deputies are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **IV. SEARCH PROTOCOL:**

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following general guidelines should be followed whenever circumstances permit:

- a. Members of this office will strive to conduct searches with dignity and courtesy.
- b. Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- c. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- d. In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.

#### **V. CONSENT SEARCHES**

Searches conducted pursuant to a valid consent are an exception to the general warrant requirement. The following guidelines have been established for search and seizure without a warrant based on consent to search:

a. To be valid, the person granting consent must have the authority to do so. Generally, deputies of this department should only ask for consent to search when they have articulable reasonable suspicion that does not yet reach probable cause.

b. The deputy requesting the consent search should inform the person that they have the right to refuse the search and may withdraw consent at any time during the search.

c. Deputies wishing to conduct a consent search shall document the request for consent by capturing the interaction on their body worn camera video. This interaction will also be documented, at a minimum, in the CAD notes for the call using keywords "Consent Granted" or "Consent denied", as applicable. If a report is required for the incident, the request for consent and the associated response and officer actions shall be described in the report. Deputies who are not issued a body worn camera shall document their request for a consent search, at a minimum, in the CAD notes of the call using the applicable keywords as listed above. If a report is required for the incident, the request for consent, the associated response, and deputy's actions shall be described in the report.

## **VI. COMMUNITY CARETAKER**

A deputy may stop a vehicle or enter a premise without a warrant or reasonable suspicion when the deputy has specific articulable safety concerns that an individual might be in physical difficulty or need assistance. Such encounters must be done in good faith without the intent of coercion or detention.

## **VII. STOP AND FRISK/PAT-DOWN SEARCH FOR WEAPONS**

A Stop and Frisk/Pat-Down Search for Weapons of an individual is allowed under certain circumstances as described below in Terry v. Ohio:

a. Terry v. Ohio, 392 U.S. 1 (1968) was a landmark decision by the United States Supreme Court which held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer observes unusual conduct which leads him or her to reasonably conclude, based on his or her experience, that the person (1) has committed, is committing, or is about to commit a crime; and (2) that person "may be armed and presently dangerous."

b. For their own protection, police may perform a carefully limited surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is armed and presently dangerous. This reasonable suspicion must be based on "specific and articulable facts" and not merely upon an officer's hunch. This permitted police action has subsequently been referred to in short as a "stop and frisk" or simply a "Terry frisk". The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence.

c. The rationale behind the Supreme Court decision revolves around the understanding that, as the opinion notes, "The rule of excluding evidence seized in violation of the Fourth Amendment has its limitations." The meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).

d. Courts will decide the reasonableness of suspicion on a case-by-case basis. An officer may detain (investigative detention or stop) an individual without probable cause to arrest if the officer has reasonable grounds, based on specific facts, clearly expressed, that the detention was necessary in the interests of crime detection and prevention.

e. Frisk is used to describe the precaution of running the hands quickly up and down and around a person's clothing to discover possession of a weapon. Courts have justified the procedure, generally, as a precautionary measure for the purpose of discovering weapons which might pose a threat to the deputy's safety, while questioning a person under investigation.

Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

- a. The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved,
- b. Where more than one suspect must be handled by a single deputy,
- c. The hour of the day and the location or area where the stop takes place,
- d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons,
- e. The appearance and demeanor of the suspect, or
- f. Visual indications that suggest the suspect is carrying a firearm or other weapon.

## **VIII. SEARCH OF A MOTOR VEHICLE**

The "Carroll Doctrine" (Carroll v. United States) in criminal law refers to a principle that permits a police officer to search an entire motor vehicle and any containers inside it, if there is probable cause to believe the vehicle contains contraband or the fruits, instrumentalities, or evidence of criminal activity.

a. Incident to a lawful arrest of an occupant, motor vehicles and other conveyances may be searched without a search warrant under the following guidelines:

1. Arizona v. Gant - Officers may search the passenger compartment of a vehicle incident to arrest under two scenarios:

i. The arrestee and/or other occupants of the car are unsecured and within reaching distance of the passenger compartment at the time of the arrest; or

ii. The deputy has a "reasonable belief" that evidence relevant to the crime of arrest might be found in the vehicle.

Once a driver and passenger have been secured, other justification must be used to search the interior of the vehicle.

2. Deputies may conduct a search of a vehicle, which does not fall under "incident to arrest" situations under other exceptions to the warrant requirement (i.e. consent search, plain view, probable cause, search for weapon upon reasonable suspicion, and valid inventory search).

3. If the vehicle has no connection with the offense, the search incident to arrest of the vehicle should be limited to the entire passenger compartment and all open or closed containers therein. Locked containers located within the passenger compartment should not be searched without a warrant. Exigent circumstances may exist which may permit an exception to the warrant requirement.

4. The trunk of a vehicle cannot be searched solely for the purpose of an in-custody incident to a lawful arrest incident. If probable cause exists for a specific item that is believed to be located in the trunk of the vehicle, the trunk may be opened and searched without a warrant because of the mobility of the vehicle. If a locked container is found and probable cause exists to search it, a warrant should be obtained.

5. The mobility of a motor vehicle may constitute an exigent circumstance authorizing a warrantless search.

6. To search a vehicle under exigent circumstances, an officer must have probable cause to believe that it contains items that may be seized.

7. If probable cause exists to search a vehicle for contraband, the vehicle may be searched relative to the size of the contraband being sought.

8. Generally, if the deputy has probable cause to believe that a specific container contains contraband and no other exception to the warrant requirement exists, then the deputy should obtain a search warrant before searching that container.

## **IX. VEHICLE INVENTORY AND OTHER INVENTORY SEARCHES**

An inventory search is the routine search performed upon property and persons taken into custody. It is justified not on the basis of probable cause, but on the basis that it is a reasonable administrative task, useful in safeguarding property, the police, and jail security.



(VEHICLE TOW AND RELEASE POLICY) All property in a vehicle towed at the request of a department employee, and not on behalf of the person in charge of the vehicle, shall be inventoried and listed on the Tow Sheet. This includes the trunk and any obvious compartments or containers, even if they are closed. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. Conducting such an inventory shall only be for the intended purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of deputies and the public, and to protect DASO against fraudulent claims of lost, stolen, or damaged property.

If the apparent potential for damage to a closed container reasonably appears to outweigh the protection of the items inside, other options to consider regarding closed containers include, but are not limited to:

- Obtaining access to the closed/locked container from the owner,
- Placing the closed/locked container into safekeeping, or
- Obtaining a recorded verbal waiver of responsibility for the contents of the closed/locked container.

## **X. EXIGENT CIRCUMSTANCES**

**Exigent Circumstances** – Circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

The United States Supreme Court has described the Exigent Circumstances Exception as follows:

A warrantless intrusion into a home may be justified by:

- a. Hot pursuit of a fleeing felon; or
- b. Imminent destruction of evidence; or
- c. The need to prevent a suspect's escape; or
- d. The risk of danger to the police or to other persons inside or outside the dwelling.

"As a matter of constitutional principle, the emergency doctrine is not just another means to justify a warrantless search, but for entry onto private premises to respond to urgent need for aid or protection, promptly launched and promptly terminated when the exigency which legitimized the police presence ceases." State v. Rogers, 573 S.W.2d 710, 716 (Mo. App. W.D. 1978).

## **XI. INCIDENT TO LAWFUL ARREST**

Searches incident to a lawful arrest serve to:

- a. Protect officers from weapons;
- b. Prevent defendant from destroying evidence; and
- c. Prevent defendant from escaping by gaining access to weapons or other items. Incident to a lawful arrest (upon probable cause or with arrest warrant) deputies may search the person and area within his/her immediate control without probable cause to believe he/she has evidence upon him/her.
- d. "Chimel v. California" states in part that a search incident to a lawful arrest in a home must be limited to the area into which an arrestee might reach in order to grab a weapon or other evidentiary items.
- e. Search incident to arrest of vehicles is covered VII a.

## **XII. PLAIN VIEW**

An object in plain view of a deputy, who has the right to be at a location and have that view, can provide probable cause for a seizure.

It is not a search to observe that which is in the open and visible in either daylight or artificial light.

It is not a search when lawful entry has been made into a residence and a contraband article is exposed to view.

It is not a search for a deputy to peer through the window of a detained vehicle without exigent circumstances.

## **XIII. AT THE SCENE OF A CRIME**

A valid search warrant is necessary to search the scene of a crime unless the person who is legally in charge of the property is incapacitated or gives consent. Generally, search warrants will be obtained in most instances even if the person in charge is incapacitated or provides consent. In such instances, where consent is granted or person is incapacitated, a search may be conducted if circumstances exist that would make waiting for a search warrant unreasonable (some level of exigency).

## **XIV. DOCUMENTATION**

Deputies should document any search in a report. To ensure that such reports are sufficient, they should include, at minimum, documentation of the following:

- a. Reason for the search

- b. Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- c. What, if any, injuries or damage occurred
- d. What, if any, steps taken to secure property
- e. The results of the search including a description of any property or contraband seized
- f. If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness officer.

**XV. DEFINITIONS**

Enumerated in policy or statute

**XVI. APPROVAL:**

APPROVED BY:   
Kim Stewart – Doña Ana County Sheriff

DATE: 01/17/2022



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-009	
<b>CALEA STANDARD:</b> 1.2.8	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Strip/Body Cavity Search

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish guidelines for the Dona Ana County Sheriff's Office (DASO) for strip/body cavity searches with or without a warrant, provisions for privacy and search by gender or gender identity/expression, provisions for circumstances involving juveniles, and reporting requirements.

#### II. POLICY

This policy is to ensure that body cavity/strip searches of individuals are conducted within the limits of legal authority, with consideration for the safety of deputies and suspects, out of public view, and with due regard for human dignity.

#### III. APPLICABILITY:

This policy is applicable to all sworn law enforcement deputies of DASO.

##### A. Strip Search

Strip searches will be conducted only after the deputy has completed the following:

1. Established probable cause and has an articulable reason to believe exigent circumstances exist. The probable cause and the exigent circumstances shall be documented in an offense report and/or supplemental report.
2. Obtained written consent to search from the suspect/arrested person or a valid search warrant.

Strip searches will be conducted in the following manner:

1. A deputy of the same gender or gender identify/expression as the arrestee shall conduct the search.
2. Another deputy of the same sex shall witness the search.
3. The search will be conducted in an interior, secure location out of public view. Strip searches will not be conducted within vehicles or outside.
4. If an item(s) is located within the suspect' s person, the deputy shall request that the subject remove the item(s) from his/her person. Refer to the Body Cavity portion of this section, if the subject cannot or will not remove the item.
5. All articles of clothing will be thoroughly searched before returning them to the suspect. The search will be documented on an offense report or supplemental report detailing the probable cause, persons present, location and items retrieved.
6. The search will be video recorded documenting the start and stop time of the search, persons present, location of search and items retrieved. This video will be tagged into evidence.
7. The deputy will properly package and tag any evidence that is retrieved.
8. In the event the above circumstances exist when a deputy takes possession of a prisoner in the custody of a detention center or institution and believes that a strip search is indicated but are not allowed to conduct one, they are authorized to refuse to accept the prisoner. The District Attorney's Office and Transportation Division Supervisor(s) are to be immediately notified if a prisoner is not to be transported.

## **B. Body Cavity Search**

Body cavity searches will be conducted only with a valid search warrant. Deputies shall not personally conduct body cavity searches.

Body cavity searches shall be conducted in the following manner:

1. Suspect/arrested person(s) shall be taken to a medical facility where qualified medical personnel will conduct the search.
2. The deputy shall provide a copy of the search warrant to the medical personnel.

3. If an item(s) is located within the subject's person, the deputy shall retrieve the item(s) from the medical personnel and properly package and tag the item into evidence.
4. The search will be documented on an offense report and/or supplemental report and shall include the name(s) of the medical personnel who conducted the search, and the name and location of the medical facility where the search was conducted.
5. The X-Ray machine is used for prisoners wearing casts or prosthetic devices. In all cases, deputies should verify an injury requiring a cast either with the jail or medical facility that treated the prisoner. This X-Ray search may also be used if the deputy has reasonable grounds to believe the prisoner has swallowed contraband. This medical procedure must first, however, be authorized by a physician.

**C. SEARCHES SHALL NEVER BE CONDUCTED FOR THE PURPOSE OF DEGRADING, HARASSING, EMBARRASSING, OR PUNISHING THE INMATE(S).**

**D. Juveniles**

DASO **DOES NOT** conduct strip searches or body cavity searches on juveniles under the age of 18 years of age.

**IV. DEFINITIONS:**

**Strip Search:**

The suspect/arrested person removes all articles of clothing and is visually examined for any signs of concealed evidence.

**Body Cavity Search:**

A search, conducted by qualified medical personnel, of a suspect/arrested person on specific body cavities for the purpose of retrieving necessary evidence.

**V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-010</b>	
<b>CALEA STANDARD:</b> <b>1.2.5, 1.2.6, 1.2.7</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Arrest with/without Warrant

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for arrests.

### II. POLICY (100-010)

1. It is the policy of the Doña Ana County Sheriff's Office (DASO) that all arrests are to be made in accordance with law as set forth in Chapter 31 of the New Mexico Criminal and Traffic Law Manual – Criminal Procedure (Chapter 31, New Mexico Statutes Annotated (1978).
2. It is the policy of DASO that all persons arrested will be treated with due respect and dignity. Only the minimum force necessary to effect the arrest shall be used. In any case where the subject(s) arrested is injured, he or she shall receive appropriate medical treatment in a timely manner.
3. Where appropriate, and permitted by law, a criminal or traffic citation(s) may be issued in lieu of a custodial arrest.

### III. APPLICABILITY:

All persons arrested will be treated with due respect and dignity. Only the minimum force necessary to effect the arrest shall be used. In any case where the subject(s) arrested is injured, he or she shall receive appropriate medical treatment in a timely manner.

#### A. Custodial Arrest

1. Assault and battery on a household member
2. Following violations allow for subject(s) to be taken into custody:
  - a. Driving While Intoxicated (DWI)
  - b. Reckless Driving
  - c. Leaving the scene of an accident where there are injuries or \$500 or more worth of damage (if located within a reasonable time)
  - d. Requests for immediate appearance before the judge
  - e. Failure or refusal to sign the citation
  - f. Driving on a suspended or revoked license
  - g. Individuals named in an arrest warrant by a Court of competent jurisdiction and where extradition of the subject is ordered/authorized.
  - h. Shoplifting
  - i. Fraudulently obtaining services
  - j. Public Affray in a licensed liquor establishment
  - k. Domestic Violence
  - l. All felony arrests may result in a custodial arrest.

## **B. Alternatives to Custodial Arrests**

Where appropriate and permitted by law, a criminal or non- traffic citation(s) may be issued in lieu of a custodial arrest. Deputies shall verify the identity of any person who is issued a citation.

### **Non-Custodial Arrests**

Where appropriate and permitted by law, deputies may issue a criminal or non-traffic citation(s) in lieu of a custodial arrest. Using the discretion of the deputy and their immediate supervisor, summonses may be issued in lieu of a custodial arrest. If felony charges arise, a warrant should be sought as opposed to a criminal summons. Referrals, informal resolutions, and warnings may be appropriate solutions to address the variety of problems deputies confront.

In cases involving juveniles, the investigating deputy, or designee, will contact the parents of the juvenile as soon as possible and advise them the juvenile was involved in a non-custodial arrest activity, and that they may be contacted by Juvenile Probation and Parole Office (JPPO) as to further action.

## **C. Juvenile Arrests**

1. Law Enforcement interaction with juveniles differs from adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, deputies will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by DASO shall be documented.



2. DASO is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. DASO does not identify any one person or position to oversee juvenile operations, and therefore it is the responsibility for all DASO personnel and components to participate in and support the juvenile operations.
3. Parents or guardians of juveniles taken into custody shall be notified as soon as possible and practical.
4. Juveniles taken into custody shall be handcuffed and searched in accordance with this policy.
5. Detention of juveniles must be authorized by a Juvenile Probation and Parole Office (JPPO) and be in compliance with state statute. A Probable Cause Determination form is required be completed and faxed immediately to the office of the Children's Court Judge, who shall then determine if the juvenile is to be released or retained in custody.
6. All Juveniles arrested require that a report be completed and submitted to the JPPO.
7. Juveniles who have committed driving offenses listed as "delinquent" according to state statute shall be referred to the District Court. This is accomplished by notifying the JPPO. These offenses include:
  - a. Driving Under the Influence;
  - b. Failure to stop in the event of an accident resulting in personal injury or property damage;
  - c. Unlawful taking of a motor vehicle;
  - d. Receiving or transferring a stolen vehicle;
  - e. Homicide by vehicle;
  - f. Injuring or tampering with a motor vehicle;
  - g. Altering or changing engine or VIN numbers;
  - h. Altering or forging a driver's license or making a fictitious license or permit;
  - i. Reckless driving;
  - j. Driving while suspended or revoked; and,
  - k. Any offense punishable as felony.
8. When transporting a juvenile, deputies shall notify dispatch and provide the starting and ending mileage.
9. When the juvenile in custody is under the age of 14 or when the juvenile's mental capacity appears significantly diminished, deputies will contact the parent or guardian of the juvenile prior to questioning.

#### **D. Members of the Military**

Members of the military are not exempt from obeying the criminal and traffic laws of Dona Ana County and the State of New Mexico. In cases where a citation is issued, no report to military authorities is required. In cases where a custodial arrest is made, the nearest military police post shall be notified without delay.

#### **E. Arrests of Members of Outside Law Enforcement Agencies**

1. Members of other Law Enforcement agencies, including sworn Officers, shall be treated like all other persons arrested.
2. An immediate and thorough search of the individual shall be conducted for all weapons, handcuff keys, contraband, and items of evidence.
3. The individual shall be booked in accordance with the policy and procedures of the Dona Ana County Detention Center.
4. The arresting deputy shall, without unnecessary delay, initiate notification of the arrest through the Department's chain of command to the Sheriff, who shall cause notification of the arrest to be made, in a manner he or she deems appropriate, to the head of the Department of the individual arrested. Notification of the arrest shall include the name of the individual arrested, the circumstances surrounding the arrest, and the charges.
5. Any weapons and/or property issued by the arrestee's Department shall be returned to that Department unless deemed to be evidence in the commission of the crime(s) alleged.
6. Members of DASO involved in the arrest or investigation, or otherwise having knowledge of the incident, crime, or any of the individuals involved, shall cooperate with the investigating officers from the other Departments.
7. Members of other agencies who are arrested and placed in the Dona Ana County Detention Center shall be confined separately from other inmates for their protection.

#### **F. Arrest of Members of Dona Ana County Sheriff's Office**

1. Upon receiving notification of the arrest of a member of DASO, the individual receiving such notification shall ascertain: the name of the member arrested, circumstances of the arrest, events causing the arrest or issuance of a warrant, the day, date, time and location of the offense, the jurisdiction involved, the name of the individual and department making the arrest/notification, and the charges pending or filed. If the individual is in custody, determine the name of the facility where the individual is

incarcerated or, if released on bond, or if the member is injured and/or hospitalized (where), and any additional pertinent information. Such notification shall be forwarded without delay through DASO's chain of command to the Sheriff. The Sheriff shall cause all necessary and appropriate notifications to be made.

2. Whenever possible, the arrest of a DASO member by a DASO deputy shall be made only after the Sheriff has been notified. The Sheriff, or his/her designee, shall then designate a deputy of higher rank than the individual to be arrested (if that individual is a sworn officer) to make the arrest. Where there exists an immediate threat to life, property or evidence, the senior deputy on the scene of the event shall make the arrest without delay and cause the immediate notification of the Sheriff through the chain of command.
3. County property (vehicle, weapons, keys, etc.) in the possession of the arrested member shall be seized and, if not deemed as evidence, turned over to the Shift Commander. All property and items deemed to be evidence shall be processed in accordance with the Evidence Manual.
4. Members placed under arrest by DASO shall be searched, handcuffed, and transported to the Dona Ana County Detention Center or other place of incarceration as may be deemed by the Sheriff or other competent authority (e.g., a Court). The individual arrested shall be booked in accordance with the policy governing the Detention Center or other facility.
5. DASO members who have been arrested by any department (except DASO) shall notify the Sheriff immediately, and provide the necessary information for the Sheriff to determine if the individual should be allowed to return to duty, placed on administrative or other leave, or if other appropriate action needs to be taken. The Sheriff shall make such determination in a timely manner and cause the individual to be duly notified.

## **G. Handcuffing**

1. All persons who are arrested and taken into custody shall be handcuffed behind their backs or otherwise secured for their safety and the safety of the deputy(ies).
2. Exceptions may be made for the elderly, invalid, sick or injured, or other physical or mental handicap which may prevent an arrestee from being handcuffed behind his/her back.
3. Deputies will not for any reason utilize a "hog tie" restraint on any arrestee, nor shall any arrestee be secured to any object or another arrestee.
4. Only double locking handcuffs, leg restraints, and belly chain/belt are approved restraint devices during arrestee transports.

5. All handcuffs and double locking leg restraints utilized will be double locked and checked for tightness prior to transport.

## **H. Detainee Transport**

1. All persons who are arrested, or prisoners who are transported, shall be placed in the back seat of a police vehicle or jail transport van equipped with a protective screen or barrier separating the driver and arrestee/prisoner. Detainees will not be transported without a safety barrier.
2. All prisoners shall have the seatbelt fastened around them unless doing so would place the deputy in danger of harm.
3. Before prisoners are placed into a police vehicle and transported, they shall be thoroughly searched for weapons and evidence. Upon arrival at the Detention Center, all arrestees shall be searched again and processed in accordance with the policy governing the Detention Center.
4. The police vehicle shall also be searched for weapons and evidence, both before the prisoner is placed into the vehicle and after delivery of the prisoner to the Detention Center. Police vehicles used for transport should be searched at the beginning of every shift.
5. Employees transporting subjects will ensure the rear locks and windows are secured to prohibit escape.
6. If an arrestee has been injured, or is claiming injury or illness, whether visible or not, the arrestee shall be taken to a medical facility for evaluation by a physician prior to being delivered to the Detention Center. The arrestee may be transported in a police vehicle or ambulance depending upon the severity of the injury or illness.
  - a. If the arrestee is transported by ambulance, a deputy may accompany the arrestee inside the ambulance depending on the circumstances of the situation.
  - b. The transporting deputy shall cooperate with medical personnel and hospital protocols to the fullest extent possible without compromising the security or the safety of the arrestee, medical personnel, deputy, or public. In the event a dispute arises with medical personnel involving the security of the arrestee and which cannot be immediately resolved, a Supervisor will be notified to respond to the location.
  - c. A Supervisor shall be notified when any arrestee has been injured, is claiming injury or illness, is in a condition to pose an exposure risk for any communicable disease, is handicapped, or creates any significantly unusual occurrence.

- d. All instances regarding the transport of injured, sick, handicapped, mentally ill, or arrestees posing a risk of infection from a communicable disease shall be documented in the deputy's incident report.
7. Deputies shall not deviate from transport responsibilities under normal circumstances without Supervisor approval. Normally, no stops will be made while transporting from the point of arrest to the booking/processing location. *Only when there is clear and grave risk to third parties and minimal risk to the detainee will the deputy interrupt the transport to stop and render assistance.*
8. In order to ensure the safety and security of the detainee(s), transporting deputies will not allow the detainee to communicate with others while being transported unless approved by a Supervisor.

### **I. Transporting Detainees to Detention Center**

1. When arriving at a holding facility, the deputy will:
  - a. Secure his or her handgun and any other weapons for safekeeping in a place provided for that purpose (if so equipped). If the receiving Department does not provide a place for firearm storage, the firearm and any other weapons shall be secured in the trunk or locking console of the transporting vehicle. At all times, the security of firearms will be taken seriously.
  - b. Leave restraining devices on the detainee until in a secure portion of the receiving area, or as directed by staff from the receiving facility.
2. When removing restraint devices from detainees, the transporting deputy shall comply with the receiving department's procedures regarding the removal of such restraints. The deputy will:
  - a. Prior to the removal of restraint devices, advise the receiving Officer if the detainee is violent, self-destructive, or emotionally disturbed, or presents any other potential medical or security risk.
  - b. Present all necessary detainee documentation and paperwork (i.e., warrant copy, detainee inventory, etc.) to the receiving officer.
  - c. Document the transfer of custody in the case report.

### **J. Facilities used for Testing and Processing**

During normal operations, DASO personnel will only use those areas within the DASO's facilities which have been designated by the Sheriff for processing and

testing detainees. These areas include the interview and interrogation rooms, booking within the Detention Center, and the breathalyzer area within booking. Additionally, it is recognized that there may be a necessity to utilize additional space such as offices. However, once the testing/processing procedure is completed, the detainee must be released, or transported to a holding facility. No detainee will be left unattended at any time during processing.

**K. Review of Arrests**

All Supervisory Deputies shall review all arrests made by deputies for compliance with the policies and the procedures established by DASO.

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-011**

**CALEA STANDARD:  
33.1.5, 33.1.6, 33.4.1,  
33.4.2, 33.5.1, 33.5.3,  
33.8.2**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**

**All related  
directives.**

### Training and Development

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish needs and procedures for members of the Doña Ana County Sheriff's Office (DASO) and to comply with New Mexico state training requirements.

#### II. POLICY

It is the policy of DASO to provide the best possible training for its members, in order to provide high quality service to the citizens of our community. to develop personnel for promotional and special assignment opportunities, to provide for professional development, and to comply with New Mexico state training requirements as per: NMAC 10.29.7.8. - In-Service Training Cycle for Law Enforcement Officers.

#### III. PROCEDURE

##### A. REMEDIAL TRAINING

1. DASO will utilize remedial training as a constructive tool to reinforce, retain, and refine an employee's knowledge, skills, and abilities, in keeping with the goals and objectives of DASO. The criteria used for requiring remedial training should be based on recurring errors or deficiencies in performance, and may be part of corrective action linked to counseling, reprimand, or other disciplinary action.
2. Supervisors will utilize observed performance and evaluations to identify the need for an employee to have remedial training. A remedial training recommendation can be made by any supervisor, with the training

assignment ultimately being approved by the Sheriff.

3. Remedial training shall be scheduled as soon as practical, and will be required to be satisfactorily completed by the employee. The length of the remedial training will depend on the amount of training required and the observed evidence of satisfactory performance.
4. DASO may identify in-service training, or may choose to use facilities or courses of instruction outside DASO, which will address the remedial training need(s) of the employee(s).
5. Documentation concerning the successful completion of remedial training will be forwarded to the training division, and will be included in the employee's training file.

## **B. UPDATING EMPLOYEE RECORDS**

Employees shall submit a copy of all training certificates to the Training Unit for all Doña Ana County approved or sponsored training. The Training Unit shall maintain an electronic file for each employee, containing a list of programs attended and dates of attendance, and shall place a copy of any applicable certificate and/or document of attendance and performance (if applicable) in the employee's training file. For all County required training, the original acknowledgment form shall be submitted to the HR department to be maintained in the employee's official personnel file.

## **C. TRAINING RECORDS**

1. DASO shall maintain records of each training class it conducts, to include:
  - a) Course content (lesson plans).
  - b) Names of attendees.
  - c) Performance of individual attendees, if measured by tests.
2. Retention for lesson plans and related records will be in accordance with the records retention schedule.

## **D. RECRUIT TRAINING**

1. The Training Division will create an accredited New Mexico Law Enforcement Academy (NMLEA) approved basic satellite academy. The academy will follow the required blocks of instruction set forth in Police Officer Minimum Standards of Training (10.29.9.8 NMAC).
2. The satellite academy will adhere to the core basic training academy curriculum. The Training Division will prepare the cadet deputy for the academy experience, focusing on the responsibilities the cadet must undertake to successfully complete the certification academy.



## **E. RECRUIT TRAINING PROGRAM**

1. DASO's recruit training program shall include:
  - a) A curriculum based on the tasks of the most frequently assigned duties of sworn and non-sworn employees.
  - b) The use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.
  - c) An orientation handbook issued to all new recruit personnel at the time the academy training begins.
2. The cadet/recruit will undergo a state-required training academy designed to teach the Police Officer Minimum Standards of Training (10.29.9.8 NMAC).

## **F. ANNUAL IN-SERVICE TRAINING PROGRAM**

1. In-Service Training is any level of required or non-required training that is Law Enforcement related, and is specifically generated by or for DASO personnel. All sworn personnel are to participate in an annual in-service training program that will also meet the state of New Mexico in-service training requirements, including annual legal updates.
2. The Training Division will host, sponsor, co-sponsor, or provide training announcements for in-service and advanced training opportunities.

## **G. SKILLS DEVELOPMENT TRAINING UPON PROMOTION**

DASO shall provide job-related training prior to promotion, or as soon as practical, following promotion.

## **H. ACCREDITATION TRAINING**

DASO shall familiarize all personnel with the accreditation process as follows:

- a) Personnel will be introduced to the accreditation process within thirty days of being hired. They will be provided specific instruction in accreditation standards that apply to their job description and/or function.
- b) Training and information will be given to all DASO personnel during the self-assessment phase associated with achieving initial DASO accreditation.
- c) Supervisory personnel will be actively involved in preparation for

accreditation, and will be encouraged to involve all the members of DASO to participate as much as possible in the on-site evaluation of the DASO.

**I. ACCREDITATION MANAGER TRAINING**

Personnel assigned to the position of Accreditation Manager will attend specialized accreditation manager training within one year of appointment, and shall be responsible for providing appropriate training to other DASO personnel assigned to the accreditation process.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-012**

**CALEA STANDARD:  
1.2.9**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Biased Policing

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to set guidelines for all members of the Doña Ana County Sheriff's Office (DASO) as it relates to profiling and interacting with others, either in an enforcement mode or in routine official contacts.

Members of DASO are required to serve the public without bias towards anyone – regardless of their age, sex, color, ethnicity, national origin, veteran status, political affiliation, sexual preference, physical/mental disabilities, religion, other belief system, or any other protected class.

#### II. POLICY

It is the policy of DASO that members shall, without exception, treat all persons with professionalism, dignity, and respect regardless of their age, sex, color, ethnicity, national origin, language or accent, veteran status, political affiliation, sexual preference, physical/mental disabilities, religion, or other belief system. Nothing in this policy is meant to deter a deputy from taking appropriate enforcement action or conveying a strong deterrent message to actual or potential violators of the law when such actions are likely to result in contact with a deputy. Deputies are expected to patrol in a proactive manner, to actively investigate suspicious persons, circumstances, crimes, and unusual activities, and take appropriate enforcement or other actions. The treatment, assistance, and enforcement actions taken by members of the DASO shall be based solely upon an individual's behavior or actions. Individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law.

### **III. PROCEDURES**

#### **A. Prohibition of Biased Based Profiling**

Members of DASO will treat all individuals with professionalism, dignity, and respect, at all times. They shall neither engage nor participate in any actions as defined in bias-based profiling or that is contrary to the intent of this policy.

Deputies will make stops and conduct field interviews only based on reasonable suspicion or consensual encounter, and shall make arrests only on the basis of probable cause. This policy shall not preclude deputies from stopping a person to offer assistance. This policy does not prohibit stopping someone suspected of a crime, based on a description that includes one or more of those identified attributes, or considering a person's apparent age when investigating curfew or liquor law violations.

Unless self-disclosed, the deputy shall use his or her best judgment when listing ethnicity and/or race.

#### **B. Training**

The Training Division will review this policy with all of their subordinates at least once a year, and during initial training. The Training Division will forward documentation of the review, to include the date, the time, and names of personnel present for the review. This documentation will be included in each member's training file. This will be in adherence the Prohibition of Profiling Practices Act NMSA 1978 § 29-21-1.

#### **C. Violations**

Supervisors, who become aware of violations of this policy, will take immediate corrective action, document the violation, and forward the documentation through the chain of command to the Sheriff. Follow up may include training for individual members, training for all DASO personnel, or disciplinary action up to, and including, termination.

The Sheriff or his or her designee will submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint, but shall not disclose personal identifying information of a deputy or complainant.

All complaints in regards to the violation of this policy will be investigated, regardless of whether they are oral, in writing, anonymous, or made by third parties.

#### **D. Administrative Review of Department Practices**

DASO will review traffic stops and suspicious person contacts to ensure compliance with the law and to determine any deficiencies.

A documented annual administrative review of data, collected as a result of this directive, will be conducted by the Sheriff or his/her designee. DASO will analyze data from its various records programs to ensure racial/ethnic characteristics are not being used as a basis for traffic and other enforcement efforts, and to attempt to proactively identify potential training or policy issues.

***Members of the Dona Ana County Sheriff's Office found to be involved in bias profiling will be subject to disciplinary action up to and including termination.***

#### **IV. APPLICABILITY:**

This policy is applicable to all sworn law enforcement deputies of DASO.

#### **V. DEFINITIONS:**

Bias –An attitude, resulting in actions for or against an individual or group of individuals, based on differences from one's own beliefs or characteristics, such as age, sex, color, ethnicity, national origin, language or accent, veteran status, political affiliation, sexual preference, physical disabilities, religion, or other belief system.

Bias-Based Profiling – The interdiction, detention, arrest, or other nonconsensual treatment of an individual, because of a characteristic or status, such as race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.

Reasonable Suspicion –A deputy must have a specific and articulable basis in fact for suspecting illegal activity or circumstances has occurred, is occurring, or is about to occur. Such actions must be reasonable when viewed objectively in the light of the circumstances, and the scope and character of the actions must be reasonably related to the actions and behaviors.

Races are defined below, according to the U.S. Census Bureau website  
<http://www.census.gov/topics/population/race/about.html>

White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American – A person having origins in any of the Black racial groups of Africa.

American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022

Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-013**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Knives and Edged Instruments

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the use of edged instruments by Dona Ana County Sheriff's Office personnel.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to regulate the types and use of edged instruments carried by on-duty sworn personnel.

#### III. PROCEDURE:

DASO recognizes that a knife or other edged instrument may be a necessary tool while conducting law enforcement duties. Deputies might utilize these tools to perform emergency rescue and for other utility cutting purposes.

On-duty personnel may carry one tactical rescue (i.e. folding knife), on their person. The cutting edge of such an instrument is not to exceed five inches. Instruments must be black in color or have a stainless steel finish.

Knives and edged instruments may not be worn in an offensive or alarming manner such as with an exposed blade. Exceptions to these guidelines may be made by Shift or Division Lieutenants regarding special assignments or job duties.

Special Response Team (SRT) members, while engaged in SRT duties, are required to carry an edged instrument of a quality suitable for the task of those duties. SRT members, and those employees specifically trained in the proper carry and deployment of such equipment, are permitted to carry a fixed blade either upon a load bearing vest or in any other manner of attachment deemed safe, as determined by the SRT Commander.

Edged instruments must be secured in either a scabbard (fixed blade) or folded, and secured by a clip or other fastening device to ensure officer safety, retention and

concealment of the blade from public display. On-duty personnel may carry a folding knife in plain view, but it must not be displayed in an offensive manner.

Edged instruments are considered to be a utility tool used to accomplish law enforcement activities and are not considered a weapon. However, personnel may use a knife or edged instrument to protect their own life or the life of another in circumstances when the use of deadly force is authorized. Accordingly, employees are authorized to use a knife as a weapon in order to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury;
2. To prevent the escape of or stop a suspected felon who has committed a crime involving the infliction or threatened infliction of serious physical injury and has the ability to carry out that action or threat.

Where feasible, some warning should be given prior to engaging in the use of a knife. Employees should give appropriate medical assistance to injured suspects in circumstances where the employee's safety is no longer in jeopardy.

When a knife or edged instrument is used, a use of force report shall be completed. Any incident involving an employee injury must be reported to a supervisor as soon as possible.

#### **Approval Process:**

DASO recommends that personnel carry knives or edged instruments of quality design, strength, safety and durability. Each employee is responsible for the purchase of their own knife based on the procedures outlined in this policy.

The knife or edged instrument must be inspected and approved for use by the Training Unit prior to being carried. Requests to carry a knife or edged instrument are submitted in writing in the form of an inter-office memorandum to the Training Unit. Approval is based on the knife or edged instrument meeting the above listed quality standards. A list of approved knives and edged instruments is maintained by the Training Unit.

Once the request is approved by the Training Unit, it is forwarded to the requesting employee's Division or Shift Lieutenant for their approval. The approved request is maintained in the employee's personnel file and a copy is returned to the employee.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-014	
<b>CALEA STANDARD:</b> 11.1.1,11.3.1, 11.3.3,12.1.1- 12.1.3,12.2.1, 12.2.2,	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Organizational Administration and Direction

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The Dona Ana County Sheriff's Office (DASO) shall provide a formal organizational structure with clearly defined components so that the Chain of Command and functional divisions are clearly understood by all personnel. It is necessary that all personnel be sufficiently familiar with the structure, functions, activities and services associated with the operation of the Sheriff's Office in order to assist citizens of, and visitors to, Dona Ana County by ensuring inquires or problems are referred to the proper organizational component. The organizational structure of DASO is designed by function and depicted on organizational charts and is available to all personnel. Further, this Policy is created to delineate the functional responsibilities of components within the Department.

#### II. POLICY:

It is the policy of DASO to structure and manage its operations in a manner consistent with sound principles of organizational theory and design.

#### III. PROCEDURE:

DASO is headed by the Sheriff. Reporting directly to the Sheriff is the Undersheriff. Captains of the Uniform Services, the Administrative Services, the Special Services, and the Investigation Services report to the Undersheriff. The Swing and Night Patrol Lieutenants, Traffic, Mounted Patrol, Honor Guard, and Reservists report to the Uniform Services Captain. The Department Manager, Budget Specialist, Grants Supervisor, Records Supervisor, and Recruiter Coordinator report to the Administration Captain. The Bomb Team, the Special Response Team (SRT), the Crisis Negotiation Team, the Judicial Services Lieutenant, the DICO/CALEA Manager, and the Professional Development Lieutenant report to the Special Services Captain.

The Criminal Investigation and Intelligence Lieutenant, Intelligence Support, Grant Operations, Sex Offender Register, Evidence, and Victim Advocacy Supervisors all report to the Investigation Services Captain.

## **Command Protocol**

**Acting Sheriff:** The Sheriff may designate a subordinate as Acting Sheriff to perform the duties of the Sheriff in his/her temporary absence from DASO or during his or her disability. A memorandum may be used for notification of the appointment of Acting Sheriff. If such designation has not been made and the Sheriff is absent from DASO or unable to perform his or her duties or to make such designation, the County Manager or his or her designee shall make such designation.

## **Precedence of Rank**

### **In Exceptional Situations**

The precedence of rank and command shall apply to exceptional situations, in descending order in the Dona Ana County Sheriff's Office: Sheriff, Undersheriff, Major, Captain, Lieutenant, Sergeant, Detective, Patrol Deputy, or non-sworn personnel.

### **In Multiple Functions**

The precedence of rank and command shall apply to situations involving personnel of various functions engaged in the same operation. If two or more Deputies of the same rank are present, the senior Deputy from the component that will ultimately take charge of the scene or the Investigations Unit shall assume command. Depending upon the size and scope of a particular critical incident, the initial Incident Commander may pass off incident command to a higher authority, through proper transfer of command, who has more experience, training, knowledge and/or expertise. However, the Incident Commander does not have to be the highest ranking deputy on scene and can function as the Incident Commander unless properly relieved.

### **In Normal Operations**

The precedence of rank and command shall apply to situations involving day-to-day operations. Members shall act under the command of the most senior Deputy present, unless otherwise directed by a higher-ranking Deputy or supervisor.

A non-sworn Supervisor will not exercise command of sworn personnel but a sworn Supervisor may exercise command of non-sworn personnel in the absence of their Supervisor. Non-sworn personnel will normally report to and work under the guidance of their assigned Supervisor.

**The Major** shall fulfill all of the responsibilities encompassed with the job description as well as specific duties assigned by the Sheriff. The Major acts as Sheriff in the absence of both the Sheriff and Undersheriff. The Major acts as liaison to other County Departments, and outside entities on behalf of the Sheriff, and oversees the supervision of personnel, which includes work allocation, training and problem resolution. She or he plans, administers, manages, and directs operations and personnel including the direct supervision of all Division Captains.

**The Uniform Services Captain** shall fulfill all of the responsibilities encompassed within the job description for the position. In addition to the specifically assigned duties, he or she may perform functions of command and supervision of the Sheriff's Office when directed to do so. The Uniform Services Captain is responsible for patrol, the traffic unit, the mounted patrol, the honor guard, and the reserve program.

**Patrol-** The Patrol Division is the largest and most visible element of the organization. It is the initial response unit to most calls for service. This division is primarily responsible for the prevention and suppression of criminal activities and general patrol.

**Traffic-**The Traffic Division's primary roles are enforcement of traffic laws, the investigation of traffic crashes, and investigation of DWI-related stops and crashes.

**Mounted Patrol-** The Mounted Patrol is typically picturesque or ceremonial, but they are also employed in crowd control and crime prevention in high visibility policing roles.

**Honor Guard-** The core mission of the Honor Guard is to convey DASO's respect, empathy, and condolences in a formal setting in order to assist a grieving community. It may also be utilized to celebrate achievement and other occasions in which a presentation of the colors is appropriate.

**Reserve Program-** The Reserve Program is responsible for performing in a number of general and specialized law enforcement assignments, such as uniformed patrol, investigations, and search and rescue.

**The Administration Services Captain** shall fulfill all of the responsibilities encompassed within the job description for the position. In addition to the specifically assigned duties, he or she may perform functions of command and supervisor of the Sheriff's Office when directed to do so. The Administrative Services Captain is responsible for grant management, payroll, records, budget, inventory, fleet, and recruiting.

**Grant Management-** The Grant Management Supervisor is responsible for supporting central departments, writing/obtaining grants, improving the efficiency of grants administration, increasing the effectiveness of government grant funding, and reducing losses from fraud and error.

**Records-** A Civilian Operations Supervisor and an Assistant Supervisor supervise the Records Division. The Civilian Operations Supervisor is responsible for

evidence, purchasing, supplies, archives, quartermaster, NIBRS, payroll, and the National Crime Information Center Terminal Agency Coordinators.

**Fleet-** The Fleet Supervisor is responsible for coordinating the maintenance, repair, and safety of all vehicles and associated equipment assigned to and utilized by DASO. This includes responsibility for the continued operational readiness of all Department vehicles and equipment.

**The Special Services Captain** shall fulfill all of the responsibilities encompassed within the job description for the position. In addition to the specifically assigned duties, he or she may perform functions of command and supervision of the Sheriff's Office when directed to do so. The Special Services Captain is responsible for the Bomb Team, the Special Response Team (SRT), and the Crisis Negotiation Teams. He or she is also responsible for the Judicial Services, management of DICO, CALEA, the Professional Standards Division, and the Training Division.

**Bomb Team-** This is a team of specially trained employees that render safe and remove suspected explosive or other dangerous or destructive devices that cannot be handled by other personnel. The assigned personnel to this team perform this function in addition to their regularly assigned duties.

**SRT-** This team is used in high-risk situations, which require special equipment and/or training. These situations include snipers, barricaded subjects, hostage situations, high-risk warrant service, high-risk raids, dignitary protection, civil disturbance, and special assignments as dictated by the Sheriff or Special Services Captain. The response for all other circumstances, including environmental incidents and catastrophes, hazardous materials incidents, manmade and natural disasters, and other such exceptional incidents initially falls under the responsibility of Uniform Services Captain. The Captain may delegate all or portions of the required response as needed, or may enlist other departmental services as needed to provide the response appropriate to the incident.

**Judicial Services-** Judicial Services provide a liaison between the Court Services program and DASO, and handles and disseminates civil process.

**Professional Standards-** The Professional Standards Division is responsible for Inspections and Internal Affairs, the internal administrative investigations of DASO, and the Accident Review Process, which reviews DASO motor vehicle accidents. It is also responsible for the Training Division, which is responsible for training, firearms instructors/armorer, and advanced training.

**The Investigation Services Captain** shall fulfill all of the responsibilities encompassed within the job description for the position. In addition to the specifically assigned duties, he or she may perform functions of command and supervision of the Sheriff's Office when directed to do so. The Investigation Services Captain is responsible for the Criminal Investigations Division (CID), the Intelligence Division, Grant Operations, Sex Offender Registry, Evidence, Victim Advocacy, and METRO Narcotics

**CID-** The Detective Division is responsible for investigations involving alleged crimes against persons or property, juveniles, technical operations, warrant services, and Crime Stoppers.

**Intelligence-** Intelligence is responsible for gathering, evaluating, and maintaining criminal intelligence information on validated criminal activity. They conduct interviews with suspected criminals to determine if enough criteria are known to validate the person being interviewed as a criminal. Intel assists the Detective Division in the investigation as needed.

**Evidence-**The Evidence Division is responsible for the control of all evidence and property seized or turned in to DASO. This includes such activities as securing evidence and providing for any necessary lab testing. They also return- evidence and property under DASO's control to the rightful owner or dispose of it as may be directed by a court of law. The evidence technician may be assigned other duties as outlined in the job description to include crime scene processing.

**METRO Narcotics-** Metro Narcotics is responsible for the identification and apprehension of individuals involved in the manufacture, transportation, and distribution of controlled substances.

The organizational structure of DASO is shown on an organizational chart (Attachment). The Sheriff or Administrative Services Captain shall update this chart annually after the budget process and after each change of responsibility. A copy of the current chart is maintained within the PowerDMS system, which is accessible to employees.

### **Unity of Command:**

Each deputy and employee is directly accountable to the chain of command of their respective division or shift, except when working on a special assignment, critical incidents, extra duty, or temporarily assigned to another division or shift within DASO. In these cases, the employee shall be accountable to the first-line supervisor over that shift, assignment, event, duty, or incident. For performance evaluation purposes, employees are accountable to one supervisor, designated as the Lead Evaluator. Whenever DASO engages in an operation involving more than one division, and/or more than one shift, the overall command of the operation shall be assigned to the supervisor of the division or shift initiating the event, unless otherwise directed by the Major, a captain, or the Sheriff. Occasions may arise requiring a supervisor to issue an order outside the chain of command. Nothing in this section shall prevent this. For any given incident, the deputy assigned the call shall be in charge unless the deputy is:

1. Relieved by a Traffic Deputy on an accident scene;
2. Relieved by a Detective on a crime scene;
3. Relieved by a supervisor.

The detective assigned the crime scene shall be in charge unless relieved by a

supervisor. The deputy in charge of an incident shall be responsible for securing and protecting the scene, documenting all entries of persons into the scene, and making arrangements for processing of the scene in accordance with appropriate departmental policy.

In all instances where a supervisor relieves a deputy or detective, that supervisor shall then assume control of the situation.

### **Authority and Responsibility:**

Delegation is a function and tool of good management, when appropriate. The supervisor has the discretion and responsibility to delegate to employees.

When authority is delegated, it shall be the responsibility of the supervisor to ensure that the employee being delegated the authority has the power to act and the ability to carry out the assignment. Correspondingly, no one shall be assigned responsibility for work without being delegated authority to direct the manner of its performance.

All employees' delegated authority to act in an assignment shall make the necessary decisions needed to achieve successful results. Inherent with delegated responsibility is the latitude to make decisions and take the necessary actions to satisfy the requirements of each assignment. Each employee shall also accept the responsibility for the use, misuse or failure to use that authority.

Although employees may be held accountable for their actions, nothing in this policy absolves the supervisor from ultimate responsibility and accountability for the supervision of employees and the use of the delegated authority.

### **Chief Executive Officer (CEO) Notification:**

Chain of command notifications shall begin with the first line supervisor briefing the shift or division lieutenant as soon as enough information has been obtained to relay an appropriate depiction of events. The division or shift lieutenant shall then notify the on-call Operational Commander. The on-call Operational Commander shall make a determination as to the necessity of notification of the Sheriff or other county officials regarding high profile incidents, those involving significant potential agency liability, or events which may result in heightened community interest. The patrol division's first line supervisor sergeant shall be responsible for command notification in the following circumstances, including, but not limited to the following:

1. Violent felonies - defined as homicides, hostage situations, barricaded subjects, armed robberies, shootings (to include drive-by shootings), serious stabbings, forcible criminal sexual penetration, kidnapping, and abducted children.
2. Pursuits - defined as extended pursuits or those involving an accident by members of the police department or the public, or any pursuit causing substantial liability exposure.
3. The arrest of any employee or immediate family member of a department

employee. The arrest of any high-ranking city official or political figure or any arrest which may cause heightened public scrutiny or media exposure.

4. Any significant, internal, employee event involving immediate discipline such as a suspension or an employee being temporarily relieved from duty.

5. Special events where any unusual activity or arrest may create a question as to the agency's liability during the event.

6. Any unusual occurrences or high profile incidents, including bombings, industrial accidents, hazardous materials release, or other critical incidents.

7. All circumstances requiring activation of DASO ancillary groups such as SRT, or which may require the activation or implementation of mutual aid agreements with other agencies.

8. Any other significant circumstance, including injury of a serious nature to an on-duty department employee which would require medical treatment, serious injury to an off-duty department employee or their immediate family members which requires hospitalization, or any other unusual circumstance that may be of concern to department command staff.

9. Severe weather occurrences or other natural or man-made hazards which pose significant threat to the public's safety or to police operations.

10. Events which are of significant public concern or which are of particular media interest due to current community interest or concern.

Any employee who obtains information that could fall into any of the above categories, or which may be of likely significant community interest, shall notify their supervisor before transmitting any type of public notifications or releases. The supervisor shall then be responsible for notification of the chain of command and further dissemination.

### **Supervisor Accountability:**

The acceptance of delegated authority carries with it the burden of accountability. Accordingly, all supervisory personnel are held accountable for the performance of employees under their immediate control and shall be expected to provide the following direction, coordination, and control of employees:

1. Direction is provided through verbal means and/or written means.

2. Coordination of any work effort is either directly or indirectly monitored by the supervisor responsible for its outcome.

3. Control is maintained over employees in all work efforts with respect to conduct and final disposition.

Nothing in this policy shall make a supervisor liable or responsible for the acts of employees under their immediate control when such acts are outside the course and scope of the employee's employment, unless the supervisor ordered, approved or ratified such acts.

Department supervisors shall refer to the Disciplinary Procedures Policy and Procedure for matters concerning discipline.

This policy shall also apply to all employees who, by necessity, are assigned as interim supervisors.

Employees shall obey, in a timely manner, any lawful directive of a supervisor. This shall include directives relayed from a supervisor by another employee of the same or lesser rank as covered in the CODE OF CONDUCT.

If an employee receives a conflicting order or directive, the CODE OF CONDUCT states:

1. Employees who are given an otherwise proper directive that conflicts a previous directive, rule, or regulation shall respectfully inform the supervisor issuing the directive of the conflict. If the supervisor issuing the directive does not alter or retract it, the directive shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting directive and shall not be held responsible for disobedience of the directive, rule, or regulation previously issued.
2. Employees shall not obey any directive that they know or should know would require them to commit any illegal act. If in doubt about the legality of a directive, employees shall request the issuing supervisor to clarify the directive or shall request to confer with higher authority. Employees shall observe and obey all County Personnel Rules, DASO Policy and Procedures, Standard Operating Procedures, Inter-Office Memorandums and Code of Conduct.

### **Administrative Reporting Program:**

Written Directives: Pursuant to authority granted to the Sheriff, the Dona Ana County Sheriff's Office and Procedure Manual is hereby established for the operation of the Dona Ana County Sheriff's Office. All contents therein, including the Code of Ethics and the Code of Conduct, are subject to the approval of the Sheriff and may be amended, superseded, suspended, or deleted according to the direction of the Sheriff. In addition, the Sheriff has the final determination as to the applicability of any policy, procedure, or code.

Policy and Procedures are issued, modified, and approved by the Sheriff. This manual supersedes all previous rules and regulations, general orders, special orders and/or other written directives issued under the legal authority of the Sheriff.



This manual is written by order of the Sheriff, to standardize the operation of DASO and increase the level of professionalism and competency of DASO employees. This manual is an aid to increasing efficiency and job knowledge. The Sheriff's goal is to create a better understanding of Department Policy and Procedure and of the principles of sound Department administration.

The purpose of Policy and Procedure issuance and maintenance are:

1. To systematically formulate standardized Policies and Procedures pertaining to DASO;
2. To provide guidance and direction for a more efficient operation of DASO; and
3. To provide a permanent, continuing record of all Policies and Procedures which can be readily utilized for guidance.

In order to facilitate the orderly flow of written communication within the structure of the Department, the following system is established:

1. Policy Statements- Policy refers to a broad statement of agency principles or philosophy. Policy statements may be characterized by such words as "may" or "should" and usually do not establish fixed rules or set procedures for conduct of a particular activity, but rather provide a framework for development of procedures and rules and regulations. The Sheriff issues policy statements.

2. Procedural Statements- A procedure is a guideline for carrying out an agency activity; they are "how to" statements. A procedure may be made mandatory in tone with the use of "shall" rather than "should", or "must" rather than "may". Procedures sometimes allow some latitude and discretion in carrying out an activity. Supervisors responsible for the administration of a specific operational area or activity may issue procedure statements.

3. Inter-office Memorandum- This is an informal written document that may or may not convey an order. It is generally used to clarify, inform, instruct, or inquire. Inter-office Memorandums may be issued by any member of DASO.

4. Personnel Order- A written announcement of changes in the status of personnel, i.e. assignments, transfers, promotions, and disciplinary measures. Personnel Orders are issued by the Sheriff or designee.

5. Rules and Regulations- These are specific directives from which no deviation or exceptions are permitted. The Sheriff issues rules and Regulation.

6. Bulletins, Newsletters, and other Specialized Items- May take varied forms and are issued for information purposes. Any member of DASO may issue these.

### **Dissemination and Storage:**

The entire Policy and Procedure manual, including the Code of Conduct, is accessible

to every employee through the PowerDMS network and or Smartforce. PowerDMS/Smartforce, as it relates to the Department, is kept current by the Accreditation Manager. Upon hire, each employee receives instructions on the use of PowerDMS/Smartforce and acknowledges their understanding, acceptance of, and accountability for, DASO's Policies and Procedures.

Current hard copies of the entire Policies and Procedure Manual are available at various locations throughout DASO and can be utilized if the PowerDMS or Smartforce systems are temporarily down. These Manuals are kept current by the Accreditation Manager.

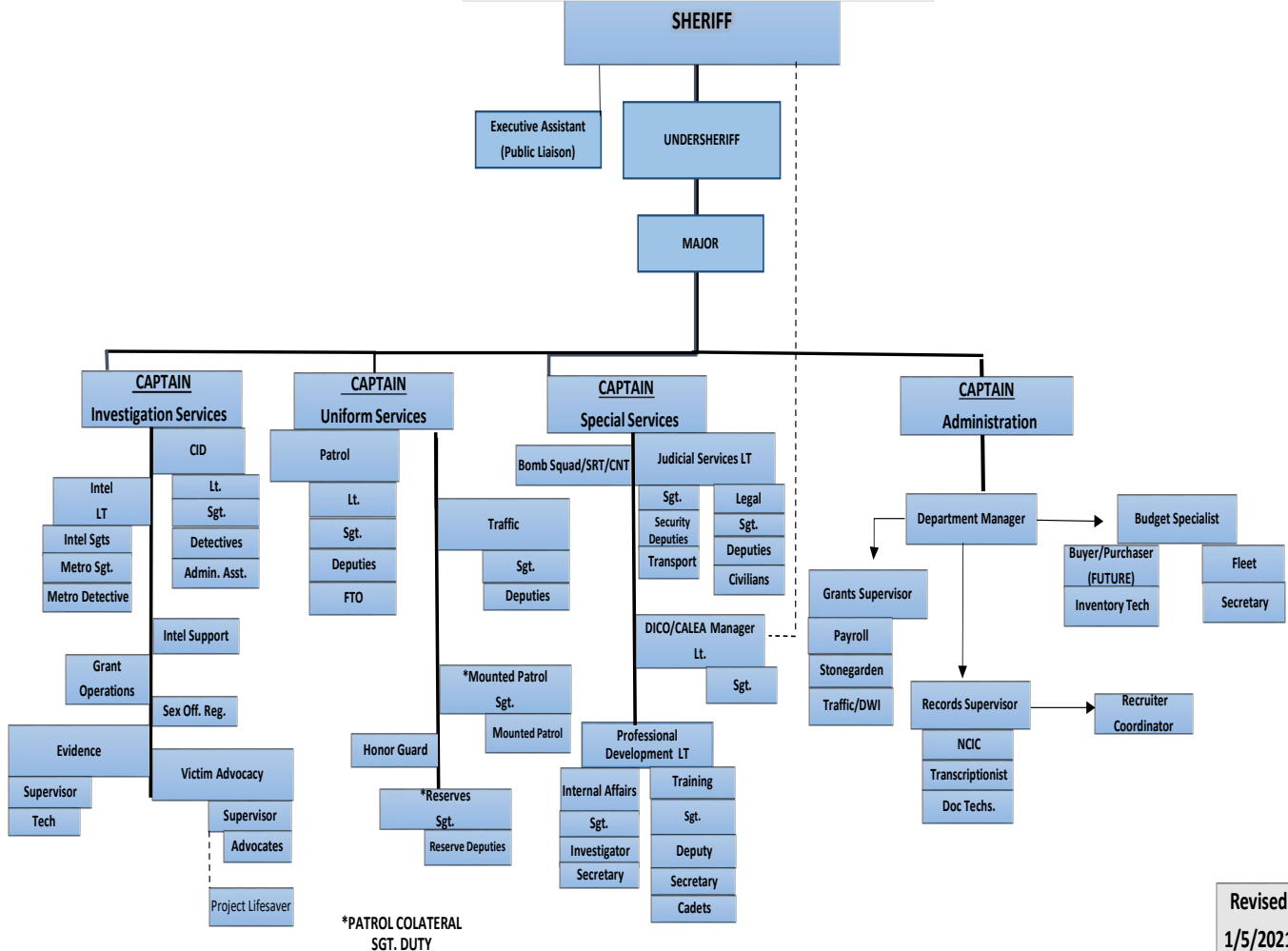
At any time, employees may download all current policies from PowerDMS and Smartforce.

As new or changed Policies and Procedures become effective, a review of the policy may be conducted by a supervisor or in special briefing training sessions. Employees are made aware of any new or changed policy or procedure through notification on the PowerDMS/Smartforce and shall read and acknowledge, in a timely manner, their receipt and understanding of new or changed policies on the PowerDMS/Smartforce systems. Periodic training sessions may be provided with the release of any critical Policies and Procedures, such as Response to Aggression, Motor Vehicle Pursuit, etc.

All originals of the Dona Ana County Sheriff's Office Policy and Procedures, which predate the implementation of PowerDMS/Smartforce, are maintained by the Accreditation Manager.

#### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



Revised  
1/5/2021



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-015	
<b>CALEA STANDARD:</b> 11.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Management Information Reporting

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide a properly functioning administrative reporting system, which provides management information on the activity of the Doña Ana County Sheriff's Office (DASO). Administrative reports will reflect imperative data and trends on activities, and is effective in ensuring proper communication of information throughout DASO and the chain of command.

#### II. POLICY

It is the policy of DASO to compile statistical and data summaries of DASO activities and to maintain a Management Information System.

#### III. PROCEDURE

The Management Information System is designed to provide information to develop a basis for budget forecasting, personnel needs, deployment, operational and support needs, and DASO evaluation. The specified division or personnel are responsible for the compilation and distribution of the respective reports. Distribution to the Sheriff includes administrative personnel (i.e., captain and major) within the chain of command to the Sheriff, in the designated division performing the specified job task.

## Administrative Required Reports

<b>DESCRIPTION</b>	<b>FREQUENCY</b>	<b>DIVISION RESPONSIBLE FOR DRAFTING</b>	<b>DISTRIBUTE TO</b>
UNANNOUNCED PROPERTY AND EVIDENCE STORAGE INSPECTION	ANNUAL (June)	PROFESSIONAL STANDARDS LT.	PROFESSIONAL STANDARDS LT. ACCREDITATION MANAGER SHERIFF
ARMORY/WEAPONS INSPECTIONS	ANNUAL (July)	ARMORY SERGEANT	TRAINING LT. PROFESSIONAL STANDARDS LT. SHERIFF
AMMUNITION	QUARTERLY (third month of each quarter)	ARMORY SERGEANT	TRAINING LT SPECIAL SERVICES CAPT. SHERIFF
STRATEGIC PLAN REVIEW	ANNUAL (Jan)	ACCREDITATION MANAGER	SHERIFF
BUDGET RECOMMENDATIONS	QUARTERLY (third month of each quarter)	BUDGET ANALYST	SHERIFF
FISCAL MANAGEMENT. REPORTS	MONTHLY	RECORDS MANAGER	COMMAND STAFF
PERIODIC WORKLOAD ASSESSMENT	QUADRENNIAL (Dec)	ADMINISTRATIVE CAPT.	ACCREDITATION MANAGER SHERIFF
PERIODIC WORKLOAD ASSESSMENT	QUADRENNIAL (Dec)	INVESTIGATIONS CAPT.	ACCREDITATION MANAGER SHERIFF
PERIODIC WORKLOAD ASSESSMENT	QUADRENNIAL (Dec)	UNIFORMED SVC CAPT.	ACCREDITATION MANAGER SHERIFF
CITIZENS SURVEY	BIENNIAL (Jan)	CAPTAINS	ACCREDITATION MANAGER SHERIFF
AGENCY FORMS AUDIT	ANNUAL (Jan)	DEPARTMENT MANAGER	PROFESSIONAL STANDARDS LT. ADMINISTRATIVE CAPT. ACCREDITATION MANAGER SHERIFF
ACCOUNTING OF CASH (LEGAL/ EVIDENCE)	QUARTERLY (third month of each quarter)	DEPARTMENT MANAGER	ADMINISTRATIVE CAPT. ACCREDITATION MANAGER SHERIFF
PROPERTY/EVIDENCE INSPECTION	QUARTERLY (third month of each quarter)	DEPARTMENT MANAGER	PROFESSIONAL STANDARDS LT. ACCREDITATION MANAGER SHERIFF
CRIMINAL INTELLIGENCE POLICY AND PROCEDURES REVIEW	ANNUAL (Jan)	INVESTIGATIONS LT.	INVESTIGATIONS CAPT. ACCREDITATION MANAGER SHERIFF
COLD CASE INVESTIGATIONS EVALUATION	ANNUAL (Jan)	INVESTIGATIONS LT.	INVESTIGATIONS CAPT. ACCREDITATION MANAGER SHERIFF

VICTIM/WITNESS ASSISTANCE NEEDS REVIEW	BIENNIAL (Jul)	INVESTIGATIONS LT.	INVESTIGATIONS CAPT. ACCREDITATION MANAGER SHERIFF
INVESTIGATIONS LT. INSPECTION	SEMI-ANNUAL (Jan/Jul)	INVESTIGATIONS CAPT.	PROFESSIONAL STANDARDS LT. ACCREDITATION MANAGER SHERIFF
DIVISION REPORT	WEEKLY	DIVISION CAPTAINS	ACCREDITATION MANAGER SHERIFF
SELECTIVE ENFORCEMENT ACTIVITIES REVIEW	ANNUAL (Oct)	TRAFFIC SERGEANT	UNIFORMED SVC CAPT. ACCREDITATION MANAGER SHERIFF
SPECIAL EVENTS ANALYSIS	PER EVENT	ADMINISTRATION CAPT.	ACCREDITATION MANAGER SHERIFF
CRIME PREVENTION PROGRAM	BIENNIAL (Jan)	ADMINISTRATION CAPT.	ACCREDITATION MANAGER SHERIFF
COMMUNITY POLICING REPORT	QUARTERLY (third month of each quarter)	UNIFORMED SVC CAPT.	ACCREDITATION MANAGER SHERIFF
BIAS BASED PROFILING REVIEW	ANNUAL (Jan)	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
GRIEVANCE ANALYSIS	ANNUAL (Jan)	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
INTERNAL AFFAIRS STATISTICS	ANNUAL (Jan)	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
EARLY INTERVENTION SYSTEM EVALUATION	ANNUAL (Jan)	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
UNANNOUNCED K9 TRAINING AIDS INSPECTION	ANNUAL	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
PROPERTY AND EVIDENCE AUDIT	ANNUAL	PROFESSIONAL STANDARDS LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
TASK FORCE EVALUATION AND STATISTICS	ANNUAL (Jun)	INTELLIGENCE LT.	INVESTIGATIONS CAPT. ACCREDITATION MANAGER SHERIFF
JUVENILE DIVERSION PROGRAM EVALUATION	ANNUAL (Jan)	UNIFORMED SVC CAPT.	ACCREDITATION MANAGER SHERIFF
ALL HAZARD PLAN TRAINING	ANNUAL	SWAT COMMANDER	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
FULL-SCALE EXERCISE TRAINING	BIENNIAL	SWAT COMMANDER	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF

ACTIVE THREATS POLICY AND TRAINING NEEDS REVIEW	ANNUAL	SWAT COMMANDER	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
RECRUITMENT PLAN ANALYSIS	ANNUAL (Jun)	TRAINING LT.	SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF EEO SPECIALIST
USE OF FORCE/RESPONSE TO AGGRESSION ANALYSIS	ANNUAL (Jan)	FORCE REVIEW SERGEANT	PROFESSIONAL STANDARDS LT. SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
ASSAULT/BATTERY ON POLICE OFFICER REVIEW	ANNUAL (Jan)	FORCE REVIEW SERGEANT	PROFESSIONAL STANDARDS LT. SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF
PURSUIT ANALYSIS	ANNUAL (Jan)	FORCE REVIEW SERGEANT	PROFESSIONAL STANDARDS LT. SPECIAL SVC CAPT. ACCREDITATION MANAGER SHERIFF

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
 Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-016</b>	
<b>CALEA STANDARD:</b> <b>15.2.1</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Annual Updating/Goals and Objectives

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide the Dona Ana County Sheriff's Office (DASO) with written goals and objectives.

#### II. POLICY

It is the policy of DASO to establish written goals and objectives as part of the annual budget preparation process and multi-year strategic plan.

#### III. PROCEDURE:

On an on-going process, each year DASO is to prepare its annual budget proposal and update the strategic plan for the following fiscal year. As part of this process, each organizational division is required to set budgetary goals, objectives and performance indicators. Following the submission of the budget, each organizational division develops or modifies its strategic goals and objectives. These goals and objectives are based on the budgetary objectives and the strategic plan amendments which encompasses new projects and current or on-going projects, which have been identified throughout the budget process. Strength, Weakness, Opportunities and Threats (SWOT) Analysis and task plans are developed to provide guidelines for how and when the goals and objectives shall be met.

In addition to this annual review, the progress of division performance indicators and task plans are evaluated, updated and modified periodically, as determined by the Sheriff. The department budget document and the strategic plan are available to all Department employees upon request.

#### IV. APPROVAL:

APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-017</b>	
<b>CALEA STANDARD:</b> <b>11.3.1</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Periodic Activity Management System

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish a system to ensure that periodic reports, reviews, and other mandated activities are accomplished.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain a system to ensure that periodic reports, reviews, and other activities mandated by policy and procedure are accomplished as required.

#### III. PROCEDURE

It is the responsibility of the Accreditation Manager to monitor those activities, mandated by DASO policy, which require periodic reports, reviews, or other activities. This will be accomplished through the use of a spreadsheet that is maintained by the Accreditation Manager.

The log which lists the required activities will contain the applicable Commission on Accreditation for Law Enforcement Agencies (CALEA) standard number, report title, or subject, frequency, responsible individual, and due date. The Accreditation Manager will provide this information to those DASO employees responsible for the required activity. It is the responsibility of the assigned DASO employees to accomplish the activity and notify the Accreditation Manager by inter-office memorandum by the due date. The inter-office memorandums documenting completion of required activities will be filed in the CALEA Standard Files. The Accreditation Manager will use the spreadsheet to monitor the dates of the last activity and the next due date to ensure that each required activity is accomplished on time.

#### IV. APPROVAL

APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-018</b>	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Specialized Positions

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To standardize the criteria, application, and rotation for specialized positions and provide an annual review of each specialty position to determine its continuance.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to make the application and criteria for specialized positions a standardized process therefore creating an equitable and uniform procedure.

#### III. PROCEDURE:

When a specialized position becomes available, a Position Announcement is posted and distributed. The announcement shall include:

1. The position that is to be filled;
2. A description of the eligibility requirements for the position;
3. A description of the process to be used in selecting a candidate for the position;
4. Date and to whom the interest is due.

Candidates interested in applying will be required to submit a memo of interest, and application if requested, stating their qualifications and why they are interested in the position.

#### Specialized positions within the Department are:

1. Bomb Technician;

2. Special Response Team;
3. Crisis Negotiation Team
4. Detectives;
5. Internal Affairs;
6. Narcotics Investigators (METRO);
7. Training
8. Traffic
9. TFO Positions

**Review Process:**

In order to avoid overspecialization and to ensure the continued effective operation of the Dona Ana County Sheriff's Office, an annual review of specialty positions will be conducted by the Sheriff or designee. The review will include:

1. An individual review of each specialty position listed in this policy;
2. A statement of purpose for each of the specialty positions;
3. An evaluation of the initial problem or condition that required the implementation of each specialty and if the Dona Ana County Sheriff's Office still has that need.

A decision on whether to continue a specialized position will be made by the Sheriff after the review process has been completed.

Should any Specialized Position be an assignment in which the Dona Ana County Sheriff's Office enters into a contract for law enforcement services, the employment rights of personnel assigned are not abridged by the provider agency.

**Non-Rotation Specialty Positions:**

The following position is exempt from the mandatory rotation matrix:

1. Detective;
2. Bomb Technician (Fulltime position)
3. Canine
4. Modified Rotation Specialty Positions
5. Sex Crimes Detectives, Cold Case Detective

Sex Crimes Detectives are assigned for a period not to exceed (3) years and are required to undergo an annual psychological examination while serving in this capacity. Once a Sex Crimes Detective is cycled out of this position, they may rotate to their previous detective position or out of the division if they so choose. With the exception of the annual psychological, these criteria shall also apply to the Cold Case Detectives. Detectives who rotate out of this position are eligible for reassignment after a (2) year separation from the position.

### **Mandatory Rotation Specialty Positions:**

1. Internal Affairs:
  - a. Sergeant position only: (3) year maximum commitment.
2. METRO:
  - a. Agents: (5) year maximum commitment with the understanding you will be reassigned to Criminal Investigations Division.
3. Training:
  - a. Deputy Positions: (3) year maximum commitment.
  - b. Sergeant Position: (5) year maximum commitment.
4. TFO Positions:
  - a. (3) year maximum commitment (This position is only filled as manpower permits).

The process for the replacing or filling of personnel in this position will begin six months prior to one's transfer, so as to facilitate the lengthy background and credentialing process this position requires.

### **Rotation of Part-time Specialty Positions:**

#### **SRT:**

SRT is unique in that it is a voluntary, part time position. Those selected for the team are subject to stricter guidelines for fitness, firearms proficiency and general performance. SRT operations are dangerous, high-liability situations, requiring well trained and disciplined individuals. Based on these factors, the following will be used as a guide for their rotation review process:

A review of all SRT operators will be conducted on an annual basis. If it is determined an operator has un-excused absences from training, failed to respond when on-call, or has disciplinary actions from his or her regular duties, then they may be subject to removal from the team. Additionally, if a team member fails to meet the physical, psychological or firearms proficiency requirements for the team, they will be subject to removal from the team.

Operators that are subject to removal will be provided a removal hearing with the team commander, assistant team commander and team leaders. If they are not removed from the team, they will be placed on a probationary status pending a secondary review within 6 months.

If there are issues with the operator's performance, on or off the team, the SRT commander and assistant commander can call for the review of an operator's position at any time.

In an effort to ensure there are opportunities for others within the agency to explore the SRT prior to assessment, deputies may attend scheduled trainings, with prior supervisor approval. These opportunities are to expose deputies to the team and encourage them to assess for future positions.

### **Bomb Squad:**

The BOMB team is unique in that all but one position is voluntary, part time positions. Those selected for the team are subject to stricter performance standards and other federal standards. BOMB operations are dangerous, high-liability situations, requiring well trained and disciplined individuals. Based on these factors, the following will be used as a guide for their rotation review process:

A review of all BOMB operators will be conducted on an annual basis. If it is determined an operator has un-excused absences from training, failed to respond when on-call, or has disciplinary actions from his or her regular duties, then they may be subject to removal from the team. Additionally, if a team member fails to meet the requirements for the team, they will be subject to removal from the team.

Operators that are subject to removal will be provided a removal hearing with the team commander and assistant team commander. If they are not removed from the team, they will be placed on a probationary status pending a secondary review within 6 months.

If there are issues with the operator's performance, on or off the team, the BOMB team commander, or the assistant commander, can call for the review of an operator's position at any time.

In an effort to ensure there are opportunities for others within the agency to explore the BOMB team prior to assessment, deputies may attend scheduled trainings, with prior supervisor approval. These opportunities are to expose deputies to the team and encourage them to assess for future positions.

### **Supervisor Specialty Positions:**

Supervisors serve in their assignments at the discretion of the Sheriff, who reserves the right to assign and rotate supervisors as needed to meet the challenges, demands and mission of the DASO. Supervisor specialty positions are not constrained by any specific time frame. Supervisors will be rotated at the discretion of Command Staff and the Sheriff. In order to gain experience, enhance career development and

cultivate well rounded supervisors, supervisors will fulfill specialty positions for period of up to (2) years. Once the (2) year period has been reached that does not, in and of itself, trigger the rotation of the individual; however, they should understand they do then become eligible to be rotated as needed.

**Rotation Implementation and Review:**

Specialty positions within the Dona Ana County Sheriff’s Office are subject to continuous informal review, leading up to a bi-annual and/or annual performance evaluation review process. Regardless of current tenure within a specialty position, if an employee is failing to meet the positions basic requirements and this is reflected on their performance evaluation, that employee will be subject to a 6-month performance contract designed to elicit improvement. If the employee fails to meet these outlined requirements during, or after the contract, they will be removed from the specialty position.

A review of all current specialty positions will be conducted annually. Those employees in mandatory rotation positions, who will meet their time commitment during the next year, will rotate at the next bid cycle after their anniversary date. The Sheriff may allow an employee to remain in a specialty position, beyond their time commitment, if they are within 1 year of retirement. In the event the employee elects to remain with the agency, they would be required to rotate or assess for another specialty position.

When an employee leaves a specialty position, falling within the categories of mandatory rotation, they will sign a document indicating they understand the date they are again eligible to reapply for that position.

Those that are removed from any specialty for performance based issues are not eligible to assess for another specialty position for a period of one year.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022

Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**100-019**

**CALEA STANDARD:**  
**22.1.9**

**EFFECTIVE**  
**DATE:**

**SUPERSEDES**  
**/RESCINDS**  
**POLICY No:**  
**All related**  
**directives.**

### Military Deployment and Reintegration

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#### I. PURPOSE:

The purpose of this policy is to provide procedures for employees' military deployment and reintegration into the Doña Ana County Sheriff's Office (DASO) upon completion of extended military leave.

#### II. POLICY:

It is the policy of DASO to assist employees with deployment and reintegration when deployed for an extended period of time in any branch of military service covered under the Uniformed Services Employment and Redeployment Rights Act (USERRA).

DASO will grant all employees a leave of absence to fulfill military service obligations in accordance with the requirements of applicable law.

#### III. DEFINITIONS:

**Armed Forces** - Active military forces included in the Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard.

**Non-Sworn Employee Reintegration Program** - A program designed to introduce or reintroduce the returning non-sworn employee to any recent changes in laws, ordinances, policies, and/or procedures as part of their return to work.

**Military Liaison Officer (MLO)** - The MLO is a DASO or County employee designated to maintain open lines of communication between the deployed employee and DASO during his/her absence. If requested by the service member, the MLO may serve to assist in the care and oversight of the employee's family and personal matters should the need arise during the employee's deployment. The MLO does not have any legal authority to act in the employee's stead unless it has been otherwise provided for in proper legal documentation.

**Re-acclimation Process** - Gradual, pre-determined steps, set by DASO, which are intended to give returning military employees the opportunity to more comfortably, and successfully, reintroduce themselves into their positions with DASO after deployment. This process is designed to afford the employee an opportunity to address issues which may be associated with their deployment and their position with DASO.

**Reserve Components** - Military forces including the federally recognized Army National Guard, Air National Guard, Army Reserve, Air Force Reserve, Navy Reserve, Marine Corps Reserve, and Coast Guard Reserve.

**Sworn Employee Reintegration Program** - A program designed to introduce or reintroduce the returning sworn employee to any recent changes in laws, ordinances, policies, and/or procedures in advance of reassignment to full duty.

**USERRA** - Uniformed Services Employment and Reemployment Rights Act of 1994.

#### **IV. PROCEDURE:**

##### **Pre-Deployment Procedures:**

1. Any employee seeking a military leave of absence must provide the Doña Ana County Human Resources Department with advance notice of his/her intent to take a military leave of absence, unless advance notice is precluded by military necessity or is otherwise impossible or unreasonable, considering all relevant circumstances.

2. The employee will submit a copy of his/her military orders (hard copy or e-mailed .pdf file) to his/her supervisor within three days of receipt, along with written notification to their immediate supervisor to include the following:

- a. Anticipated date(s) of mobilization;
- b. Unit name and identification;
- c. Commanding Officer's name, telephone number and e-mail address.

3. The employee must notify the Military Liaison Office (MLO) of the anticipated deployment.

4. The MLO is responsible for overseeing the execution of this process. He/she may ask those with knowledge of military procedures for help in executing this task. The MLO will notify his/her chain of command of the employee's expected deployment. The MLO will complete the following tasks:

- a. Assist the deploying employee and his/her family in preparing for deployment;
- b. Coordinate, conduct, and document the completion of the Pre-Deployment Checklist and Interview (found at the end of this policy).



- c. The interview shall address the following:
  - 1) Estimated length of time of deployment, if known;
  - 2) A family point of contact (if desired by the employee);
  - 3) The assigned military point of contact;
  - 4) E-mail address, mailing address, and/or contact phone number for the employee while deployed; and
  - 5) A narrative of what the deploying member expects from DASO upon return from deployment (i.e. training cycle, MLO contact, training objectives, return interview, FTO and updated training, etc.);

5. The Doña Ana County's Human Resources will serve as the Doña Ana County's point of contact. Upon request of the employee, a benefits representative will meet with the employee prior to deployment to establish information regarding:

- a. Employee benefits;
- b. Salary continuation;
- c. Any other relevant information that may aid in later reintegration.

6. The Sheriff, or his/her designee, will provide oversight over the reintegration of military employees into DASO.

7. Prior to their deployment of 30 days or longer, the employee shall turn in their ID, keys, and any other issued equipment to their immediate supervisor, utilizing the Uniform and Equipment Checklist (completed when they were hired). The clothing and equipment will be stored for the employee during their deployment.

8. The Doña Ana County Information Technology department will suspend the employee's email and computer accounts in order to maintain operational security of sensitive systems.

### **Deployment Procedures:**

1. During the deployed employee's absence, DASO will be available to aid the employee and his/her family through the utilization of the MLO.

2. During the employee's deployment period, the MLO will:

- a. Maintain periodic contact with the deployed employee as possible, to provide department updates (i.e. department news, significant events, promotional opportunities, etc.);

- b. If approved and supported by the deploying employee, maintain periodic contact with the employee's family to assess any support needs and make referrals when needed;
  - i. Be a resource to the deployed employee and his/her family; and
  - ii. When possible, contact the deployed employee thirty (30) days prior to his/her estimated return to work. The Doña Ana County Human Resources shall maintain the official personnel file for the deployed employee.,. This facilitates contact with the deployed service member and assists in their eventual re-integration.

3. DASO members are encouraged to maintain active contact with the deployed employee, e.g., send DASO events, newsletters and other information to assist the deployed employee in maintaining an active link with his or her home.

4. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the veteran has a specific time frame to make application for reemployment or report back to work, dependent on the length of service as listed below:

- a. Short Term Deployment (less than thirty (30) days of service) – The employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service. However, the returning veteran may be permitted at least eight (8) hours of rest prior to starting the next shift.
- b. Medium Term Deployment (at least thirty (30) days, but less than one hundred eighty (180) days of service) – The returning veteran must apply for reemployment or report back to work within fourteen (14) days of completion of service.
- c. Long Term Deployment (one hundred eighty (180) or more days of service). The returning veteran must apply for reemployment or report back to work within ninety (90) days following completion of service.

#### **Non-Sworn Employee Reintegration Program:**

1. Prior to returning to full duty, the returning non-sworn employee may be required to meet with the Sheriff or his/her designee for a reintegration interview.

2. An employee returning from a military leave of absence will be reinstated in accordance with, and as required by, applicable laws. With some exceptions, an employee returning from a military leave of absence typically will be reinstated without loss of seniority, status, or pay, and return to either his/her prior position or the position in which the employee would have been employed and his /her continuous service not been interrupted by the military leave. Under certain circumstances, DASO may require an employee to provide documentation demonstrating his/her fitness to return to work.

3. Upon return to work, the County has the right to request that an employee provide appropriate documentation to satisfy eligibility for reemployment after more than 30

days of service which can include:

- a. Department of Defense (DD) Form 214 Certificate of Release or Discharge from Active Duty;
- b. Copy of duty orders prepared by the facility where the orders were fulfilled and carrying an endorsement indicating completion of the described service;
- c. Letter from the Commanding Officer of a Personnel Support Activity or someone of comparable authority.
- d. Certificate of completion from a military training school (Form 1059).
- e. Discharge certificate showing character of service;
- f. Copy of extracts from payroll documents showing periods of service (Leave and Earnings Statement).

4. Upon returning to work, the employee shall contact his/her immediate supervisor as soon as the notice to return to work is received, and request re-issuance of all required clothing and equipment.

5. The Human Resources Department will issue the employee a new ID card if necessary.

6. Returning service members will be provided the opportunity to review updated copies of policy and procedure manuals.

7. Doña Ana County Information Technology will reinstate any department email and/or computer accounts.

8. The Military Post Deployment Checklist (at the end of this policy) will be signed by all applicable Department members prior to employee returning to full duty.

### **Sworn Employee Reintegration Program:**

The sworn reintegration program will contain all the elements of the non-sworn employee reintegration program, with the addition of the following:

1. The returning sworn employee will meet with the Training Division to determine what missed training or certifications must be completed. A schedule will be made to ensure accomplishment of all required training tasks. The returning employee, depending on the length or nature of the deployment, may be required to complete a short-term assignment with a Field Training Officer for refresher training in their assigned area.

2. The returning sworn employee will be required to complete weapons qualifications with a firearms instructor, in accordance with policy. If the duration of the military deployment is 30 consecutive working days or more, then the deputy is required to demonstrate proficiency for all weapon systems by successfully passing a state

mandated or DASO mandated qualification course, before returning to full duty status. If necessary, arrangements will be made with the Training Division to provide approved firearms training prior to completing the qualification course.

3. A deputy who fails to demonstrate proficiency by failing three consecutive firearms qualifications, with any issued weapon system, will not be subject to discipline. The deputy will be assigned to a firearms instructor, who will arrange a time for the instructor and deputy to meet for a remedial training session. Upon completion of remedial training, the deputy must pass two consecutive qualification courses to demonstrate proficiency with all issued weapon systems in order to return to full duty status.

**V. ATTACHMENTS:**

Pre-Deployment Checklist

Pre-Deployment Interview

Post-Deployment Checklist

**VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff

## **Dona Ana County Sheriff's Office Pre-Deployment Checklist**

For service members and their partners, spouses, and loved ones: use the following checklists before deployment to ensure you have completed paperwork needed during or after you/your service member deploys. There are separate checklists for legal matters, family matters, personal property, financial matters, as well as a family care plan.

### **Legal Matters Checklist:**

- Create a Power of Attorney (POA). Contact your base legal office for information on types of POAs and advice on which one you should use.
- Create and/or update your will.
- Consider establishing a joint bank account with your spouse so that bills can be easily paid.
- Review your current life insurance coverage.
- Confirm your Service Members Group Life Insurance (SGLI) beneficiaries are correct and update if necessary.
- If you are currently renting your home and need to cancel your lease, notify your property management company of your deployment. Understand your rights under the Service Members Civil Relief Act, here:[www.jag.navy.mil](http://www.jag.navy.mil).

### **Legal Documents Keep copies of the following documents (if applicable) together in a secure place:**

- Wills (for both service member and spouse)
- Power of Attorney (POA)
- Insurance policies (including life, health, home, and vehicle)
- Tax records
- Court orders (e.g., child support and custody documents or divorce paperwork)
- Social Security cards
- Birth certificates

- Marriage license
- Passport
- Visas and citizenship/naturalization paperwork
- Vehicle titles, registrations, and inspections
- Copy of your most recent LES Family Matters Checklist
- Update your Emergency Data Form with your family's most current contact information.
- Ensure ID cards are current and will not expire during deployment.
- Confirm all family members have all necessary TRICARE and MetLife (dental) information.
- Look into international calling plans.
- Set up a Skype account at [www.skype.com](http://www.skype.com).
- Create a list of important phone numbers and email addresses for both the service member and family.

### **Personal Property Checklist (if applicable)**

- Notify your homeowners insurance if your home will be vacant during deployment.
- Notify your renters insurance if you are storing your belongings in a storage facility.
- Make sure you have the appropriate household goods/personal property insurance.
- Know the location of your car title.
- Have an up-to-date vehicle registration and proof of registration.
- Know when your vehicle will need its next inspection.

- Make sure the vehicle is in good working order.
- If you own firearms, make sure they are registered with the appropriate authority and that your spouse/family member is trained to operate them.

**Financial Matters Checklist:**

- Notify your credit card companies that you will be deployed.
- Make sure your family will have money available to them on a continuous basis.
- If you have a safe deposit box, make sure a family member has a key.
- Create a record of accounts with account information and bill due dates—store in a secure place.
- Set up automatic payments for bills (if desired) and make sure the credit cards you are using will not expire during deployment.
- Create a list of any computer or banking passwords—store in a secure place.
- Make sure you know where to go if you need financial assistance (e.g., Family Service Center, Command Ombudsman, Personnel Support Detachment (PSD), or Navy Marine Corps Relief Society).
- Understand the status of your finances (including debts, income, etc.).

**Family Care Plan Checklist:** Use the following checklist to develop your family care plan if you are a single parent or in the event that both parents or caregivers for minor children will deploy:

- Assign a guardian for your family in a special Power of Attorney (POA) and confirm the guardian understands his or her responsibilities.
- Obtain ID and commissary cards. To ensure military health coverage for you and your children, register all dependent family members in Defense Enrollment Eligibility Reporting System (DEERS), and check to make sure all ID cards have not expired.
- Make sure Service Members Group Life Insurance (SGLI) is correct.
- Arrange for housing, food, transportation, and emergency needs.

- Inform caretakers of your financial matters.
- Arrange for guardian to have access to necessary funds.
- Arrange for childcare, education, and medical care.
- Arrange necessary travel and escort to transfer family members to the new guardian.
- Discuss these plans with your children.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Military Liaison Officer (MLO)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff or designee

\_\_\_\_\_  
Date



## **Dona Ana County Sheriff's Office Pre-Deployment Interview**

1. What is the estimated length of time of deployment, if known?
2. Is there a family point of contact (if desired by the employee) that you would like to leave on file with the department?
3. Who is the assigned military point of contact from your unit that the department may contact while you are away?
4. What is the e-mail address, mailing address, and/or contact phone number for you while you are deployed?
5. What do you expect from the Department upon return from deployment (i.e. training cycle, MLO contact, training objectives, return interview, FTO or other updated training, etc.)?

## **Dona Ana County Sheriff's Office Post Deployment Checklist**

You should present the Military Liaison Officer (MLO) and Human Resources (HR) representative with a copy of your discharge/separation order before returning to full duty status. If you were gone for more than 30 days, you must provide your discharge/separation order, once it is available.

Following is a checklist of suggested items to do or check into upon your return:

- Accumulation of seniority
- Reinstatement of health insurance, dental and vision plans without waiting periods for you and any dependents
- Update beneficiaries and family information
- Resolve pay and compensation issues
- Review 457 (Deferred COMP) or other pension plans and determine if and how make up contributions will be made
- Review retirement and life insurance benefits
- Determine if training or retraining of job skills is necessary (FTO, firearms qualification, biannual training, etc.)
- Update personal data - address, telephone numbers, and email address
- Any other items or issues that the employee wishes to discuss with the MLO, Human Resources and/or the Sheriff or union representatives

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Military Liaison Officer (MLO)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff or designee

\_\_\_\_\_  
Date



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-020	
<b>CALEA STANDARD:</b> 35.1.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Annual Evaluation

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to provide a formal comprehensive structure for an employee and their supervisor(s) to discuss and document how each perceives the employee's job performance during a prescribed period, and to relate this performance to Doña Ana County Sheriff's Office (DASO) goals and objectives.

### II. POLICY

It is the policy of DASO to conduct performance evaluations of all employees. This performance evaluation system is standardized as described.

### III. PROCEDURE

The performance evaluation system is designed to serve the needs of both DASO and the individual employee. The system includes, but is not limited to, the following objectives:

1. Maintaining and improving individual job performance and determining suitability for assignment;
2. Providing a medium for personnel counseling;
3. Fostering fair and impartial personnel decisions;
4. Facilitating proper decisions regarding probationary employees;
5. Identifying training needs;
6. Providing an objective and fair means for measurement and recognition of individual performance;

7. Providing data for personnel action such as career path guidance, promotions or transfers; and
8. Determining ability to assume more responsibility.

### **A. Rater Responsibilities and Guideline**

Supervisors function as raters for their direct employees. Raters receive training from their immediate supervisor in the proper use of the performance evaluation forms prior to assuming responsibilities as raters. The rater of any employee has the following responsibilities:

1. Provide the employee at the beginning of any rating period with the rating criteria, the duties and responsibilities of the position assigned, and the level of performance expected;
2. Provide supervision and feedback to the employee on an ongoing basis;
3. Notify the employee as soon as possible of any deficiencies and methods to correct the deficiencies;
4. Document performance on an ongoing basis in the supervisor's personal employee record;
5. Notify the employee, in writing, of any unsatisfactory performance as soon as possible after a deficiency becomes evident, and at least 90 days prior to the end of the rating period, when possible. Written notification may be made by inter-office memorandum and/or in coaching/counseling format. It should include identification of the unsatisfactory performance, corrective measures and strategies, identification of the acceptable level of performance, and follow-up, to determine if the deficiency has been corrected;
6. Conduct the performance evaluation conference, allowing enough time for counseling, feedback, goal setting, career path counseling, and for providing the employee with the opportunity for verbal or written comments;
7. Complete the performance evaluation process in a timely manner to ensure that the evaluation form is returned through the chain of command to the Doña Ana Human Resources department as soon after the rating period as possible.

### **B. Performance Evaluation Forms**

1. Each supervisor should choose the correct evaluation form template for the employee being evaluated:
  - a. Sworn Employee Evaluation Form

This form is utilized for the evaluation of sworn, non-probationary employees.

b. Non-Sworn Employee Evaluation Forms (Exempt, Non-Exempt, Manager)  
These forms are used for the evaluation of non-sworn, non-probationary employees.

c. Probationary Employee Evaluation Form  
Uniformed probationary positions are evaluated daily during the Field Training and Employee Evaluation Program. Thereafter, they are evaluated monthly using the Probationary Employee Evaluation Form, until their probationary period expires.

Non-sworn probationary employees are evaluated quarterly, using the proper Employee Evaluation Form, until their probation expires. Employees are evaluated on their acquired skills, possible performance deficiencies, and if they should be recommended to continue their employment. (See HR Policy 9-2. Performance Management, Section B.)

2. The criteria used for the performance evaluation is specific to the position occupied by the employee during the rating period. Job specific tasks form the basis of the evaluation criteria. The criteria used to define the quality of the work is descriptive and allows for a characterization concerning how the work is performed. Each evaluation form lists the performance ability or factor, along with the options for rating the ability or factor. These ratings differ on each form:

a. The Sworn Employee Evaluation Form uses these ratings: *Unacceptable, Below Average, Average, Above Average, and Excellent.*

b. The Non-Sworn Employee Evaluation Forms use these ratings: *Does not Achieve Standard, Achieves Standard, Exceeds Standard.*

c. The Uniformed Probationary Evaluation Form uses these ratings: *Does Not Meet Expectations, Almost Meets Expectations, Meets Expectations, Exceeds Expectations, and Excels Above Expectations.* Non-sworn probationary forms use these ratings: *Does not Achieve Standard, Achieves Standard, Exceeds Standard.*

3. The supervisor shall complete the evaluation and send it through the workflow process.

### **C. The Performance Evaluation Conference**

The performance evaluation conference serves to provide a forum for an interview between the rater and the employee. Feedback from the employee should be encouraged by the rater. The interview addresses, but is not limited to:

1. The current performance evaluation ratings and the reason for those ratings;
2. The evaluation rating criteria, duties, and responsibilities of the employee's position, and the level of future expected performance; and
3. Career development counseling as outlined in the DASO policy, Career Development.

#### **D. Procedural Guidelines**

1. An evaluation of all sworn, non-probationary, uniformed employees (Patrol, Traffic, K-9's, etc.) will be completed at the end of each bidding cycle. Prior to a promotion, lateral transfer, or a change in supervision, the employee will receive an evaluation.
2. An evaluation of all sworn, non-probationary, plain clothed employees (Detectives and METRO Narcotics) will be completed yearly. The period of evaluation for plain clothed employees is a one-year period that falls in line with the fiscal year (July 1st-June 30th). Prior to a promotion, lateral transfer, or a change in supervision, the employee will receive an evaluation.
3. An evaluation of all other non-sworn, non-probationary employees is completed each fiscal year, during the same time frame as sworn employees. Prior to a promotion, lateral transfer, or a change in supervision, the employee will receive an evaluation. Non-sworn employees will not require monthly evaluations while on probation.
4. Probationary, sworn deputies and other uniformed positions will be evaluated daily during the Field Training and Evaluation Program. Thereafter, they will be evaluated monthly, until their probationary period expires. It is the responsibility of each probationary employee's immediate supervisor to ensure that this process is completed.
5. All other probationary employees will be evaluated quarterly, until their probationary period expires. It is the responsibility of each probationary employee's immediate supervisor to ensure that this process is completed.
6. The performance evaluation will be conducted by the employee's immediate supervisor.
7. When conducting and preparing any performance evaluation, only performance falling within the rating period should be considered. However, as a matter of effective evaluation, evaluators may consider directly relevant performance from the current rating period, compared with that which was already identified and documented during prior evaluation periods, along with the degree to which the employee has responded to the identified performance issue. As such, employees may not expect to be afforded the opportunity to repeat similar mistakes or performance issues on an annual basis, with no adverse

repercussions on the employee's evaluation, simply because a new evaluation period has commenced.

8. Supervisors will be responsible for creating performance evaluations for their assigned employees. When completed, the supervisor will discuss the evaluation with the employee in a private conference. The supervisor will then submit the evaluation. It will be sent to the employee for signature, and then through the chain of command, to the Sheriff, or his/her designee. Employees are required to sign the evaluation so that it may continue to move through the workflow process.
9. A midyear career development meeting will be conducted to assess the employee's goals and objectives over the year (see DASO Career Development policy), and to assess any assistance the employee may need. This will also aid in the progress toward the achievement of their career objectives. The employee should feel free to change career focus should a new interest arise.

#### **E. Performance Evaluation Form Workflow**

1. After the employee and supervisor have signed the performance evaluation, it will be reviewed and signed by the rater's supervisor. It will then be forwarded through the chain of command for review and approval, to the Sheriff, or his/her designee.
2. Any employee may request additional review of a contested area of the evaluation. The employee must submit a written request for review, within ten (10) calendar days of the evaluation, to the rater's supervisor. The employee must include specific reasons and examples of why the evaluation is being contested.
3. An additional review of the contested area of the evaluation will be conducted at a level in the chain of command above the employee's rater. The reviewer will review the evaluation and the employee's written request for review. If the reviewer finds adequate justification supporting the employee's complaint, the evaluation will be returned to the original rater for revision. The review process may continue at the employee's request through the chain of command to the Sheriff. The decision of the Sheriff is deemed final and un-appealable;
4. The review of the performance evaluation by the rater's supervisor is intended to ensure the fairness, uniformity, and impartiality of the ratings. Raters are evaluated by their supervisors based on the quality of the ratings the raters give their employees, their use of counseling, their ability to objectively rate the employee, and their overall role in the performance evaluation system.

#### **F. Performance Evaluation Form Processing Procedure**

1. Completed evaluation forms will be placed in the employee's personnel file for the duration of their employment. Any requests for additional review, submitted by the employee, is attached to the evaluation form and is also filed.
2. Employees may review filed evaluations by submitting a request through Human Resources.

#### **IV. APPROVAL**

APPROVED BY:  DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-021	
<b>CALEA STANDARD:</b> 3.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Written Agreement for Services Provided

*This policy statement and the procedures thereunder are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to provide the necessary outline for a contract or written agreement which governs law enforcement services as provided by the Doña Ana Sheriff's Office (DASO), in order to establish clear boundaries and to adhere to budgetary requirements and restrictions.

#### II. POLICY:

- A. All contracts require review by the Doña Ana County Attorney's Office and Procurement Department in accordance with Doña Ana County Policy.
- B. A contract or agreement between DASO and other entities shall provide a statement of specific services to be provided as outlined by the Procurement Department. The contract or agreement shall contain job descriptions and/or duties and responsibilities, where applicable. The contract or agreement will clearly define any services outside the scope of the job description. Contracts that contain financial agreements must detail the services to be provided.
- C. The evaluations (if required) of services provided by employees shall be maintained by DASO.
- D. Each contract or MOU shall include language addressing the duration, modification, and termination of the contract
- E. DASO shall be responsible for providing all equipment and supplies, except as otherwise specified in agreement or contract.

#### F. Legal contingencies:

DASO shall be responsible for the law enforcement actions of any employee assigned to specific contracts. The contractor shall be responsible for the conduct and actions of its' employees as well as for any additional persons for whom they are responsible (e.g., acting as custodian in loco parentis of any student for school system contracts.

- G. **Control of personnel:** DASO shall maintain full and complete control over its' personnel, including those assigned to and/or performing duties and responsibilities under agreement or contract approved by DASO.
  
- H. **Contract review:** Agreement(s) may be reviewed by Doña Ana County Commission or designee, DASO, and/or the contractor in order to determine the impact on staffing for DASO (if any) and the potential fiscal impact on both Doña Ana County and the contractor. If there is no specified review time within the contract, all contracts will be reviewed annually by the Procurement Department and DASO.
  
- I. **Employment rights: The employment rights** of personnel assigned under a contract for law enforcement services shall not be abridged by Doña Ana County or DASO. Participation in a contracted law enforcement service arrangement will not penalize participating employees, nor will it, in any way, threaten employment rights, promotional opportunities, training opportunities, or fringe benefits.

**III. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-022	
<b>CALEA STANDARD:</b> 17.4.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Cash Fund & Accounts Maintenance

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish and standardize the procedures for cash funds and account maintenance of the Doña Ana County Sheriff's Office (DASO) as prescribed by law.

#### II. POLICY:

All employees of DASO shall follow both state and federal laws, and Doña Ana County standard operating procedures regarding cash handling and budget procurement of established accounts.

#### III. PROCEDURES:

##### A. DASO

1. DASO accepts payments in exchange for the items listed below. These payments reimburse DASO for time and resources expended towards these requests.
  - a. Copies of reports
  - b. Writs
  - c. Documents related to IPRA's
  - d. Discs
  - e. ID Cards
  - f. Reimbursement for inventory
2. Transactions of \$5.00 or more per day will require payment from the requestor. The transaction is the total cost of items and can include more than one type of item, as described above.

3. If a transaction is less than \$5.00 per day, it will not require reimbursement. When determining the cost of a paper document, a sheet of paper will be charged as a single sheet, regardless if it is printed on both sides or on one side.
4. The Sheriff or designee reserves the right to determine deviations to the above procedures.

## **B. Las Cruces Main Station**

1. In order to comply with Doña Ana County and the State of New Mexico laws related to fiscal management and accounting of assets, the following steps will be observed when assisting customers with payments in exchange for items requested:
  - a. The employee will determine the amount of payment due for the requested items. The employee will communicate the cost to the requester and request that the payment be provided at the time that the items are available.
  - b. The employee will provide a charge ticket to the customer. The charge ticket will have the name of the item, the price, and the applicable Dona Ana County account number where the money will be deposited listed on it.
  - c. The employee will instruct the customer to take the charge ticket to the Doña Ana County Treasurer's Office to make the payment. In cases where the Treasurer's Office cannot assist with processing the payment, customers may also present payments to the Doña Ana County Utilities Department.
  - d. The employee will instruct the customer to get a receipt when payment is made to the Treasurer's Office or Utilities Department and to return to DASO with the receipt.
  - e. The employee will verify the receipt for payment and record the information on DASO's internal payment log.
  - f. The employee will give the customer the items they purchased after the receipt is verified.
  - g. The above procedures will apply to all forms of payment (i.e., cash, money order, and check).
2. In order to comply with Doña Ana County and the State of New Mexico laws related to fiscal management and accounting of assets, the following steps will be observed when receiving check or money order payments through the mail:
  - a. The employee will complete a receipt for the payment received, and

record it on the applicable check log.

- b. The Purchasing Secretary or Budget Specialist will verify the payments received against the log and prepare a deposit document to be presented to the Doña Ana County Treasurer's Office.
- c. Per state law, payments received at the Las Cruces main station must be deposited within 24 hours of a receipt being issued, because the Treasurer's Office is in close proximity.

### **C. Anthony Sub-Station**

1. Due to the infrequency of payments received at the Anthony Sub-Station and due to distance between the Anthony Sub-Station and the Doña Ana County Treasurer's Office in Las Cruces, payments received at the Anthony sub-station must be deposited at least once per week, with no more than a lapse of five days between deposits, per New Mexico Statute.
2. Employees will document in-person payments in a receipt book. The receipt will reflect the name of the party, date, amount of payment, and the purpose for payment.
3. Employees will place payments in a locked bank bag and transport them to the Doña Ana County main building.
4. Payments turned in for deposit must match the total of receipts issued.
5. Shortages or overages of money must be reported to the Department Manager.
6. The Secretary assigned to DASO Budget or the Budget Specialist will be responsible for depositing the funds at the Doña Ana County Treasurer's Office or Utilities Department. This step will include proper documentation in Banner (accounting software) and maintaining the receipts for the deposits.

### **D. Unclaimed cash in Evidence:**

DASO may receive cash as part of evidence collection from cases. If the cash remains unclaimed by the owner or is presumed to be turned in as lost and found, DASO will attempt to locate the owner to give them the opportunity to claim their cash. The following steps will be considered:

1. Attempt to notify the owner via certified letter.
2. Create an exhibit for the Doña Ana County District Attorney's Office for them to create a Petition and Order for District Court. This will allow for a two consecutive weeks' advertisement in the newspaper and make the cash available to the owner for 30 days for pick-up.
3. If not picked up, obtain a court order from District Court to transfer the

cash to the Doña Ana County Seized Assets account.

4. Upon receipt of the court order, the DASO Budget and Evidence personnel will conduct a physical count of the cash to verify the amount for deposit. Deposit money into the Miscellaneous Revenue account.
5. Obtain a copy of the deposit slip and file it, along with the copies of the newspaper clippings, Petition, Order, and transfer receipt.
6. Document the conversion of the cash in the computer, stamp the evidence sheets, and file them in the inactive files.

### **E. Deposits**

Dona Ana County Sheriff's Office will utilize the following accounts for deposits:

1. Commission Cards: 10002-20101-54290-200
2. Copies of reports and discs: 10002-20101-55365-200
3. Documents related to IPRA requests: 10002-20101-55405-200
4. Unclaimed cash in Evidence: 10002-20101-54290-200
5. Writs: 10002-00000-55270-200

### **F. Accounts Maintenance**

DASO will monitor their funds and accounts on a regular basis, and initiate budget revisions in order to maintain sufficient money available in operating accounts.

1. Regular basis is defined as monitoring account balances in Banner at least once per week.
2. Parties responsible for the monitoring the budget in Banner include the Department Manager, Budget Analyst, and Fleet Coordinator. The individuals mentioned above will be responsible for disseminating the information to the Sheriff, Undersheriff, and Command Staff on a regular basis, or no less than twice per month.
3. If accounts are not sufficiently prepared to accommodate the needs of law enforcement operations, DASO administration will need to initiate steps to bring accounts to adequate balances in order to handle purchases critical for Doña Ana County's law enforcement and safety needs. Steps may include internal budget revisions or addressing the financial needs before the Board of County Commissioners.

### **G. Petty Cash**

As of January 2020, DASO no longer carries petty cash.

### **H. Refunds**

If an employee or member of the public needs a refund for services not rendered

(i.e., unfulfilled writs) or for an item purchased from personal funds for the office, the person requiring the refund will need to complete a reimbursement form. Reimbursement will be subject to Doña Ana County approval.

**IV. APPLICABILITY:**

This policy shall be applicable to the Sheriff, Undersheriff, employees of DASO, agents of DASO, and any volunteers of the office.

**V. REFERENCES:**

State of New Mexico laws and statutes, NMSA 1978, Section 6-10-3 and Section 6-10-36.1.

**VI. DEFINITIONS:**

Enumerated in policy or statute.

**VII. APPROVAL:**



APPROVED BY: \_\_\_\_\_  
Kim Stewart – Doña Ana County Sheriff

DATE: 01//17/2022

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**100-023**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**  
**All related  
directives.**

### Ride-Along Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines governing civilians riding in police vehicles for the purpose of observing the operations of the Dona Ana County Sheriff's Office.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to selectively allow civilians to ride with members of the Patrol Division.

#### III. PROCEDURE:

##### Ride-Along Eligibility and Restrictions:

The Ride-Along Program is intended to be an educational process for civilians and is not designed for entertainment purposes. Deputies are cautioned to use discretion when requesting permission for relatives or personal friends to ride along with them.

All individuals requesting to ride along must be at least 18 years of age. Any exceptions to this must be approved in writing by the Sheriff or his/her designee. The following individuals are examples of those that may request permission to ride along:

Interested members of the community who can articulate the reason for the request;

Persons interested in the law enforcement field who desire first hand exposure to our agency;

1. Those involved in department sponsored courses or volunteer programs;
2. Government Officials;



3. Law Enforcement from other law enforcement agencies;
4. Dispatchers;
5. Spouses, Relatives and friends of deputies;
6. Any others deemed eligible.

Participation in the Ride-Along Program is regulated by guidelines and requirements. Failure to adhere to the following guidelines and requirements may result in the Ride-Along privilege being suspended.

### **Ride-Along Request Procedures:**

All persons desiring to participate in the Ride-Along Program must fill out the Request for Ride-Along form and submit it to the Day Shift Lieutenant at least five days prior to the requested date for the Ride-Along. The Day Shift Lieutenant is responsible for approving or denying requests. Short notice exceptions may be considered on a case by case basis.

Once the approval or denial has been made, the form is given to the appropriate shift Lieutenants who will schedule the Ride-Along or relay the reason for denial.

Attached to the Request for Ride-Along form is a waiver of liability form that must be signed. Should special permission be granted to a person under 18 years of age, that person must have the form signed by the minor's parent(s) or guardian(s).

Civilian employees of the Dona Ana County Sheriff's Office or Dispatchers are not required to fill out the request or waiver forms, but do need approval from the Shift Lieutenant prior to any Ride-Along. Such Ride-Along's are considered job related and part of their normal job duties.

### **Frequency of Ride-Along Requests:**

1. No individual will be granted permission for more than two Ride-Along's within a twelve-month period except:
2. Spouses, relatives, and friends of deputies (max three times).
3. Civilian employees of the Dona Ana County Sheriff's Office and Dispatch personnel, as determined by their supervisor;
4. Local government officials or other county employees;
5. When necessary to complete an assignment or requirement related to the Ride-Along process.

### **Requirements and Rules:**

Every individual requesting permission to participate in this program is given a copy of

the Ride-Along Requirements and Rules along with the Request for Ride-Along forms. Failure to abide by the requirements and rules may result in the denial of permission or removal from the program. The Shift Lieutenant or on-duty Shift Supervisor will make the determination to deny a Ride-Along for any perceived violation of this policy.

### **Dress and Grooming Standards:**

Participants in the Ride-Along Program must dress and groom themselves in an appropriate and business-like manner. The shift supervisor will determine if the participant's attire and/or grooming are appropriate to ride in a police vehicle and represent DASO;

1. Minimum requirements are slacks and a dress shirt for males. Females will wear slacks and blouses. Denim jeans and/or tee shirts are not acceptable for either sex;
2. Males will be clean shaven or will have neatly trimmed beards or mustaches and hair will be neatly groomed;
3. Clothing that advertises any product, business, or organization will not be permitted nor will any sign or symbol that is inflammatory in nature;
4. Any visible tattoos must be reasonably covered or concealed from view;
5. No visible piercing is allowed with the exception of reasonable piercing(s) of the ears for women. This includes gauges or like devices;
6. Observers in the Ride-Along Program are guests of DASO and shall conduct themselves in an appropriate manner.

### **Duties of Assigned Deputy:**

1. Deputies that have been assigned a Ride-Along will conduct themselves according to the highest of professional standards at all times. Deputies will make every effort to properly explain DASO Policy and address any questions they feel are appropriate to the educational process of the Ride-Along;
2. Deputies shall not allow Ride-Along participants to exit the police unit and enter into any scene that is not secure or which reasonably poses a continued danger;
3. Deputies shall not engage in pursuits nor respond to in-progress violent felonies while assigned a Ride-Along. In the event that a deputy is needed to respond to an in-progress violent felony, by virtue of proximity to the call or the lack of other units, the deputy will deposit the Ride-Along at the first safe location available to them. Dispatch will be notified of their location and the first available unit, following the emergency, will respond to pick up the Ride-Along.

4. ABSENT A DEFINITIVE, LIFE OR DEATH NEED, WHERE LIVES ARE AT STAKE AND IN WHICH IMMEDIATE ACTION IS LIKELY TO SUCCESSFULLY SAVE THE LIFE OF AN INNOCENT PERSON OR PERSONS, DEPUTIES SHALL NOT ENTER A PURSUIT WITH NON-SWORN PERSONNEL IN THE POLICE VEHICLE.
5. Deputies shall not allow Ride-Along participants to verbally or physically engage with any suspect, victim or witness. In the event that a deputy is in need of assistance, he may call upon the Ride-Along to provide help, as he would do of any other citizen. This should be done in only the most exigent of circumstances and when the safety of the assigned deputy, or another, is at risk.
6. Deputies shall not perform any public display of affection with their spouse, fiancé, or friend.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-024**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Limited English Proficiency

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for employees to follow to ensure effective communication between agency personnel and the community they serve.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to effectively and accurately communicate with the community in which we serve. Language barriers can sometimes inhibit or even prohibit effective communication and can present DASO with safety, evidentiary, and ethical challenges.

#### III. DEFINITIONS:

**Primary Language-** An individual's native tongue or the language in which an individual most effectively communicates.

**Limited English Proficiency-** Individuals, who have limited ability to read, write, speak or understand English as a primary language.

**Interpretation-** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Translation-** The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

**Bilingual-** The ability to use two languages proficiently.

**Language Line-** The Dona Ana County Sheriff's Office utilizes the language line service Voiance.

#### IV. PROCEDURE:

**Personnel requesting Interpretation Services:**

Personnel in need of interpretation services will attempt to identify the LEP individual’s primary language. The primary method of translation should be the use of the language line Voiance. In order to use this service, the employee will notify dispatch and request the assistance of Voiance. Once connected to Voiance, the employee will be asked for the language needed and a brief explanation of the call.

The employee shall, if possible, make sure their telephone is on speaker phone so all parts of the conversation can be recorded. It is important the employee records all calls as possible either by body worn cameras, in-car camera systems, or any other alternative means of recording.

**Temporary Interpreters**

Circumstances may exist where personnel can use the most reliable, temporary interpreter available, such as bilingual personnel. Examples may include, but not be limited to:

1. The need to obtain descriptive information on a suspect, identifying injuries, or in dealing with a combative subject. This method should only be used when the language line is unfeasible or unavailable.

**The use of Family Friends and Bystanders as Interpreters:**

Circumstances may exist where personnel can use family, friends or bystanders for interpreting in very informal, non-confrontational circumstances. Be aware that using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring an exigent circumstance, personnel should not use minor children to provide interpreter services. This method should only be used when the language line is unfeasible or unavailable.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-025</b>	
<b>CALEA STANDARD:</b> <b>1.2.3</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Constitutional Requirements for Questioning by Law Enforcement

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to insure that employees, in discharging their authorized duties, shall not violate the federal and state constitutional rights and protections of any individual as identified in legal statutes, operational procedures, and judicial interpretation.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish procedures to ensure compliance with all applicable constitutional requirements regarding in-custody interviews, interrogations, and access to counsel.

#### III. PROCEDURE

##### A. General Guidelines for Questioning

1. An interview is any questioning of a person who is believed to possess knowledge or information that is related to an investigation. This can include any conversation with a suspect, witness, victim, or other individual.
2. An interrogation is any questioning of an individual which is designed to elicit information, statements, admissions, and/or a confession from that individual regarding a crime or suspected crime. In addition to direct questioning, an interrogation includes any words or actions on the part of a police officer which are likely to elicit an incriminating response from a suspect.
3. A consensual or voluntary encounter with police is any encounter in which a suspect or person knowingly and voluntarily agrees to speak to police when not taken into custody. A consensual encounter is generally determined by the suspect or person's affirmative declaration that they understand they are not in custody and that they are free to leave at any time they so decide. Under such circumstances, any person who wishes to no longer answer questions, or who wishes to leave the area in which they have been contacted by police, may do so.

4. Persons who have consented to a police encounter need not be advised of their Miranda Rights.
5. Custodial interrogation refers to any questioning which is initiated by a law enforcement officer, after a person has been taken into custody or otherwise deprived of their freedom of action in some significant way. The threshold for determining if a person is in custody is determined through the perception of a reasonable person placed in similar circumstances. If, under the totality of the circumstances, a person believes he or she has been taken into custody, and a reasonable person would concur under the same circumstances, then the person shall be considered to be in custody and their constitutional privileges related to custodial interrogation shall apply. The intent of the deputy in placing a suspect or person into custody in these circumstances is irrelevant. An individual must be advised of their Miranda rights before any custodial interrogation occurs.
6. Common circumstances by which a person may perceive themselves to be in custody can include, but are not limited to:
  - a. The suspect or person is involuntarily transported from a place or location of their choice to a location of police choosing;
  - b. The suspect or person is secured or restrained by any device that prevents their free movement, without adequate information or explanation provided by the investigating or detaining deputy that would cause them to understand otherwise;
  - c. The suspect or person is placed into a police vehicle prisoner transportation area, with or without handcuffing, without adequate information or explanation provided by the investigating or detaining deputy that would cause them to understand otherwise;
  - d. The suspect or person is surrounded by multiple law enforcement or police equipment, and the actions of the deputies tend to cause them to believe that they are in custody.
7. Under current case law, the non-coercive atmosphere of a routine traffic stop does not amount to custody, for Miranda purposes.
8. In addition to advising a person of their Miranda rights, the person being interrogated must understand their rights and waive their rights before any questioning occurs. Miranda involves two separate rights:
  - a. The right to remain silent; and
  - b. The right to an attorney.

9. An individual who invokes their right to remain silent can be approached by a law enforcement officer again regarding questioning, if efforts of the deputy do not overbear the will of the suspect. If an individual invokes their right to an attorney, the deputy may no longer question the suspect. However, a deputy may resume questioning, if the suspect initiates the contact and affirmatively waives their right to an attorney.
10. If an individual invokes their right to an attorney, the deputy may make an effort to obtain the services of an attorney, on behalf of the suspect, in order to attempt further interviewing or interrogation of the suspect; however, there is no legal requirement that the deputy do this. The only legal requirement is that the deputy no longer questions the suspect, once the right to an attorney has been invoked.
11. Miranda rights cannot be invoked by an attorney on behalf of a suspect. They may only be invoked by the individual who is the subject of the custodial interrogation.
12. All custodial interrogations in felony cases shall be electronically recorded by means that include audio, video, or both, when reasonably feasible. These custodial interrogations must be electronically recorded in their entirety, and the recordings must include the advising of Miranda rights.
13. New Mexico law requires that all law enforcement officers record the entire custodial interrogation in felony cases unless there is good cause not to record, and good cause is defined as:
  - a. Electronic recording equipment is not reasonably available;
  - b. Equipment failed and obtaining replacement equipment was not feasible;
  - c. The individual being interrogated refused to be recorded;
  - d. The statement was made in a court proceeding or grand jury proceeding.
14. If a custodial interrogation in a felony case is not recorded, the law requires the officer to simultaneously note the good cause for not recording the statement. This information should be included in the offense report documenting the investigation.
15. Defendants held in custody shall be made available for arraignment or any court mandated hearing at the earliest time possible, or as local court rules require.

## **B. Guidelines for Juveniles**

1. No person subject to the provisions of the Delinquency Act [32A-2-1 NMSA 1978] who is alleged or suspected of being a delinquent child shall be interrogated or questioned, without first advising the child of his or her constitutional rights, and securing a knowing, intelligent, and voluntary waiver.



2. Juveniles who have come under reasonable police suspicion of committing a delinquent act, have committed a delinquent act, are alleged to have committed a delinquent act, or who are planning on committing a delinquent act, have been afforded enhanced constitutional protections by New Mexico case law [State v. Javier M, 2001-NMSC-030], as well as by the New Mexico Children’s Code; Basic Rights [32A-2-14 NMSA 1978].
3. Rights, according to New Mexico Children’s Code, include advisement, at a minimum, that:
  - a. Juveniles have the right to remain silent, and that any statements made by them may be used against them in court;
  - b. Juveniles have the right to contact their parents, guardian, or custodian;
  - c. Juveniles have the right to have their parents, guardian, or custodian, or any attorney present during any questioning;
  - d. Juveniles have the right to call an attorney, and if a juvenile cannot afford an attorney, an attorney will be appointed to represent the juvenile, free of charge.
4. A verbal explanation of the juveniles’ rights is acceptable, but the use of the Juvenile Advice and Waiver of Rights form, or the use of the DASO-issued Juvenile Rights Waiver Card, in conjunction with the deputy’s articulation of the event, should strengthen compliance with the New Mexico Children’s Code expectation of a “knowing, intelligent, and voluntary waiver.”
5. The enhanced Children’s Rights do not apply in an investigatory detention, according to New Mexico case law. The Supreme Court of New Mexico ruled in State v. Javier M. (paragraph 47) that the officer can advise the child that:
  - a. They have the right to remain silent;
  - b. And anything they say can be used against them in any delinquent hearing.
6. Deputies should note that these provisions are not subject to police contact with juveniles during a non-delinquent offense. An example of an investigation involving a non-delinquent act would be a traffic stop where municipal or magistrate courts have jurisdiction.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-026	
<b>CALEA STANDARD: 1.1.3</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### **Diversion Program**

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### **I. PURPOSE**

The purpose of this policy is to provide general guidelines for criminal justice and social service diversion programs.

#### **II. POLICY**

It is the policy of the Doña Ana County Sheriff's Office (DASO) to refer, direct, or assist individuals in need of criminal justice and social service diversion programs.

#### **III. PROCEDURE**

The primary areas where criminal justice or social service diversion programs may become involved are:

1. Crisis Intervention Team- When addressing the safety and welfare of an individual with a suspected or verifiable mental illness, a deputy should follow the guidelines outlined in the DASO policies, Responding to Persons with Mental Illness or the LEADS Program policy.
2. District Attorney's Office Pre-Prosecution Diversion Program (PPD) - Once a case is referred to the Doña Ana County District Attorney's Office, it will be screened by the designated prosecutor, who will make a determination as to whether the suspect would be eligible for PPD. Deputies should provide any input requested by the District Attorney's Office to aid them in making their determination.
3. Court Ordered Diversion Programs - Courts in Doña Ana County, at all levels, utilize diversion programs. DASO deputies shall display a cooperative demeanor with the court and probation authorities when such programs are part of a court disposition. When requested or required, deputies will assist and cooperate with these agencies to facilitate a solution in situations involving substance abuse, mental illness, first time offenders, etc.

#### **IV. APPROVAL**

APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**100-027**

**CALEA STANDARD:**  
**44.2.3**

**EFFECTIVE DATE:**

**SUPERSEDES / RESCINDS POLICY No:**  
**All related directives.**

### Juvenile Compliance with Constitutional Requirements

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to provide guidelines and procedures for ensuring the constitutional rights of all persons.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to ensure compliance with all applicable constitutional requirements.

#### III. PROCEDURE:

No person, subject to the provisions of the Delinquency Act [32A-2-1 NMSA 1978] who is alleged or suspected of being a delinquent child, shall be interrogated or questioned without the child first being advised of their constitutional rights and securing a knowing, intelligent, and voluntary waiver.

Juveniles who have come under reasonable police suspicion of committing a delinquent act, having committed a delinquent act, alleged to have committed a delinquent act, or who are planning on committing a delinquent act, have been afforded enhanced constitutional protections by New Mexico case law [State v. Javier M, 2001-NMSC-030.] as well as by the New Mexico Children's Code; "Basic Rights" [32A-2-14 NMSA 1978].

Rights according to New Mexico Children's Code include advisement, at a minimum, that:

1. Juveniles have the right to remain silent, and that any statements made by them may be used against them in court;
2. Juveniles have the right to contact their parents, guardian or custodian;

3. Juveniles have the right to have their parents, guardian, or custodian, or any attorney, present during any questioning; and
4. Juveniles have the right to call an attorney, and if a juvenile cannot afford an attorney, an attorney will be appointed to represent the juvenile, free of charge.

A verbal explanation of the juvenile's rights is acceptable, but the use of the "Juvenile Advice and Waiver of Rights" form or the use of the DASO issued "Juvenile Rights Waiver Card", in conjunction with the deputy's articulation of the event, should strengthen the Children's Code expectation of a "knowing, intelligent and voluntary waiver."

The extended Children's Rights do not apply in an "investigatory detention", according to New Mexico case law. The Supreme Court of New Mexico ruled in *State v. Javier M.* (paragraph 47) that the "officer" can advise the child that:

1. They have the right to remain silent, and
2. Anything they say can be used against them in any delinquent hearing.

Deputies should keep in mind that these provisions are not subject to police contact with juveniles during a non-delinquent offense. Examples of investigations involving a non-delinquent act would be traffic stops, where Municipal (Hatch/Anthony) or Magistrate Courts have jurisdiction.

An interview is any questioning of a person who is believed to possess knowledge or information that is related to an investigation, and this can include any conversation with a suspect, witness, victim, or other individual.

An interrogation is any questioning of an individual that is designed to elicit information, statements, admissions, and/or a confession from that individual regarding a crime or suspected crime. In addition to direct questioning, an interrogation includes any words or actions on the part of a deputy which are likely to elicit an incriminating response from a suspect.

A consensual or voluntary encounter with a deputy is any encounter in which a suspect or person knowingly and voluntarily agrees to speak to a deputy when not taken into custody. A consensual encounter is generally determined by the suspect or person's affirmative declaration that they understand they are not in custody, and that they are free to leave at any time they so decide. Under such circumstances, any person who wishes to no longer answer questions, or who wishes to leave the area in which they have been contacted by a deputy, may do so.

Persons who have consented to a consensual police encounter do not need to be advised of their Miranda Rights.

Custodial interrogation refers to any questioning which is initiated by a deputy, after a person has been taken into custody or otherwise deprived of their freedom of action in

some significant way. The threshold for determining if a person is in custody is determined through the perception of a reasonable person placed into similar circumstances. If, under the totality of the circumstances, a person believes he or she to have been taken into custody, and a reasonable person would concur under the same circumstances, then the person shall be considered to be in custody, and their constitutional privileges related to custodial interrogation shall apply. The intent of the deputy in placing a suspect or person into custody in these circumstances is irrelevant. An individual must be advised of their Miranda rights before any custodial interrogation occurs.

Common circumstances by which a person may perceive themselves to be in custody can include, but are not limited to:

1. The suspect or person is involuntarily transported from a place or location of their choice to a location of police choosing;
2. The suspect or person is secured or restrained by any device that prevents their free movement, without adequate information or understanding as provided by the investigating or detaining deputy, that would cause them to understand otherwise;
3. The suspect or person is placed into a police vehicle prisoner transportation area, with or without handcuffing, without adequate information or understanding, as provided by the investigating or detaining deputy, that would cause them to understand otherwise;
4. The suspect or person is surrounded by multiple police deputies or police equipment, and the actions of the deputies tend to cause them to believe that they are in custody.

Under current case law, the non-coercive atmosphere of a routine traffic stop does not amount to custody for Miranda purposes. In addition to advising a person of their Miranda rights, the person being interrogated must understand their rights and waive their rights, before any questioning occurs. Miranda involves two separate rights:

1. The right to remain silent, and
2. The right to an attorney.

An individual who invokes their right to remain silent can be approached by a deputy again regarding questioning, as long as efforts of the deputy do not overbear the will of the suspect. If an individual invokes their right to an attorney, the deputy may no longer question the suspect. However, a deputy may resume questioning if the suspect initiates the contact and affirmatively waives their right to an attorney.

If an individual invokes their right to an attorney, the deputy may make an effort to obtain the services of an attorney on behalf of the suspect, in order to attempt further interviewing or interrogation of the suspect; however, there is no legal requirement

that the deputy do this. The only legal requirement in this regard is that the deputy no longer questions the suspect, once the right to an attorney has been invoked. Miranda rights cannot be invoked by an attorney on behalf of a suspect. They may only be invoked by the individual who is the subject of the custodial interrogation. All custodial interrogations shall be electronically recorded by means that include audio, video, or both, when reasonably feasible. These custodial interrogations must be electronically recorded in their entirety, and the recordings must include the advising of Miranda rights.

If a custodial interrogation is not recorded, the law requires the deputy to simultaneously note the good cause for not recording the statement. This information should be included in the offense report documenting the investigation.

Defendants held in custody shall be made available for arraignment or any court mandated hearing, at the earliest time possible, or as local court rules require.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-028</b>	
<b>CALEA STANDARD:</b> <b>1.2.10</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Duty to Intervene

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE:

It is the purpose of this policy to explain the legal and moral obligation Doña Ana Sheriff's Office (DASO) members have regarding the duty to intervene. This duty is embodied in the law enforcement officer's Code of Ethics, and in the law. DASO members shall have a clear understanding of this agency's expectations pertaining to conduct and activities while on and off-duty.

### II. POLICY:

It is the policy of DASO to intervene and notify appropriate supervisory authority if they observe another member of this office, or a member of another agency, engage in any unreasonable use of force, or if they become aware of any violation of this policy, or state or federal law.

A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.

When encountering unreasonable actions of other employees or public safety/criminal justice associates which could result in injury, death, or violations of constitutional or civil rights, intervention must be immediate.

The Dona Ana County Sheriff's Office is committed to protecting deputies who act on their duty to intervene to prevent or minimize misconduct by another agency member.

### III. PROCEDURE:

Use of Force: DASO deputies have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any deputy present and observing another

deputy using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. A deputy who observes another employee's use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### **Duty to Intervene**

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline. Intervention may be verbal and/or physical. Failure to intervene may subject a deputy of this office to disciplinary and or legal action.

### **Required Action:**

- a. DASO deputies shall take a preventive approach toward misconduct. When a deputy observes behavior that suggests another deputy is about to commit illegal, unethical, or inappropriate behavior or acts, the deputy should intervene verbally or physically, depending on the circumstances.
- b. If verbal interventions are not sufficient to stop the act, the deputy should come between the offending officer and the other individual involved.
- c. A DASO deputy shall notify a supervisor after conducting any type of intervention, when it is safe to do so.
- d. When a physical intervention was performed, the deputy will document the incident in writing.

### **Render Aid:**

If any person is injured and medical attention is required, DASO deputies will render aid in accordance with their training and request medical assistance when necessary.

### **Supervisor Responsibilities:**

- a. Upon learning of an incident involving a deputy intervening with another deputy, a supervisor will separate all deputies involved in the incident.
- b. The supervisor will conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
- c. The supervisor will ensure all parties involved in the incident complete a



report detailing the circumstances that led to the intervention and what, if anything, occurred once the deputy intervened.

d. The supervisor will determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct, and then will create a report.

e. If appropriate, the supervisor may consider recommending the deputy who intervened to receive recognition for his/her actions.

#### **IV. DEFINITIONS:**

**Intervene** – To come between, whether verbally or physically, so as to prevent or alter an action, a result, or a course of events.

#### **V. APPLICABILITY:**

This policy is applicable to all sworn law enforcement deputies of the Doña Ana Sheriff's Office.

#### **VI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-029**

**CALEA STANDARD:  
2.1.1-2.1.4**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Agency Jurisdiction and Mutual Aid

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to delineate specific geographical boundaries of the Doña Ana Sheriff's Office (DASO) jurisdiction, identify the responsibilities for different municipal or state agencies within Doña Ana County who have concurrent jurisdiction, identify responsibilities of provider agency and requesting agency in mutual aid agreements, and identify the procedures for requesting federal aid or Army National Guard or Air National Guard support.

#### II. POLICY

It is the policy of DASO to provide necessary law enforcement services across jurisdictions, as DASO must work in cooperation with multiple law enforcement agencies to effectively serve. DASO must establish clear boundaries and ways to request or provide assistance to other agencies.

#### III. APPLICABILITY

This policy is applicable to all sworn deputies of DASO and any agency entering into a mutual aid agreement with DASO.

#### IV. REFERENCE

Intrastate Mutual Aid Act, 12-10b-5 NMSA 1978

#### V. DEFINITIONS

**Concurrent Jurisdiction**- where multiple agencies' authorities to enforce laws overlap.

**Requesting Agency-** Agency which is requesting aid of another agency.

**Provider Agency-** Agency which is providing the aid requested by the requesting agency.

## **VI. PROCEDURE**

### **A. JURISDICTIONAL BOUNDARIES**

1. The fundamental geographical boundaries of Doña Ana County are shown on the Doña Ana County Geographic Information System (GIS) and shall constitute the primary area of jurisdiction for deputies to operate. The GIS and a boundary map are maintained by Doña Ana County, and are periodically updated to reflect current annexations. The GIS map can be found at the following website: <https://gis.donaanacounty.org/maps/>
2. Official geographic boundary records are maintained by the Doña Ana County Clerk's office.

### **B. CONCURRENT JURISDICTION**

1. Dona Ana County has multiple local municipalities and state agencies who employ law enforcement officers. It is the responsibility of each local or state agency to initially respond to all calls for service within their jurisdiction.
2. The Las Cruces Police Department (LCPD) will be primarily responsible for all calls for service within the city limits of Las Cruces. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred in Las Cruces, the deputy shall forward the call to LCPD by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to the LCPD.
3. The Anthony Police Department (APD) will be responsible for all calls for service within the city limits of Anthony. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred in Anthony, the deputy shall forward the call to APD by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed with the in the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to the APD.

4. The Mesilla Marshal's Department will be responsible for all calls for service within the city limits of Mesilla. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred in Mesilla, the deputy shall forward the call to the Mesilla Marshal's Department by contacting MVRDA and requesting a marshal. When the marshal arrives, the deputy shall provide the marshal with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to the Mesilla Marshal's.
5. The Sunland Park Police Department(SPPD) will be responsible for all calls for service within the city limits of Sunland Park. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred in Sunland Park, the deputy shall forward the call to the SPPD by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to SPPD.
6. The New Mexico State University Police Department (NMSUPD) will be responsible for all calls for service within the confines of New Mexico State University. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred on the NMSU campus, the deputy shall forward the call to NMSUPD by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to NMSUPD.
7. The New Mexico State Police (NMSP) will be responsible for all calls for service which occur on state highways or interstate highways. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred on a state or interstate highway, the deputy shall forward the call to NMSP by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within NMSP areas of responsibility but should limit law enforcement activities matters involving emergencies or situations involving potential serious injuries and defer all other matters to NMSP.

8. The Hatch Police Department (HPD) will be responsible for all calls for service within the city limits of Hatch. If a call for service is initiated within Doña Ana County, but through the investigation, the deputy determines the crime occurred in Hatch, the deputy shall forward the call to Hatch Police Department by contacting MVRDA and requesting an officer. When the officer arrives, the deputy shall provide the officer with all pertinent information and complete an Agency Assist Report. DASO deputies will not ignore violations of law observed within the city limits but should limit law enforcement activities within the city limits to matters involving emergencies or situations involving potential serious injuries and defer all other matters to the Hatch Police Department.
9. Nothing within this policy shall prohibit another agency requesting assistance through mutual aid.

### **C. MUTUAL AID**

1. When another agency is requested to assist, their responding units are considered to be a functional portion of DASO and to be protected by all laws applicable to DASO. Responding units are responsible to the public as governed by all laws, to DASO, to New Mexico State Statutes, and/or agreements set forth in any Mutual Aid Compact. DASO accepts and abides by the conditions of the New Mexico Intrastate Mutual Aid System (IMAS), in accordance with Intrastate Mutual Aid Act, 12-10b-5 NMSA 1978. The Sheriff, or their designee, may call upon the Sheriffs or Chiefs of Police of other counties/cities, the Mayors and/or Chief Executive Officers of other municipalities, and/or the New Mexico State Police Chief, via the Governor of the state of New Mexico, to provide additional resources and personnel as needed for riots, insurrections, invasions, disasters, or other emergencies. (2.1.3 (a))
2. Provider department personnel have legal authority to perform under any Mutual Aid Compact.
3. Mutual aid may be requested at any time when DASO is incapable of responding with sufficient personnel and/or resources to satisfactorily address any specific incident. Normally, a supervisor may request support from mutual aid agency(ies). Nothing in this policy prohibits or precludes a deputy from requesting assistance when a supervisor is not available. Requests for mutual aid may be requested by any means of telecommunication or by personal contact.
4. The deputy in charge may request or provide temporary mutual aid, unless otherwise specified in General Orders or any Mutual Aid Compact.
5. Deputies responding to a mutual aid request shall report to the ranking officer from the requesting agency who is on scene.

6. Radio communications should be maintained between the agencies involving mutual aid. The Incident Commander, if identified, or the senior officer in charge will coordinate radio communications between the agencies on the scene, and will establish an Incident Command Post in the event of extended emergencies.
7. Due to the mutual benefit derived from any Mutual Aid Compact, there will be no charge for equipment or labor, nor shall DASO be responsible for any damages to equipment. Deputies and equipment responding to or on the scene of an emergency are entitled to the same benefits under any pension or indemnity fund of their employer.
8. Mutual aid agreements shall be reviewed and/or revised under the terms of the agreements.
9. In the event DASO is receiving or providing mutual aid for an extended period of time, the captain of the requested division will be contacted to ensure continuity of operations. The Sheriff will be notified as soon as possible of all extended emergencies where DASO is the provider or recipient of mutual aid.
10. Deputies responding shall not carry out any order or directions contrary to their policy or procedures. Mutual aid units will advise the ranking officer of the requesting agency, who is on the scene, of the inability to carry out any order or directions that are in violation of DASO policies and procedures.
11. All arrests by responding personnel in a requesting department's jurisdiction will be coordinated by the ranking officer of the requesting department who is on the scene.

#### **D. REQUESTING FEDERAL AID/NATIONAL GUARD**

1. Federal agencies, such as FBI, ATF or Secret Service, will not normally be called upon to provide assistance in emergency situations. In the event assistance is needed, the shift supervisor may make the request up the chain of command. The command staff should be notified as soon as possible and will determine what emergency measures need to take place.
2. The following guidelines must be followed when requesting military assistance from the New Mexico Army National Guard or Air National Guard:
  - a. Upon the advice of the Incident Commander or Sheriff, the County Manager may declare an emergency period (declaration of emergency).

- b. Once the declaration is issued, it, along with a written mission statement indicating the services to be performed by the New Mexico Army National Guard or Air National Guard (i.e., execute the laws of the state, suppress insurrection, repel invasion, act in the event of a disaster, promote the health, safety, and welfare of citizens, etc.), shall be forwarded to the Emergency Management Commander of the Army or Air National Guard.
- c. If the request for military assistance is approved, the commander of the National Guard unit assigned as support to Doña Ana County will be directed to the Incident Command Post and/or Emergency Operations Center.

**VII. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-030	
<b>CALEA STANDARD:</b> 22.4.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Grievance Procedure

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish clear guidelines for addressing employee grievances.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide a fair and adequate means of addressing employee grievances.

#### III. PROCEDURE:

##### A. Grievance Procedures

1. Complaint and grievance procedures are established in the Doña Ana County Human Resources Policies and Procedures for non-bargaining unit members of DASO. Grievance procedures are established in the collective bargaining agreement(s) for the bargaining unit members. Both the collective bargaining agreements(s) and the County's Policies and Procedures outline which matters are grievable, and the grievance process to follow.
  - a. Bargaining Unit members may elect to present a grievance through the procedures outlined in the collective bargaining agreement(s).
2. Time limitations for filing, resolution, and appeal of grievances are clearly identified within the collective bargaining agreement(s) and Doña Ana County's Human Resources Policies and Procedures.
3. Procedural steps, time limitations, and criteria for employee representation will be in accordance with the applicable governing document (i.e., Doña Ana County Policies and Procedures or the collective bargaining agreement(s)).



**B. Control of Grievance Records**

The Sheriff or designee shall be responsible for the maintenance and control of all grievance records submitted to DASO.

**C. Annual Analysis of Grievances**

The Professional Standards Lieutenant shall conduct a documented annual analysis of DASO grievances for the past year to determine if a trend exists in filed grievances and to take steps to minimize the causes of such grievances in the future. The Sheriff will review the grievance analysis.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-031	
<b>CALEA STANDARD:</b> 26.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Disciplinary Procedures

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to promote effective discipline that can be implemented in a positive and instructional manner.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide guidelines for supervisors in carrying out disciplinary actions.

#### III. DEFINITIONS

Discipline – Discipline is action taken regarding an employee that may include reprimand, suspension, demotion, or termination.

Coaching – Coaching is an ongoing process in which the supervisor directs the development of the employee through regular performance feedback.

Counseling – Counseling is the process of a supervisor analyzing an employee's performance and sharing feedback and guidance for improvement. The goal of counseling is to pro-actively assist the employee in achieving a satisfactory level of performance in an effort to avoid, and prior to initiating, any formal disciplinary action.

Verbal Reprimand – A verbal reprimand is an official warning of a violation of work rules, policies or procedures.

Written Reprimand – A written reprimand consists of a written description of the offense, behavior, or performance issue, and the corrective action to be taken. The supervisor presents this to the employee.

Suspension – See County Policy

Demotion – See County Policy

Termination – See County Policy

#### **IV. PROCEDURE**

All DASO supervisors have the specific authority, to relieve an employee of their duties in an emergency situation, which includes, but may not be limited to, allegations of criminal misconduct, serious violations of Doña Ana County or DASO policy, or out of necessity to maintain integrity of a DASO investigation. A department supervisor may relieve any subordinate employee from duty when such action is in the best interest of DASO. The supervisor will notify their chain of command and immediately begin the administrative leave process.

In such situations, outside of normal business hours, the patrol supervisor shall have supervisory authority over all department employees, non-sworn or commissioned. In all such circumstances, the supervisor shall make appropriate chain of command notifications in a timely manner.

In any matters involving disciplinary actions (coaching and counseling do not constitute discipline), the supervisor initiating the action will make suggestions of appropriate discipline to be taken. The chain of command will review those recommendations, providing suggestions or comments.

Each supervisor shall have the responsibility and authority, with the approval of the Sheriff and Human Resources, to administer appropriate discipline, up to and including a written reprimand, to subordinates, as a corrective measure.

##### **A. Employee Assistance Program**

Doña Ana County offers an Employee Assistance Program (EAP) to provide professional and confidential assistance to any employee, and anyone in their household, who may wish to consult with a professional counselor regarding a work performance, personal, or family problem. The services provided are confidential and are available at no cost to the individual.

If it is demonstrated that emotional or psychological problems may be affecting an employee's work, a supervisor may recommend that the employee seek counseling through Doña Ana County's Employee Assistance Program. If the employee refuses to seek counseling, the supervisor may make a recommendation through the chain of command for a fitness for duty evaluation.

## **B. Performance Guidance/Training**

Supervisory coaching and counseling are an ongoing, interactive process between supervisors and employees, designed to provide the employee with sufficient guidance and job training to succeed in the position. Disciplinary action is a distinct and more formal process designed to document the employer's attempt to correct unsatisfactory work performance, or to hold an employee accountable for a violation of policy or other misconduct.

### **1. Coaching**

Supervisors, dealing with an employee who is not performing as expected, may recognize that it is a coaching/training issue, and not necessarily a disciplinary problem. In such cases, the supervisor should identify the area(s) of coaching/training needed, when and where it is available, and arrange for the employee to have the time off necessary to attend the training. It is the supervisor's responsibility to monitor the training progress and determine if it is beneficial to the employee, and if it is addressing the original problem. Documentation is maintained in the Professional Standards Division (employee's working file).

If the employee is meeting the supervisor's expectations, positive feedback can be used to reinforce performance and further motivate the employee to even higher levels of performance.

### **2. Counseling**

A counseling meeting should be viewed as developmental and corrective, rather than punitive. The supervisor should stress that counseling is not part of the disciplinary action procedure, but that disciplinary action may result if the employee does not change the problematic behavior.

Supervisors should consider counseling an employee, in conjunction with coaching/training measures, as an avenue to correct a problem. Counseling is a positive means of addressing a minor situation at the onset. Once the problem is recognized, the supervisor should identify and discuss the problem with the employee, along with corrective recommendations. Documentation will be maintained in the Professional Standards Division (employee's working file).

## **C. Disciplinary Actions**

### **1. Written Reprimand**

The supervisor will discuss a written reprimand with the employee. A written reprimand is approved by the Sheriff and Human Resources. The supervisor will ask the employee to sign the reprimand, to acknowledge its receipt. If

the employee refuses to sign it, the supervisor shall note the employee's refusal. A copy of the reprimand will be placed in the Professional Standards Division (employee's working file) and the original in the official personnel file.

When the offense is a result of a misunderstanding, corrective action may be training or retraining. The offense and the corrective action will be documented in a memorandum from the department head, or designee, to the employee. The employee will be asked to sign the memorandum to acknowledge its receipt. A copy of the memorandum will be placed in the Professional Standards Division (employee's working file).

2. Suspensions up to termination and including demotion (see Doña Ana County policy relating to such discipline.)

#### **D. Posting of Internal Affairs and Citizen Complaint Summary**

It is the policy of DASO to post a summary of internal affairs and citizens' complaints each month. The summary shall contain the status (supervisor, non-supervisor, or non-certified) of the employee. The title of the offenses alleged and/or committed will be accompanied by a synopsis of the findings of the investigation.

The name of the affected employee shall not be included in the internal affairs/citizen complaint summary. Copies of the internal affairs/citizen complaint summary will be posted on high traffic bulletin boards and disseminated to each departmental supervisor.

#### **V. APPROVAL**

APPROVED BY:  DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-032**

**CALEA STANDARD:  
26.1.4, 26.2.1, 26.2.2,  
26.2.4, 26.3.2, 26.3.3,  
26.3.5**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Professional Standards Division

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for receiving, recording and investigating complaints against employees or allegations of misconduct within the Doña Ana County Sheriff's Office (DASO).

#### II. POLICY

It is the policy of DASO to insure that all complaints and allegations of misconduct within DASO are investigated, in order to maintain and preserve public confidence, maintain professional conduct, and ensure the overall integrity of DASO.

#### III. APPLICABILITY

This policy is applicable to all sworn deputies of DASO and any agency entering into a mutual aid agreement with DASO.

#### IV. PROCEDURE

The Professional Standards function is the responsibility of the Professional Development lieutenant. The Professional Development lieutenant works under the supervision of the Special Services captain and the Sheriff.

The Professional Development lieutenant has authority to report directly to the Sheriff on any Professional Standards matter, when it is deemed necessary due to the nature or urgency of the situation. Such situations may include, but are not limited to, allegations of criminal misconduct by an employee or use of excessive force, resulting in death or serious injury.

All complaints, including anonymous and third-party complaints, against employees, or against DASO in general, are documented, inquired, and/or investigated. Such complaints and allegations may be generated from outside DASO or from within. Consistent with criminal investigations, all investigations of complaints are subject to the direction of the appropriate chain of command, and ultimately, to the Sheriff or his/her designee.

When complaints regarding an employee's performance or conduct are generated from within DASO, the Sheriff, or his/her designee, has the sole discretion as to the direction, the breadth, and the depth of the investigation of the complaint. Complaints generated internally may be determined to arise from a performance issue, which is more appropriately handled by the supervisor of the employee toward whom the complaint is directed. Internally-generated complaints that do not rise to the level of a Professional Standards investigation are documented in a memorandum to the direct supervisor with one rank level (sergeant through captain of the division) above the deputy or employee referenced in the complaint.

Internally-generated complaints against a captain or the Undersheriff, which do not rise to the level of a Professional Standards investigation, shall be documented in a memorandum addressed to the Sheriff. All such memorandums are forwarded to the addressee through the complainant's Chain of Command.

Where appropriate and possible, supervisors are expected to efficiently resolve any perceived performance issues of an employee through communication and collaboration with the immediate supervisor of the employee.

## **A. COMPLAINT CATEGORIES**

The type and nature of a complaint determines the type of investigation which is conducted and who will conduct the investigation. Investigations are categorized as Professional Standards Investigations and Supervisor Complaints.

### **1. Professional Standards Investigations**

Professional Standards Investigations are conducted for allegations of a more serious nature. Those complaints are forwarded to the Professional Standards Division for investigation and include allegations of the following:

- a. Breach of civil rights;
- b. Criminal misconduct;
- c. False arrest or false imprisonment;
- d. Use of excessive force;
- e. Any incident in which death or serious injury results from the acts or omissions of any Department employee.

## 2. Shift Matter (Supervisor) Complaints

Shift Matter Complaints are those which may be investigated by the Shift supervisor and include, but are not limited to, allegations of the following:

- a. Rudeness or poor demeanor displayed by the employee;
- b. Failure to take appropriate action;
- c. Use of profane or offensive language;
- d. Tardiness
- e. Reports (timeliness & accuracy etc.)

Not all complaints can be automatically categorized. Shift Matter Complaints may be upgraded to Professional Standards Investigations.

### **B. COMPLAINT PROCESSING**

Initial complaints may be received by any DASO supervisor. Although it is preferable that a complaint be lodged in person, complaints may be lodged by mail, digital correspondence (email or internet based), or by telephone.

When a complaint is received, the supervisor receiving the complaint will document the details of the complaint on the DASO Guardian reporting system. Within the Guardian reporting system, any Guardian entry will be assigned an investigation number by Professional Standards, whether investigated by a supervisor or Professional Standards. Professional Standards will use the Guardian entry for complaint follow through, timeliness, and tracking purposes.

The supervisor will preserve any evidence related to the complaint (e.g. photographs of the complainant in an allegation of excessive force). The supervisor will forward the Guardian entry to their respective lieutenant.

If the complaint does not fit the criteria of a Professional Standards Investigation, as described above, the reviewing lieutenant will assign the complaint to the appropriate supervisor for investigation. The reviewing lieutenant will update the Guardian complaint entry with the name of the supervisor conducting the investigation, and will include supporting articulable facts supporting such decision.

### **C. SUPERVISOR COMPLAINT PROCEDURES**

When assigned to investigate a complaint, the supervisor will conduct a complete and unbiased investigation. All investigative considerations should be explored and include, but are not limited to:



1. In-car camera records,
2. Deputy and witness interviews,
3. Dispatch documents, and
4. Incident/offense reports.

Upon completion, the supervisor shall prepare a report containing a summary of the investigation, and the investigative findings.

The supervisor will forward the report, evidence, and all paperwork related to the complaint, to Professional Standards, through the Guardian reporting system. Conversely, collateral violations of policy and/or the code of conduct, not deemed relevant to the scope of a specific investigation, shall be forwarded to the involved deputy's supervisor for review. The supervisor will conduct corrective action if necessary (i.e. violation of the In-Car and Wearable Video Cameras policy).

Completed investigations will be reviewed by the Professional Standards lieutenant. If further investigation is required, the Professional Standards will conduct the investigation or will return it to the investigating supervisor, depending on the complexity and duration of the additional investigation.

#### **D. PROFESSIONAL STANDARDS INVESTIGATION PROCEDURES**

Professional Standards Investigations are conducted pursuant to the Peace Officer's Employer-Employee Relations Act (29-14-1 through 29-14-11 NMSA 1978) and the following sections of the Code of Conduct:

1. III (Para.7)- Physical or Psychological Examinations;
2. III (Para.8)- Use of Polygraph, Medical Examinations, Photographs and Lineups;
3. III (Para.9)- Financial Disclosure;
4. III (Para.11)- Notification of Constitutional Rights.

An employee may be relieved from duty pursuant to administrative leave, as well as in an emergency, which includes, but may not be limited to, allegations of criminal misconduct, serious violations of County or DASO policy, or the necessity to maintain integrity of a DASO investigation. A department supervisor may relieve any subordinate employee from duty when such action is in the best interest of the department.

1. In such situations, outside of normal business hours, the patrol supervisor shall have supervisory authority over all department employees, non-commissioned or commissioned.

2. In all such circumstances, the supervisor shall make appropriate chain of command notifications in a timely manner.

Professional Standards will notify an employee that they are the subject of an Professional Standards investigation by issuing the employee a copy of the Notice of Investigation, or a copy of the Complaint Form, which includes a brief summary of the complainant's allegation(s).

When conducting a Professional Standards or citizen's complaint investigation, investigators will analyze the proven facts in an objective fashion, avoiding subjective expressions of opinion. Investigators will document each interview with a fair and accurate summary, will maintain an activity log in complex investigations, and will ensure that all relevant documents and evidence are contained or described in the investigative file.

All Professional Standards and citizen's complaint investigations will be conducted with thoroughness, fairness, competence, and diligence. Investigators will identify and try to resolve discrepancies between the accounts of witnesses, and all administrative interviews will be audio recorded, when feasible.

Certain investigations, at the discretion of the Sheriff or his/her designee, may delay notification of the employee, if doing so will protect the covert nature of the investigation.

## **E. TORT CLAIM INVESTIGATIONS**

Professional Standards investigations will be conducted on all tort claim notices filed with the Doña Ana County, related to police action. In order to preserve the integrity of the investigatory process in tort claim cases, the Professional Standards investigation will be conducted separate from any investigation conducted by the Doña Ana County's legal department for claims defenses.

In all tort claim cases, a reasonable effort will be made to interview the claimant or the claimant's attorney, in order to obtain sufficient information to make an informed determination of what occurred. When necessary, tort claim investigations may be suspended until a thorough exposition of the facts is obtainable through the discovery or trial process. Tort claim investigations may also be closed, with the ongoing claim or lawsuit continuing to be monitored to determine whether pertinent new information becomes available that merits re-opening the investigation.

## **F. CRIMINAL MISCONDUCT INVESTIGATIONS**

Professional Standards investigations of allegations of criminal misconduct by DASO employees are limited in scope to administrative issues. A separate and independent criminal investigation may be conducted at the direction of the Sheriff, or his/her designee, by a person other than the investigating supervisor. Deputies interviewed administratively regarding criminal misconduct allegations

will be advised of their rights under the Garrity Rule, prior to any formal questioning. An employee under investigation from alleged criminal activity will be guaranteed rights afforded to them under the United States Constitution and New Mexico state statutes.

## **G. INVESTIGATION TIME LIMITS**

All investigations conducted at the supervisory level shall be completed within 30 business days of receipt of the complaint. If extenuating circumstances exist which cause the length of the investigation to go beyond the 30 business day limit, the assigning lieutenant may grant an extension, upon receiving a written request, documenting both the reason(s) for the delay or circumstances warranting the extension and the notification to the CWA Union President.

Upon receiving a complaint in Guardian, the Professional Standards lieutenant will assign the investigation within 3 business days. The assigned investigator will have 30 business days to complete the investigation in accordance with CWA Union Contract.

An extension to the 30-business day timetable maybe sought through the Professional Standards sergeant or lieutenant.

Once granted, the notification to deputy who is the focus of the investigation will be made in writing. Once the investigation is completed, the file will be reviewed through the following order: Professional Standards Division sergeant, Professional Standards Division lieutenant, and the Professional Standards Division captain. This review will end the investigation and begin the 30 business day time frame to issue discipline, in accordance with CWA Contract.

Upon signature of all three, the completed file will be presented to the Captain's Review Board for a discipline determination. This presentation to the Captains Review Board will occur within three business days from the completion of the investigation.

During the Captain's Review Board, representation from HR will be present to assist in determining that the level of discipline is consistent with past similar infractions, and they will present any other HR concerns. Once a determination is made on the discipline to be issued, the entire folder will be returned to the Professional Standards Division lieutenant to draft the discipline document. The Professional Standards Division lieutenant has 10business days to complete the discipline document.

Once the discipline documents have been drafted, utilizing pre-approved templates, they will be submitted to HR for review. HR will have 5 business days to review the document and return it to the Professional Standards Division for issuance. The Professional Standards Division lieutenant will hand deliver a hard copy of the discipline and related materials to the appropriate division captain. The division captain will arrange with the appropriate supervisor for issuance of

discipline to the employee.

The discipline documents will be completed with a signature line, which will indicate that the person issuing the discipline to the employee has reviewed the document.

## **H. INTERNAL INVESTIGATION CATEGORIES**

Professional Standards investigations are filed under one of the following categories:

1. Citizen Complaint

Those investigations in which the allegations are generated from outside DASO;

2. Internal Investigation

Those investigations which are generated from within DASO.

## **I. INTERNAL INVESTIGATION FINDINGS**

Once the investigation has been completed, a finding is listed, based on a preponderance of the evidence.

1. Exonerated

The incident occurred, but the employee acted lawfully and within DASO policy.

2. Sustained

The allegation is substantiated. The incident occurred, and the employee violated DASO policy.

3. Unsustained

The investigation has disclosed insufficient evidence to prove or disprove the allegation.

4. Unfounded

The allegation is false, or not factual. The allegation of misconduct did not occur or did not involve the accused employee.

5. Policy Failure

A finding of policy failure may accompany any of the above-listed findings, when the investigation reveals a flaw in department policy and procedure, or when no policy exists to cover the circumstances.

Investigation findings will explicitly address every allegation made, as well as issues of collateral misconduct, i.e., where evidence of other policy violations are discovered during the investigating of the original allegations.

## **J. FINAL REVIEW AND DISPOSITION**

Completed investigations categorized as Internal Investigations or Citizen Complaints shall be forwarded to the Professional Standards lieutenant for review. The Professional Standards lieutenant will ensure each investigation is complete and has been thoroughly investigated and documented.

Final Review and Disposition procedures are based on the investigative finding:

1. Exonerated or Unfounded findings are reviewed by the Professional Standards lieutenant, and once the lieutenant has approved and concurred with the findings of the investigation, she or he will file the completed investigation in the Professional Standards Division, with no need for further action.
2. Un-sustained findings shall be forwarded to the Special Services captain for review. Upon approval from the captain, the investigation will be filed within the Professional Standards Division.
3. Sustained or Policy Failure findings shall be forwarded to the Special Services captain for review. Upon approval from the captain, the investigation will be forwarded to the Sheriff for final review.

At any time within the review process, the report may be returned to the Professional Standards Division for further investigation.

Once an investigation with a Sustained or Policy failure finding has been satisfactorily completed, and approved by the Sheriff, the file will be returned to the Professional Standards Division, if no discipline is recommended.

If discipline is appropriate, a meeting will be scheduled by the Professional Standards lieutenant. This meeting will be attended by members of the Captain's Review Board and the investigating agent. All documentation of the investigation, including discipline, will then be filed by the Professional Standards Division.

## **K. COMPLAINANT NOTIFICATION**

When a complaint is received in person by a department supervisor, the supervisor will provide the complainant with information regarding the steps that will be taken by DASO to investigate the allegation.

When a complaint is received by the Professional Standards Division, and the complainant has not been informed of the investigation process, the Professional Standards Division will notify the complainant that DASO will investigate the complaint and provide a brief description of the investigative process.

If the investigation will be continued beyond the 60 business day time limit (30 business day initial investigation, and if needed, 30 business day extension), the assigned investigator will notify the complainant of the status of the case, either in

writing or a recorded form of contact.

Should the complainant inquire into the status of the case, the case investigator will provide a current case status, unless the advisement could jeopardize the case.

Periodic reports will also be given to the complainant by telephone, if the status of the complaint changes during the investigation.

The Professional Standards Division will contact the complainant at the conclusion of all citizen complaint investigations, following final review and disposition, to inform them of the status of the case and the findings.

#### **L. PROFESSIONAL STANDARDS RECORDS AND FILES**

The Professional Standards lieutenant is responsible for documenting complaints and maintaining the confidentiality of Professional Standards records and files.

Professional Standards files are kept in a locked filing cabinet in the Professional Standards file room. Access to Professional Standards files (outside of the Professional Standards Division), may only be authorized by the Professional Standards lieutenant, the Special Services captain, or the Sheriff.

In the event a Professional Standards investigation, use of force investigation, or a citizen's complaint results in disciplinary action at, or a above, a written reprimand, a copy of the disciplinary action shall be forwarded to the employee's personnel file.

Documentation of all disciplinary action taken will be maintained in the Professional Standards file.

Any further dissemination of the contents of the files shall strictly conform to court orders, or as directed by the Doña Ana County's Attorney, and in all cases, solely with the specific permission of the Sheriff.

All documentation of disciplinary action, regardless of whether it is maintained by Doña Ana County's Human Resource Department or by DASO's administration division, shall be maintained in a secure location to protect the confidentiality of these records.

Professional Standards records and files are retained for a period of at least three (3) years following final disposition, in compliance with the state of New Mexico Records Management Division's Records Retention and Disposition Schedule for Municipalities.

#### **M. INFORMATION DISSEMINATION**

Information concerning the procedure to be followed in registering complaints

against DASO or DASO employees will be viewable to the public by a brochure entitled "Citizen Complaint Procedure", located in the DASO lobby area. Annual statistical summaries, based on the records of citizen complaints and Professional Standards investigations, are published in the annual report. Additional statistical reports may be distributed quarterly and annually to the Special Services captain and Sheriff.

**N. POSTING OF PROFESSIONAL STANDARDS AND CITIZEN COMPLAINT SUMMARY**

It is the policy of DASO to quarterly post a summary of Professional Standards investigations and citizens' complaints. The summary shall contain the supervisor, non-supervisor, or non-certified status of the employee. A caption of the title of offenses alleged and/or committed will be accompanied by a synopsis of the findings of the investigation. The name of the affected employee shall not be included in the Professional Standards/citizens' complaint summary. Copies of the Professional Standards/citizens' complaint summary will be posted on DASO bulletin boards, disseminated to each departmental supervisor, and to the Sheriff.

**O. EMERGENCY NOTIFICATION**

The Shift Supervisor is responsible for notifying the Professional Standards lieutenant of the following incidents as soon as reasonably possible:

1. All deputy-involved shootings, other than to destroy an injured animal.
2. Any incident involving a DASO employee which results in death or serious injury.
3. Any incident which results or could result in the arrest or filing of criminal charges against a DASO employee.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-033</b>	
<b>CALEA STANDARD:</b> <b>22.1.5</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Line of Duty Death/Serious Injury

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish and standardize the procedures that will ensure the proper support and emotional care for an employee's family following a line-of-duty death or serious injury.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide liaison assistance to the immediate survivors of any member who dies in the line of duty or is seriously injured. This assistance will be provided whether the employee's death or serious injury was unlawful or accidental while performing a police-related function, either on or off duty, and while the employee was an active member of the Sheriff's Office. This includes, but is not limited to, an automobile accident, a training accident, being hit by a passing vehicle during a traffic stop, etc.

#### III. DEFINITIONS:

**Serious Injury-** Any injury resulting in the incapacitation or the hospitalization (other than treatment and release) of a DASO member.

#### IV. PROCEDURE:

1. The Sheriff or designee will notify without delay any immediate family members in the event an on- duty death or injury requiring hospitalization or other incapacitation. When possible, such notification shall be made in person. The individual making such notification may be accompanied by appropriate personnel from DASO or the community (e.g., a chaplain or member of the clergy, etc.). The names of deceased or injured members of DASO will not be released to the media prior to the notification of the immediate family and family members living in-state. Such release will be made by DASO's Public Information Officer (PIO) after being cleared by the Sheriff.
2. Family member(s) will be given assistance with transportation to the hospital or other location(s) as needed.



3. Assistance will be provided for the care of children, other dependents, pets, or other matters requiring immediate assistance.
4. A deputy, or other member of DASO designated by the Sheriff, will be assigned as a liaison to the family and will remain with the family while at the hospital or other location, as requested. The liaison deputy will arrange transportation and any other assistance for the family.
5. If a criminal investigation surrounds the death, the liaison deputy will keep the family informed of all developments prior to any news release.
6. The liaison deputy should assist the family by shielding them from the news media. The liaison should assume this responsibility, unless requested otherwise by the family. The liaison deputy should attend any news media interviews and screen questions presented to the family that may jeopardize the investigation or any legal proceedings.
7. The liaison deputy shall assist the family by explaining and/or obtaining any counseling services and community services. The liaison deputy will also coordinate with the Benefits Administrator in the Human Resources Department.
8. Members killed in the line of duty are eligible for certain ceremonial rituals at their viewing hours and funeral. The surviving family member has the final say regarding funeral planning.
9. A marked police vehicle and deputy may be posted outside the incapacitated or deceased employee's home from the time of the fatality or injury through the end of the funeral day or stay at the hospital. The duty of this detail is to discourage any visits from the media or others, unless the Family Liaison Representative indicates the family wishes to speak with the media.
10. The liaison deputy shall remain in contact with the family and arrange for any assistance DASO may be able to render (e.g., assistance with home or car repairs, etc.).
11. The Sheriff shall arrange a "Critical Incident Debriefings" after the death or serious injury of a DASO member for those who may have been directly involved in the incident and for those members of DASO who wish to participate.

**V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-034	
<b>CALEA STANDARD:</b> 41.3.8	
<b>EFFECTIVE DATE:</b> 9/20/2020	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### In-Car Audio/Video/Body-Worn

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to provide guidelines of the use of in-car cameras (ICC) and to provide Doña Ana County Sheriff's Office (DASO) personnel with instructions on when and how to use body-worn cameras (BWC). DASO personnel required to wear BWCs may then reliably record their contacts with the public, in accordance with New Mexico law. All recordings captured by BWCs and ICC videos are the exclusive property of Doña Ana County.

### II. POLICY

It is the policy of DASO for the BWC and ICC to be activated when responding to a call for service, or at the initiation of any other law enforcement or investigative encounter. This policy does not govern the use of surreptitious recording devices used in undercover operations. This policy does not apply to personnel actively working in undercover operations.

### III. DEFINITIONS

**Body-worn cameras (BWC)** are electronic devices worn on a person's body that record both audio and video data. Body-worn cameras do not include dashboard-mounted cameras or cameras intended to record clandestine investigation activities.

**In-Car cameras** are any electronic devices permanently installed in DASO marked vehicles that record both audio and video data with 360 degree coverage around each marked vehicle.

**Law enforcement or investigative encounter** means an enforcement stop, a dispatched call, a field interrogation or interview, a use of force incident, an execution of a warrant, a traffic stop (to include a traffic violation or stranded motorist assistance), any crime interdiction stop, or any other contact that becomes adversarial after an initial contact, and in a situation that would not otherwise require recording.

## **IV. PROCEDURE**

### **A. Wearing of BWC**

1. All sworn personnel or employees who are authorized to carry a firearm in the course and scope of their duties, and who routinely interact with the public, will wear a DASO-issued BWC while on duty or performing law enforcement functions, and will comply with this policy
2. Only the BWC provided by DASO will be worn while on duty.
3. The BWC shall be positioned forward facing, in a position and manner consistent with the manufacturer's recommendations (e.g. chest, lapel, etc.) and shall be clearly visible to the person being recorded.

### **B. Use of BWC**

1. BWCs will only be activated in conjunction with official law enforcement and court security duties. When possible, the deputy will activate the BWC once she or he has been dispatched, or prior to any law enforcement or investigative encounter.
2. If the immediate activation of the BWC is not feasible, due to immediate risk to the safety of a deputy or others, the deputy will activate the BWC at the first available opportunity. This should be as soon as the immediate threat has dissipated, and it is safe to do so. In such situations, the deputy will document in detail, in a memorandum to his/her supervisor, why the immediate risk prevented the activation.
3. In accordance with 30-12-1 NMSA, personnel are not required to inform every individual contacted that the recording device is enabled; however, it is generally recommended they do so, as part of their initial contact with members of the public and their arrestees.
4. No person in public has a right to object to being recorded. The decision to cease recording will be at the sole discretion of the deputy.
5. Public citizens shall not be allowed to view recordings at the scene, unless doing so is necessary to further an investigation.

### **C. BWC Deactivation**

1. Recording may be ceased under the following instances:
  - a. At the request of a victim or witness of a crime, or by request of an individual who wishes to anonymously report criminal activity.
  - b. When a public person refuses to be interviewed unless the recording is ceased.
  - c. When the deputy believes that the value of the information is of such importance that it outweighs the value of the potential recording.

2. All cessation of recording, for any of the reasons listed in this policy, must be prefaced with a statement by the deputy and the involved individual(s) indicating why the recording was stopped.
3. The BWC shall remain activated until the conclusion of the law enforcement or investigative encounter, in order to ensure the integrity of the recording. The recording's conclusion will depend on the type of incident and specific circumstances. Typically, the incident has concluded when contact with the individual terminates, or the scene has been cleared.
4. In order to conserve battery life and storage space, personnel who are not involved in direct interactions with witnesses, victims, or suspects, and who are performing duties such as scene security, guard duty, holding a perimeter, etc., shall not be required to record these long periods of inactivity.
  - a. Deputies shall announce into the BWC that the cameras operation is ending due to scene security, guard duty, traffic control, etc. prior to turning off BWC.
  - b. Should an event occur require reactivation of the BWC while on post, the deputy shall do so immediately.

#### **D. Restrictions**

Recording devices shall not be used to record any of the following:

1. Encounters with undercover personnel or confidential informants.
2. Any court proceeding, unless court security officers or deputies are required to act to control persons interrupting the court room environment.
3. Personal activities or private conversations of DASO personnel that do not involve a law enforcement or investigative encounter.
4. Conversations between DASO personnel, without all parties knowing the encounter is being recorded, or unless authorized by the Sheriff as part of an internal affairs investigation.
5. Daily briefings or conversations between DASO personnel that involve intelligence dissemination, case strategy, or tactics.

#### **E. Training**

1. All personnel who are required to use BWCs must complete mandatory training to familiarize themselves with the devices and DASO procedures, prior to their use.
2. Recordings may be used for training purposes. If the involved personnel object to the showing of a recording, the objection(s) will be submitted to the Sheriff to determine whether the training value outweighs the objection(s).

## **F. Viewing and Accessing Recordings**

1. Personnel will be assigned access to the digital storage application, appropriate to their rank and/or duties.
2. Personnel may review their own BWC recordings to use them for quality and accuracy in their reports and investigatory interviews.
3. Personnel may view and share BWC recordings only for legitimate law enforcement purposes and for authorized administrative review purposes.
4. Accessing, copying, or releasing BWC recordings for non-law enforcement purposes is strictly prohibited, unless authorized by law, the Sheriff, the OIS team, or by the Doña Ana County Attorney's office.

## **G. Management of Recordings**

1. All recordings must be properly identified by date, time, BWC identifier, and assigned personnel. Upon completion of recording an event, personnel shall properly categorize the video, prior to downloading it to the server. See Attachment B for video categories.
2. BWC and ICC shall be downloaded at the end of each duty day. Any equipment malfunctions which prohibit the downloading of videos must be immediately reported to the Doña Ana County Information Technology Department and to the deputy's first line supervisor.
3. The management and retrieval of videos from electronic storage for use by DASO personnel are the responsibility of the Records division.

## **H. Deputy Responsibilities**

Deputies are responsible for the following actions:

1. Deputies will ensure that the BWC assigned to them is functioning properly at the beginning and end of each shift, according to the instructions of the system's manufacturer. The deputy will immediately report any malfunctioning equipment to a supervisor. Deputies shall not be responsible for verified equipment failure during an incident, if the BWC had no signs of malfunction prior to the incident.
2. In the event the BWC malfunctions or otherwise becomes inoperable, the deputy's supervisor will be notified immediately.
3. Deputies will explain to their supervisors, in writing, their reasons for failing to activate their BWC, failing to record the entire contact, or interrupting required recordings.

## **I. Additional Supervisory Responsibilities**

1. Supervisors will review at least two recordings per month from each assigned individual for policy compliance and will incorporate any knowledge gained from this review into ongoing evaluation and supervision. Supervisors shall note if positive feedback and/or training opportunities arise during the reviews and document these actions.
2. Supervisors will review recordings of assigned personnel listed in any misconduct complaints that are made directly to the supervisor.
3. Supervisors will review recordings of assigned personnel involving injuries, uses of force, shows of force, or foot pursuits.
4. Supervisors will review all delete/test videos of assigned personal every 30 days.
5. Supervisors will report equipment problems and seek to have equipment immediately repaired or replaced as needed. Supervisors shall be issued additional equipment in order to temporarily replace defective BWCs.
6. Supervisors shall refer to Professional Standards Division all assigned personnel who intentionally or repeatedly fail to activate their BWC, as required under this policy. Intentional or otherwise unjustified failure to activate a BWC, when required by this policy, shall result in discipline.

## **J. Redaction, Retention, and Release**

1. DASO will comply with all existing laws and regulations governing retention and disclosure of public information.
2. Recordings will be stored on a dedicated media storage system for a period of no less than 120 days. See Attachment A for retention times
3. A recording may be redacted pursuant to applicable laws. Redaction should be narrowly tailored to the appropriate legal exemption from disclosure. Only the redacted recording shall be produced to the requesting party. There may be instances where the un-redacted recording shall be provided in criminal or civil proceedings. Personnel assigned to handle Inspection of Public Records Act (IPRA) requests will consult with the Doña Ana County Attorney's office prior to redacting or exempting recordings from public inspection.

**K. Intentional Manipulation**

Deputies will not tamper, alter, or manipulate any BWC recordings. This includes intentionally positioning or obscuring the BWC so that the law enforcement encounter is not captured by the camera. If such acts are deemed to be intentional, disciplinary action, up to and including termination, may result.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff

### Attachment A: Retention Periods for Camera Videos

Category	Duration (Days)
Traffic Stops	120
DWI Arrest	120
Crash	120
All Other Misdemeanors	365
3 <sup>rd</sup> or 4 <sup>th</sup> Degree Felonies	365
2 <sup>nd</sup> Degree Felonies	365
1 <sup>st</sup> Degree Felonies	365
Possible Complaint	120
Officer Involved Shooting	365
Suspicious vehicle/behavior	120
Delete/Test	30
Death	365
Arrest	120
Injury	120
Interview	120
Unknown	120

### Attachment B: Video Categories

Category	Definition
Traffic Stops	Any traffic stop
DWI	Any traffic stop/crash resulting in DWI Investigation
Crash	Any vehicle crash (Department or Public)
All Other Misdemeanors	Any Misdemeanor Investigation/ call for service
3 <sup>rd</sup> or 4 <sup>th</sup> Degree Felonies	Any 3 <sup>rd</sup> or 4 <sup>th</sup> degree felony investigation, arrest or call for service
2 <sup>nd</sup> Degree Felonies	Any 2 <sup>nd</sup> degree felony investigation, arrest or call for service
1 <sup>st</sup> Degree Felonies	Any 1 <sup>st</sup> degree felony investigation, arrest or call for service
Possible Complaint	Complaint from public on government actions
Officer Involved Shooting	Incident, Investigation or arrest involved in an officer involved shooting event
Suspicious vehicle/behavior	Any call for service or police initiated contact with suspicious person or vehicle
Delete/Test	Testing of equipment or accidental activation of camera systems
Death	Any Death investigation that is not criminal
Arrest	Any arrest resulting from warrant
Injury	Any employee's actions that resulted in an employee injured
Interview	Interview of suspect or witness in a police matter
Unknown	Unknown events or events not covered above





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-035**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Reserve Deputy Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide procedures applicable to reserve deputies (and reserve cadets) associated with the Doña Ana County Sheriff's Office (DASO). This policy also provides guidelines for the approval of persons who volunteer as a reserve deputy, their conduct as reserve deputy, their removal, and the internal governance of the reserve unit.

#### II. POLICY

It is the policy of DASO to maintain a reserve deputy program to assist DASO in the completion of its mission under normal and emergency situations.

#### III. PROCEDURE

Pursuant to NMSA 1978, § 4-41-10, " ...any sheriff is authorized at any time to appoint respectable and orderly persons as special deputies to serve. Any particular order, writ, or process, or when, in the opinion of any sheriff, the appointment of special deputies is necessary and required for the purpose of preserving the peace ...."

Pursuant to the authority granted to the Sheriff of Doña Ana County (Sheriff) in NMSA 1978, § 4-41-10, the Sheriff desires, from time to time, to appoint certain respectable and orderly persons as special deputies, historically referred to in DASO as reserve deputies, to serve at the invitation and pleasure of the Sheriff, and subject to the Sheriff's direction and control, such direction and control may be delegated to the Sheriff's certified full time deputies.

Reserve deputy is a person who has been issued an identification card by the Sheriff appointing him or her as a reserve deputy, and whose authority to act as a reserve deputy has not been revoked by the Sheriff. A reserve deputy has such power and authority as the Sheriff may direct. The primary function of a reserve deputy is to provide backup and support to certified deputies on patrol. Generally, a reserve deputy may not act outside the direct and immediate supervision of a certified deputy. However, the Sheriff may, from time to time, authorize reserve deputies as a whole, or individual reserve deputies on a

case-by-case basis, to participate in special projects where a reserve deputy may act outside of the direct and immediate supervision of a certified deputy. The Sheriff may also authorize an individual reserve deputy to engage in collateral activities such as training or participation with a specialized unit of the Department such as SRT or K-9 upon invitation of the supervisor of such unit.

No reserve deputy has any right or expectation to participate in the activities of any such specialized unit without invitation by the supervisor and authorization of the Sheriff, which, once given, may be revoked at the Sheriff's discretion.

The appointment of a person as a reserve deputy shall never be construed as conferring on such person any right to continued association with the DASO, and such persons are subject to removal or disassociation with DASO for any reason or no reason by the Sheriff.

The reserve deputies, as a group, constitute the reserve unit of DASO. This policy shall not be construed as creating an employment contract or any expectation of continued association for any period of time with the DASO as a reserve deputy or otherwise. Any reserve deputy is subject to removal or dissociation with the DASO for any reason or no reason by the Sheriff.

### **Selection Criteria**

To be eligible to serve as a reserve deputy with DASO, a person must:

- A. submit to an oral interview before a board of review to include a representative appointed by the Sheriff.
- B. be a respectable and orderly person as determined at the sole discretion of the Sheriff.
- C. be free of physical or mental defects that would prevent the person from performing the duties of a deputy sheriff and provide, upon request, evidence from a medical doctor licensed to practice medicine in New Mexico.
- D. provide proof of U.S. citizenship.
- E. successfully pass a background check as may be prescribed by DASO
- F. not have ever been convicted of a felony.
- G. not have been convicted of an offense involving operation of a motor vehicle while intoxicated or impaired, within 3 years of the date of application.
- H. be able to physically perform the functions of a deputy sheriff as may be prescribed from time to time by the Department.
- I. not be prohibited by federal or state law from possessing a handgun or other firearm;
- J. possess a valid New Mexico driver's license.
- K. own a functional motor vehicle registered in New Mexico;
- L. have a telephone number at which the person can be contacted directly, and which is associated with a voice-mail system or message recording device.
- M. have an e-mail address and account which can be regularly accessed.
- N. complete a course of instruction (sometimes referred to as an academy) and physical fitness test, or equivalent, as approved by the Sheriff.
- O. comply with these policies and procedures, and any other policies or procedures applicable to DASO.
- P. be appointed by the Sheriff and not have such appointment be revoked by the Sheriff
- Q. have a stable employment or academic history.

- R. not be employed in a capacity that would result in a conflict of interest (e.g., a criminal defense attorney)
- S. not have been discharged from the armed forces of the United States on other than honorable terms.

No person shall serve as a reserve deputy unless and until such person has been appointed by the Sheriff, has been administered the oath of office, and holds a non-revoked commission card (as authorized by the Sheriff).

### **Entry Level Training**

The academy for reserve cadets may consist of instruction in the following areas:

- A. history of DASO;
- B. general orientation;
- C. uniform and equipment wear and maintenance;
- D. sexual harassment;
- E. ethics;
- F. DASO policies and procedures;
- G. radio communications;
- H. "10" codes and other codes;
- I. report writing;
- J. criminal law, including,
  - 1) search and seizure, including arrest and investigatory detention;
  - 2) criminal procedure;
  - 3) civil rights;
  - 4) evidence;
  - 5) common crimes and offenses;
  - 6) motor vehicle code;
- K. defensive tactics;
- L. use of force;
- M. less than lethal force;
- N. patrol tactics;
- O. firearms qualifications;
- P. defensive driving;
- Q. traffic control;
- R. arrestee handling and processing;
- S. fingerprinting;
- T. crime scene security;
- U. traffic stops;
- V. narcotics basics;
- W. officer safety;
- X. de-escalation training/verbal judo;
- Y. interaction with the mentally ill, and
- Z. court procedures.

Each reserve deputy shall complete 40 hours of continuing education every 2 years. Such training may be in the areas of use of force, firearms, investigations, liquor control, law, crime scene control, special response and tactics, K-9, narcotics, defensive tactics, gang identification and interdiction, first aid, and any other applicable training approved by DASO. To the maximum extent possible, DASO shall make applicable continuing education available to reserve deputies in order to meet this requirement.

### **Service Obligation**

Each reserve deputy shall contribute ten hours of service to DASO each month. This service obligation may be fulfilled by patrol duty (riding with a certified deputy on a regularly scheduled or special shift), participation in sobriety checkpoints, saturation patrols, SRT call-outs, personnel records maintenance, crime scene security, service of papers, training, and such other activities authorized by the Sheriff, but shall include, at a minimum, one patrol shift each month. This means, on average, a reserve deputy must do at least 12 patrol shifts per year. Time spent at monthly meetings does not count towards fulfillment of the service obligation.

Documentation of all time for which a reserve deputy claims credit towards their service obligation shall be emailed to the reserve captain (or designee) immediately after the completion of that shift. The reserve captain or designee shall keep a complete "reserve ride log" reporting a detailed monthly summary of all service time performed by the unit. This information shall be forwarded monthly to the reserve unit liaison for inclusion into the DASO Activity Summary, which the Sheriff forwards to the Doña Ana County Board of County Commissioners. Any time that was not entered may not be applied towards fulfillment of the service obligation.

The service obligation time of a reserve cadet shall include attendance at all training sessions, including all physical training sessions, and other activities as directed. The only basis for excused absences may be a true family emergency or isolated work schedule conflict. Reserve cadets are expected to attend all training sessions and activities, including physical training.

### **Chain of Command**

- A. The Sheriff may appoint a reserve deputy (whose title may be reserve captain) to be administratively in charge of the reserve deputies. Such reserve deputy may, with the consent of the Sheriff, appoint such lieutenants and sergeants as may be necessary to conduct the administrative affairs of the reserve unit. The following factors shall be considered in appointment of the reserve captain, reserve lieutenant(s), and reserve sergeant(s):
- 1) formal education;
  - 2) military service;
  - 3) length of service as a reserve deputy;
  - 4) commitment to service as a reserve deputy, as demonstrated by consistent fulfillment of the service obligation, especially the patrol requirement, as reflected in the reserve ride log;
  - 5) demonstrated ability to communicate clearly and in grammatically-correct written and spoken forms of the English language;
  - 6) compliance with the policies and procedures of DASO;

- 7) performance on an oral board of review; and
- 8) the recommendations of certified deputies;

B. Reserve rank holders shall not wear insignia of rank.

C. All reserve deputies shall use the chain of command applicable to the circumstances. Unless otherwise specified, the following chains of command apply:

- 1) General, day-to-day, administrative chain of command: the reserve deputy to the reserve squad leader (may be a reserve sergeant) to the reserve lieutenant to the reserve captain to the departmental liaison (may be departmental captain) to the Sheriff or Undersheriff.
- 2) Patrol chain of command: the reserve deputy to a certified deputy to the shift supervisor to the shift lieutenant to the patrol captain to the Sheriff or Undersheriff.
- 3) Special project chain of command: the reserve deputy to the reserve deputy in charge (if any) to the certified deputy in charge to the shift supervisor to the Sheriff or Undersheriff.

A reserve deputy is forbidden to by-pass or "jump" the official chain of command, except when approached by a superior regarding a specific matter, or when the reserve deputy is specifically authorized to do so by a reserve rank holder, or when there is a legitimate emergency. (The convenience of the reserve deputy is not considered an emergency.)

### **Duty Injury**

Doña Ana County endeavors to provide a policy of insurance to cover, within the policy limits, injuries sustained by a reserve deputy or cadet while on duty. Any reserve deputy or cadet who sustains an injury while on duty shall, unless incapacitated by such injury, notify his or her squad leader in writing (or by e-mail) within 24 hours of such injury. If incapacitated by the injury, notification shall be as soon as practicable after such incapacitation ends. A reserve deputy (or cadet) who is injured on duty shall diligently pursue treatment of such injury and shall cooperate fully with any insurer.

### **Monthly Meetings**

A monthly meeting of reserve deputies shall be held on the date and time directed by the Reserve Unit Captain. All reserve deputies and cadets shall attend each monthly meeting unless attendance is properly excused.

### **Disability, Resignation, and Leave of Absence**

Any reserve deputy who presents a medical condition as an excuse for not meeting the service obligation requirements, shall provide a document, signed by a medical doctor, to the reserve deputy's squad leader. This document must state that the reserve deputy's medical condition prevents him or her from fulfilling the function of a reserve deputy. During the period of disability, the reserve deputy shall be excused from the service obligation requirements. However, if authorized by his or her doctor, the reserve deputy may participate in light-duty projects that may be available and authorized by the Sheriff.

No reserve deputy shall be excused from the fulfillment of the service obligation, based on a medical condition, without providing the proper documentation from the medical doctor to the reserve squad leader.

Any reserve deputy, who has been excused from the service obligation requirements as a result of a medical condition documented by a medical doctor, will not perform any function of a reserve deputy until the limitations are removed by a medical doctor. (This does not include any approved light-duty projects authorized by the medical doctor and the Sheriff.) The reserve deputy must provide his or her squad leader with documentation from the medical doctor stating that there are no medical limitations on the reserve deputy's ability to perform the duties of a reserve deputy.

A reserve deputy who, as a result of change of employment, medical condition, family member, or other change of circumstance, is or believes he or she will be unwilling or unable to meet the service obligation for a period of 4 or more months, shall provide a written request for a leave of absence. This written request shall specify the reason for the leave and the duration of the requested absence. The reserve captain, in consultation with superiors in the chain of command, shall authorize in writing the requested leave to the extent that the reserve captain deems it legitimate. Any reserve deputy who receives written authorization for a leave of absence may apply for authorization to commence assumption of duties as a reserve deputy. This request must be made within a 12-month period of time, commencing on the date the leave of absence was approved. The Sheriff may authorize the reserve deputy to resume the duties of reserve deputy, with or without qualification, based upon the application and circumstances.

During a leave of absence, a reserve deputy shall regularly update the reserve captain of the status of the circumstances giving rise to the leave of absence.

Any person who ceases association with DASO, other than in writing setting forth the reasons for the disassociation, will not be considered for re-appointment as a reserve deputy.

Regardless of the circumstances under which a reserve deputy (or cadet) becomes disassociated with DASO, the Sheriff is not obligated to reinstate such reserve deputy (or cadet). Association with DASO as a reserve deputy is a privilege, not a right.

Any reserve deputy who voluntarily becomes disassociated with DASO is eligible, upon approval by the Sheriff and forfeiture of any badge deposit to the Dona Ana County Sheriff's Office Reserve Deputies' Association, Inc. (DASORDA) to retain such badge as a memento of service.

Upon becoming disassociated with DASO, a reserve deputy shall immediately return to any rank holder any and all department issued equipment or gear, or any equipment or gear owned by DASORDA. Failure to do so can result in charges for embezzlement or theft.

## **General Guidelines**

- A. In addition to the other obligations of a reserve deputy or cadet set forth herein, a reserve deputy or cadet shall:
- 1) Keep in mind at all times that service as a reserve deputy is a privilege, not a right.
  - 2) Abide by these policies and procedures and any other directives or policies or procedures promulgated or approved by the Sheriff as they presently exist or as they may be amended from time to time.
  - 3) Display good judgment in their personal affairs and while on duty as a reserve deputy.
  - 4) Exhibit professionalism and integrity while on duty.
  - 5) Report for duty in the authorized uniform in good repair and worn appropriately. At a minimum, the uniform shall be cleaned and pressed with badge, proper patches, and name tag. Boots should be buffed shined, at a minimum. To the greatest extent practicable, reserve deputies shall wear the same type of uniform as the certified deputy with whom they appear. An alternative call-out uniform is authorized for crime scene security, search and rescue, special response team support, and other call outs. The reserve deputy should contact their supervisor for details.
  - 6) Be courteous and respectful to members of the public, certified deputies, other reserve deputies, and Doña Ana County personnel.
  - 7) Maintain proficiency in the use of the sidearm carried on duty as well as the service shotgun and rifle, if qualified by DASO in their use.
  - 8) Follow lawful orders of superiors.
  - 9) Refer to himself or herself as "Deputy \_\_\_\_\_ [or Reserve Deputy], Doña Ana County Sheriff's Office," not "Deputy , Doña Ana County Sheriff's Reserves."
  - 10) Foster and maintain good working relationships with the certified deputies of DASO.
  - 11) Comply with any written policies, procedures, or written directives concerning, among other things, driving of county-owned vehicles and use of DASO radios or radio frequencies assigned to DASO.

- B. In addition to the other prohibitions on a reserve deputy or cadet set forth herein, a reserve deputy or cadet shall not:
- 1) Use the position as reserve deputy to obtain any money, remuneration, or services; However, this provision shall not be construed as preventing a reserve deputy from performing a duty authorized by the Sheriff, the result of which is a contribution to the DASORDA, from accepting a discounted beverage or meal while on duty, or from accepting a law enforcement discount from hotels, rental car companies, or retail dealers.
  - 2) Show a badge or other indicia of association with DASO as a reserve deputy in an intentional attempt to obtain favorable treatment in connection with any traffic or other offense.
  - 3) Project any authority as a deputy sheriff, special deputy, or reserve deputy, except while on duty in uniform or as otherwise directed by the Sheriff. This provision shall not prevent a reserve deputy who is on his or her way to or from a uniformed assignment from briefly stopping at a restaurant, gas station, convenience store, grocery store, etc. for personal reasons.
  - 4) Carry a concealed weapon except in accordance with the New Mexico statutes governing the carrying of concealed weapons. Note: the status as a special or reserve deputy does not authorize the carrying of a concealed weapon. See NMSA 1978, §§ 4-41-10, 4-41-10.1.
  - 5) Carry a concealed weapon while displaying a badge, identification card, or other indicia suggesting or implying that the person is a reserve deputy or is carrying a concealed weapon as a result of the status of reserve deputy.
  - 6) Attempt to make traffic stops or warn other drivers of infractions while in a privately owned vehicle.
  - 7) While operating a privately owned vehicle, assist or attempt to assist a certified deputy on a traffic stop, or contact central dispatch concerning such stop, except in a true emergency (e.g., deputy calls "10-18" or a certified deputy is observed in a struggle).
  - 8) Operate departmental motor vehicles or radios except in compliance with policies and procedures adopted by DASO.
  - 9) engage in any activity on or off duty that would bring discredit, dishonor, embarrassment, or shame to DASO.



## **Discipline**

Failure to comply with and DASO policies and procedures or other policies and procedures applicable to reserve deputies may result in discipline ranging from a verbal reprimand, a written reprimand, or disassociation with DASO.

The Sheriff may appoint a certified deputy or a reserve deputy to investigate any alleged infraction by another reserve deputy. All reserve deputies shall cooperate in any such investigation. Failure to cooperate shall be grounds for disassociation of the reserve deputy from DASO.

All sanctions imposed, including but not limited to a decision by the Sheriff to disassociate a reserve deputy from DASO, shall be final and unappeasable.

This policy shall not be construed as creating an employment contract or any expectation of continued association for any period of time with DASO as a reserve deputy or otherwise. Any reserve deputy is subject to removal or dissociation with DASO for any reason or no reason by the Sheriff.

## **Use of Force Training and Firearms Proficiency**

Each reserve deputy shall be required to attend and successfully pass Force Training and Firearms Proficiency as required by DASO for full time certified compensated deputies. Failure to successfully pass required Force Training and/or Firearms proficiency may result in suspension or immediate termination.

### **IV. APPLICABILITY**

This policy is applicable to all reserve deputies of DASO.

### **V. APPROVAL**

APPROVED BY: \_\_\_\_\_



DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-036**

**CALEA STANDARD:  
4.2.4, 4.2.5**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Early Identification System

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide a system to identify personnel who may be suffering from stress or performance related problems, to determine what actions the Doña Ana County Sheriff's Office (DASO) may take to enhance officer safety, to prepare the organization for request for information regarding use of force events, and to maintain training curriculums that are predicated on real data from field-based events.

#### II. POLICY

It is the policy of DASO to conduct a systematic review of complaints, chargeable accidents, motor vehicle pursuits, and incidents involving use of force, in order to identify employees who are suffering from stress or performance related problems.

#### III. PROCEDURE

DASO has a responsibility to its employees and the community to identify and assist employees that show symptoms of job stress and performance problems. Although no particular set of criteria can determine job stress and performance problems, it is important that certain criteria be routinely reviewed as possible indicators of behavior patterns. In order to highlight tendencies that may otherwise be overlooked, the Early Identification System has been established to provide a systematic review of citizen complaints, chargeable accidents, motor vehicle pursuits, internal investigations and incidents involving use of force. The Early Identification System is the responsibility of the Internal Affairs Division.

##### A. Report Composition

Quarterly and annual reports are prepared by the Internal Affairs Division. The reports outline personnel complaints, chargeable accidents, motor vehicle

pursuits, use of force incidents to include show of force, and forced entry. These reports will contain the names of employees who have received a specified number of incidents in the established areas, as follows:

1. Quarterly report:

A quarterly report is generated which contains the names of employees who have received two or more sustained or unsustained complaints in a 60-day period, or have been involved in four or more incidents during a three-month period. Incidents include use of force (level 2 or higher), motor vehicle pursuits, and chargeable accidents.

2. Annual report:

An annual report serves as a secondary system to the quarterly report. It contains the names of employees who have received four or more sustained or unsustained complaints, or have been involved in twelve or more incidents during a twelve-month period. Incidents include use of force (level 2 or higher), motor vehicle pursuits, and chargeable accidents. It identifies those employees who do not meet the criteria for the quarterly report, but are showing a pattern of conduct that warrants review.

Each report contains a brief profile of the complaints, chargeable accidents, motor vehicle pursuits, and incidents involving use of force. The profile for complaints includes the employee's name, the case identification number, the date of the incident, the name of the complainant, the nature of the complaint, and a disposition. The profile for incidents involving use of force contains the employee's name and the case number of the incident.

The Early Identification System reports make no conclusions or determinations concerning job stress or performance problems. The reports are used by supervisors as a resource in helping to determine if job stress or performance problems exist. They are designed as a resource to assist supervisory personnel in evaluating and guiding the employee. The system is designed to identify and reduce job stress or performance-related problems.

**B. Report Review:**

Early Identification System reports are disseminated to the employee's chain of command for review. It is the responsibility of the employee's immediate supervisor to ensure that the review is conducted. In order for a fair and meaningful assessment to be made, the review will consist of an evaluation of the report data, other relevant criteria, and information obtained through a conference with the employee. The following relevant criteria are considered risk indicators which are used in the review:

1. Performance evaluations;
2. Resisting arrest cases;
3. Assault/battery on a deputy cases;
4. Deputy Injury Reports;

5. Pursuits;
6. DASO vehicle accidents;
7. Civil litigation;
8. Disciplinary entries in the employee's Personnel File;
9. Sick leave usage and or tardiness;
10. Deputy involved shootings;
11. Personality changes, life style changes, and other personal issues;
12. Training deficiencies;
13. Policy comprehension;
14. Other factors.

Other factors may include, but are not limited to, the date and time of the incident, types of encounters resulting in the use of force, and trends or patterns related to race, age, or gender of subjects involved.

Assault/battery charges on law enforcement are critical events that significantly affect the safety of the public and safety of our personnel.

### **C. Report Determination:**

The employee's chain of command, up to the Sheriff, jointly makes a final determination, based on an assessment of the review and analysis. Determinations result in one or more of the following alternative measures:

1. Assessment that no problem exists, terminating further action;
2. Counseling by the immediate supervisor;
3. Remedial training;
4. Detailed policy review;
5. Referral to the Employee Assistance Program for counseling or referral assistance;
6. Referral to drug testing, if reasonable suspicion exists;
7. Referral to psychological or medical fitness for duty examinations;
8. Other corrective or disciplinary action, as deemed appropriate.

A summary of the supervisory review and analysis determinations will be completed by the employee's immediate supervisor, within 15 days of issuance of the Early Identification System report, and then returned completed to the Internal Affairs Division. The final report and determination is then forwarded to the Internal Affairs Division, who maintains the Early Identification System. The summary will include a listing of any relevant criteria which was discovered through the review process, any information obtained through the employee conference, determination results, and recommendations.

**D. Annual Evaluation:**

The Internal Affairs Division conducts a documented annual evaluation of the Early Identification System to ensure that the system meets the needs of the DASO. This annual evaluation will be presented to the Sheriff and or his/her designee. Changes can be recommended when necessary.

The annual evaluation may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

**IV. APPLICABILITY**

This policy is applicable to all sworn law enforcement deputies of DASO.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-037	
<b>CALEA STANDARD:</b> 22.1.8	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Employee Identification

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish guidelines to ensure the public can identify law enforcement and to be certain the person with whom they are interacting is in fact a law enforcement officer.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) all law enforcement employees and volunteers have proper identification signifying their position within DASO.

#### III. PROCEDURE:

1. Upon request, employees will supply, in a courteous manner, their name, identification number, and the name of their immediate supervisor to any person requesting that information when they are on-duty or while acting in their official capacity. Such information may be withheld when necessary for the performance of their duties, if so authorized by proper authority, or when impractical or unfeasible.
2. Deputies in plain clothes shall identify themselves by displaying their DASO badge and their identification card upon request, before taking any law enforcement action.
3. Identification cards issued by DASO will include, at a minimum, the employee's name and photograph, and signed by the Sheriff.
4. Employees will give verbal identification over the telephone when conducting official business.

#### IV. APPROVAL:

APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
100-038**

**CALEA STANDARD:  
53.1.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Line Inspections

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures for conducting line inspections.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to conduct line inspections to monitor compliance with policy and procedures pertaining to personnel, facilities, equipment and activities.

#### III. PROCEDURE:

Line inspections are conducted for all organizational components, functions, facilities, property, equipment and personnel as an on-going activity to monitor the following areas:

1. Personal appearance of employees;
2. Use and maintenance of equipment;
3. Compliance with DASO policy and procedure;
4. Status and conditions of physical facilities.

The frequency of line inspections is dependent on the nature of the area to be inspected. Inspections of personal appearance, activities of employees, and DASO facilities are conducted on a daily basis. Inspections of vehicles are conducted monthly. Inspections of firearms and equipment are conducted on an as-needed basis, at least annually, such as checking firearms after qualifications to ensure proper cleaning and maintenance or as part of the annual evaluation process.

Line inspections are conducted by supervisors with direct authority and responsibility

for the personnel, equipment, facilities, procedures or other elements being inspected. Supervisors conduct inspections by making visual observations and are responsible for identifying problem areas and taking corrective action, as appropriate.

Line inspections do not require a written report unless a problem is identified which is recurring or is of a serious nature. In such cases those findings and any recommendations for corrective remedies are documented by Inter-Office Memorandum by the supervisor.

This documentation is forwarded to the Division head or employee with assigned responsibility for the function within which the problem was identified. It then becomes that person's responsibility to ensure that corrective action is taken.

If equipment is lost or stolen, a Lost or Stolen Property Inventory Control memorandum is completed and submitted to the Lieutenant responsible for that employee's division and entered into the employee's working file.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>100-039</b>	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Peer Support Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

Doña Ana County Sheriff's Office (DASO) will provide its employees a program that will assist them with stress management and peer support in order to aid in the healthy recovery from life stressors. This program will also provide for critical incident stress management meetings in instances where an employee is involved in a highly stressful or traumatic experience.

The field of law enforcement has its own unique stressors. Employees are frequently hesitant to talk about their emotional challenges with someone not familiar with the law enforcement culture. Attempting to deal with the stress alone can lead to more pressure and additional problems. The Peer Support team is available to provide an opportunity to help their fellow employees deal with a variety of personal and professional stressors.

Mission Statement: Peer Support provides our DASO Family the opportunity to receive sincere and empathetic support through times of personal and professional hardship. Assists in providing wellness resources in an effort to help you thrive. We offer a safe, non-judgmental and confidential environment for all.

No one has to struggle alone.

#### II. POLICY:

Doña Ana County Sheriff's Office (DASO) will provide employees a program to assist them with stress management and peer support in order to encourage healthy recovery or respite from life's stressors. This program will also provide for critical incident stress management meetings in instances where an employee is involved in a highly stressful or traumatic experience.

### III. DEFINITIONS:

**Confidentiality:** A duty of an individual to refrain from sharing confidential information with others, except with the expressed consent of the other party. This includes not talking in "code" or making other innuendos regarding information about an individual who is expecting confidentiality.

**Peer Support Team:** The Peer Support Program (PSP) consists of a Team Coordinator, Peer Supporters and a Licensed Mental Health Professional/Wellness Advocacy Coordinator.

**Peer Support Team Coordinator:** The Peer Support Team member designated by the Sheriff or his/her designee who is assigned with the primary oversight and administrative functions of the Peer Support Team.

**Wellness Advocacy Coordinator:** Employed or contracted mental health professional that provides clinical oversight to the Peer Support Program.

**Mental Health Professional (MHP):** An independently licensed mental health practitioner offering services to improve an individual's well-being. MHP's may be compensated or volunteer and are required to have an initial minimum of 24 hours of trauma education and 12 hours of continuing education every two-years. A non-independently licensed mental health practitioner may offer services if above criteria is met and they are supervised by an independently licensed mental health professional who also meets above requirements.

**Traumatic Event:** Any incident which could cause severe physical or mental injury, usually due to an external agent. Traumatic events may include, but are not limited to:

1. Employee involved in the use of deadly force
2. Assault on an employee involving a deadly weapon
3. Hostage situation where an employee is victim
4. Injury, illness or death of an employee or family member of an employee
5. Assisting family members with an employee's death
6. Catastrophic incidents such as an airplane crash, flood or fatal accident
7. Investigations involving death
8. Substance abuse
9. Marital, relationship, health, family, financial, employment, or other personal problems

#### **IV. DUTIES OF PEER SUPPORT TEAM:**

The Peer Support Team exists to:

- A. Provide emotional support during and after times of personal or professional crisis to employees who express a need for assistance, or for whom supervisory staff feel could benefit from program involvement.
- B. Promote trust, allow anonymity and preserve confidentiality for employees utilizing the program.
- C. Develop Peer Support personnel who can identify personal conflicts and provide guidance or referral to professional or alternate resources, as required.
- D. Provide personnel to listen, assess and, whenever necessary, refer to professional assistance for employees and their families during times of trauma, grief, or other personal and professional problems.
- E. Shall sign a Peer Support Team Member Agreement annually articulating the confidential nature of their role and their responsibilities to maintain the same.

The Peer Support Team shall **not**:

- A. Be used as an investigative tool, disciplinary measure, or otherwise involved in any on-going criminal or internal investigations.
- B. Interfere in any way with the voluntary use of or referral to any other related programs or services such as the County's Employee Assistance Program (EAP).
- C. Receive payment for their role as a team member. Participation and involvement in this program is strictly voluntary.
- D. Disclose information received in their role as Peer Support team member.
- E. Engage in direct involvement in the incident when responding to on-scene activations and shall focus instead on assisting the involved personnel.

#### **V. PEER SUPPORT TEAM SELECTION:**

- A. Peer Supporters will be chosen from volunteer applicants who are currently in good standing with the department and who have received recommendations from their superiors and/or peers.
- B. Peer Supports will be considered to participate dependent on, but not limited to,

previous education and training, resolved traumatic experiences, and desirable personal qualities such as maturity, judgement and personal and professional credibility.

- C. A de-selection procedure is in place which outlines established criteria for dismissal/departure from the program, which may include breach of confidentiality, failure to attend training, loss of good standing or credibility within the department, or when it is apparent to the Wellness Advocacy Coordinator that the Peer Supporter's own personal issues are clouding their ability to serve in this capacity.

(See Section X. Misconduct/Dismissal/Departure for more information).

## **VI. WELLNESS ADVOCACY COORDINATOR:**

The Wellness Advocacy Coordinator shall be responsible for:

- A. Monitoring Peer Supporters to ensure that they continue to perform their regular duties, remain eligible for team participation, and comply with the procedures set forth in this policy and training.
- B. Assure that Peer Supporters are not emotionally overwhelmed by the scope of their duties to include the establishment of a peer and professional support apparatus, specifically wellness checks.
- C. Ensure new and current Peer Supporters attend all initial and on-going training opportunities.
- D. Managing the administrative and logistical functions of the team, to including timely notification of scheduled meetings and training for team members.
- E. Compiling data regarding use of the Peer Support Program (PSP) to provide accurate information to the Department and/or grant administrator(s).
- F. Submit an annual report to the designated staff to be used only for administrative and planning purposes and shall not reference or include any personally identifying information obtained during a peer support contact.
  - 1. Number of Peer Support Members.
  - 2. Number of support and guidance contacts.
  - 3. Number of wellness trainings provided to the team.
  - 4. Current expenditures on overtime, training, and/or equipment.
  - 5. Projected budgetary needs.

## **VII. PEER SUPPORT TEAM COORDINATOR:**

The Peer Support Team Coordinator shall be responsible for:

- A. Maintain oversight on any overtime a Peer Supporter may incur or request regardless if the time is/was compensated.
- B. Point of contact to notify Peer Supporters if they are no longer eligible to participate on the Peer Support Team.

**VIII. PEER SUPPORT TEAM MEMBER (PSPs) RESPONSIBILITIES:**

- A. Peer Supporters will agree and sign a Peer Support Member Agreement upon joining the team and annually thereafter. Upon leaving the team, for whatever reason, a Peer Supporter will understand and honor the essence of confidentiality in perpetuity.
- B. The Peer Supporter will read the DASO Peer Support Team Limits to Confidentiality Statement to any individual seeking peer support prior to initiating such conversations and will obtain their verbal consent to Peer Support services.
- C. Peer Supporter shall notify the Wellness Advocacy Coordinator or the Peer Support Team Coordinator immediately of any issues that may impair or affect their ability to operate as a Peer Support Member (e.g., personal critical incident, conflict of interest with a member seeking support, personal or professional issues that preclude them from assuming PSP duties, etc.).
- D. Peer Supporter will self-report to the Wellness Advocacy Coordinator if they have received a focus notice of a pending investigation.
- E. Peer Supporter will inform Wellness Advocacy Coordinator if they are placed on Administrative Leave or FMLA and shall not participate in PSP duties during such leave. It is recommended that Peer Supporters not participate in PSP duties and responsibilities while on Sick Time, Vacation Time, or any other self-directed break so that Peer Supporter takes advantage of such time to care for themselves.
- F. Peer Supporter is required to visit a mental health professional annually. The information provided to the mental health professional will be confidential and the professional will only release to the Wellness Advocacy Coordinator that the Peer Supporter attended the appointment.
- G. Peer Supporter will maintain a log of anonymous statistical information to demonstrate the utilization of the PSP and provide the log to the Wellness Advocacy Coordinator monthly.
- H. Peer Supporter will attend all required training to become and maintain certification;
- I. Peer Supporter will attend at least 70% of Peer Support team meetings per year, unless otherwise approved by the Wellness Advocacy Coordinator.

- J. Peer Supporter must not have been directly involved, including as a witness or supervisor, to any incident in which an individual involved in a critical incident may seek peer support.
- K. Peer Supporter must not provide peer support in relationships which may conflict with their own position in the Department or personal affiliation to include their supervisor, individuals under their supervision, or relatives.
- L. Peer Supporter may be utilized for on-scene employee support during critical incidents. Peer Supporter may be responsible for obtaining food and water and disseminating it to personnel on scene. The responsibility of the Peer Supporter is to monitor the physical and mental welfare of the employees in order to provide early intervention and increase the employee's speed and ability to recover from trauma and stress. Peer Supporter will not become involved with or otherwise interfere with the incident. Peer Supporter cannot have been involved in the critical incident, or if involved, will refrain from Peer Support duties. Peer Supporter call outs must be approved by Peer Support Team Coordinator or designee, a Captain, or the Sheriff.

## **IX. CONFIDENTIALITY:**

- A. Communications between Peer Supporter(s) and DASO personnel seeking their consultation or guidance shall be considered confidential. Barring the following exceptions, Peer Supporters shall not maintain notes, record conversations, or divulge any details of discussions they have with department personnel. DASO recognizes "confidential information" as all the dialogue between members of the Peer Support team, mental health providers, and those individuals involved in a critical incident. Exceptions to confidentiality include the following:
  - Danger to self
  - Danger to others
  - Suspected child abuse
  - Narcotics offenses
  - Domestic violence
  - Elder abuse
  - Felonies and serious misdemeanors
  - In other cases where law or Department policy requires disclosure
  - Where disclosure is requested by the peer
- B. Confidentiality must be maintained during Peer Supporter (s) tenure on the team, and also for their lifetime, thereafter.
- C. Peer Supporter must read the DASO Peer Support Team Limits to Confidentiality Statement to individual receiving peer support prior to initiating peer support conversation and will obtain their verbal consent to Peer Support Services.
- D. If a Peer Supporter obtains non-emergent information in reference to the above listed exceptions, they are to advise the Peer Support Team Coordinator and Wellness

Advocacy Coordinator, of that information as soon as practical.

E. In the event that a Peer Supporter, the Wellness Advocacy Coordinator or other mental health professional believes that a member of the department is in imminent threat of suicide, they will immediately notify the Peer Support Team Coordinator and Wellness Advocacy Coordinator. If the Team Coordinator cannot be reached, they will notify the on-duty Captain. The employee will be transported to the hospital to be evaluated by a medical or mental health professional. The employee will not be left alone. When feasible, the following precautions will be taken to reduce unwanted attention:

1. The individual will remove their uniform prior to transport.
2. The individual will be transported in an unmarked department vehicle.
3. Emergency room staff will be notified prior to arrival.

**X. MISCONDUCT/DISMISSAL/DEPARTURE:**

A. Allegation of a Peer Supporter misconduct will result in the member being placed on suspension from the Peer Support team during the investigation. Investigations of allegations of misconduct, including breaching of confidentiality and insubordination will be investigated by the Professional Standards Unit. Investigations will be initiated as soon as possible after a written complaint is produced to the Peer Support Team Coordinator or Wellness Advocacy Coordinator. Investigations should be completed as timely as possible.

B. Members will face disciplinary action for any confidentiality violations that occur while a member of the team or after the member's tenure with the team and while employed by Doña Ana County. Peer Supporter confidentiality violations shall result in the immediate suspension of the member's operational status as a team member.

C. Upon departure from the Peer Support team, whether through dismissal or voluntary, Peer Supporter will sign a final confidentiality agreement that requires ongoing confidentiality of support given and information obtained throughout the term of the being a Peer Supporter. If Peer Supporter breaches confidentiality at any point in their employment with DASO, disciplinary action will take place.

**XI. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 100-040	
<b>CALEA STANDARD:</b> 4.2.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Modified Duty Assignments

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for employees to be considered for modified duty assignments.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to consider employees for modified duty assignments, when the employee is physically or emotionally unable to perform the essential functions of their assigned position. Approval of modified duty assignment within DASO is at the discretion of the Sheriff or his/her designee. The Sheriff or his/her designee may set forth terms and conditions of any modified duty assignment within DASO, as deemed appropriate and consistent with medical provider recommendations.

DASO recognizes that employees with temporary restrictions, when authorized by a physician or psychologist, may still contribute to the overall mission of DASO. For on-going restrictions or limitations see HR Policy 2-14. Reasonable Accommodation Policy.

#### III. DEFINITIONS

**Modified Duty** - A limited duration assignment, approved by administration, for employees that are temporarily disabled, or unable to perform their regularly assigned duties, due to injury, illness, or pregnancy.

**On-Duty Injury** - An injury or illness which occurs while an employee is working their scheduled time and performing their official duties.

**Off-Duty Injury** - An injury or illness which occurs while an employee is not on duty and while participating in personal activities or functions.

**Marked Vehicle** - A patrol vehicle with emergency response equipment and DASO



decals.

## **IV. PROCEDURE**

### **A. Requesting a Modified Duty Assignment**

1. When an employee is physically or emotionally unable to perform the essential functions of their assigned position, it is DASO's intent to encourage a speedy return to work to the extent appropriate and practical. DASO recognizes the opportunity may exist to assist in the employee's recovery and/or ability to continue a work assignment using temporary adjustments to work assignments, schedules, or workplace locations.
2. Employees who become ill or injured while off-duty, who are recovering from an illness, injury, or other medical procedure or condition, should understand that DASO is under no obligation to provide a light duty assignment, but consideration will be given on a case-by-case basis in accordance with applicable Human Resources Policies and Procedures.
3. When it is determined by a physician or psychologist that an employee is temporarily unable to perform the essential functions of their job, the employee will provide the following information to Doña Ana County Human Resources:
  - a. Written notification and documentation by the physician or psychologist of the employee's condition and any restrictions or limitations that will affect them at work;
  - b. Any prescribed drug therapy (limited to classes of drugs involving pain management or which tend to cause impairment, excitability, or drowsiness);
  - c. An estimated date of return to full duty.
4. The County reserves the right to request an independent examination of the employee's condition or suitability for modified duty assignment.

### **B. Restrictions and Requirements**

The following restrictions apply to all employees on modified duty status:

1. Will not work overtime, nor perform on-call responsibilities;
2. May work a modified duty assignment on holidays, with approval, based on organizational needs;
3. May participate in training only after obtaining the required approval from the Sheriff, or designee, as well as written approval from the employee's physician, if required.

4. Must attend all scheduled doctor and/or therapy visits and shall follow all guidelines established by the employee's physician, both on-duty and off-duty, i.e. wearing prescribed braces, slings, other adaptive equipment, etc.
5. Additional restrictions that apply to sworn employees, unless waived by the Sheriff:
  - a. Will not publicly display equipment, including firearms, symbols, or other markings that may identify them to the public as a DASO deputy or law enforcement officer;
  - b. Shall not be permitted to operate a marked police vehicle;
  - c. Are prohibited from working special detail assignments;
  - d. Will be required to park any assigned marked patrol vehicle at DASO.

### **C. Re-evaluation of Modified Duty Status**

Modified duty status that is granted through the application process will be re-evaluated as recommended by the medical provider. Documentation from the employee's physician or psychologist will be required and must be submitted to the Human Resources Department.

### **D. On-Duty Injury or Illness**

1. The amounts and conditions of Worker's Compensation leave are addressed in the Doña Ana County policy, Section VII – Employee Benefits. This rule addresses modified duty assignments "... The department head or designee, will determine if the employee can be utilized temporarily within the department or its sub-units consistent with the limitations."

### **E. Reinstatement of Full Duty**

1. Upon written notification from the employee's physician or psychologist that the employee can perform all essential job functions with or without an accommodation, the employee will be re-assigned to his/her former duties, unless it is determined that a fitness for duty evaluation should be completed.
2. If the duration of the modified duty status is sixteen (16) consecutive working days or more, then the employee is required to demonstrate proficiency for all weapon systems by successfully passing a state mandated or department mandated qualification course, before returning to full duty status.
3. If necessary, arrangements will be made with the Training Unit to provide approved firearms training, prior to completing the qualification course. An employee, who fails to demonstrate proficiency by failing two consecutive firearms qualifications, as required by this policy, will not be subject to discipline. The employee will be assigned to a firearms instructor who will

arrange a time for the instructor and employee to meet for a remedial training session. Upon completion of remedial training, the employee must pass two consecutive qualification courses to demonstrate proficiency and return to full duty status.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>200-001</b>	
<b>CALEA STANDARD:</b> <b>41.1.1 – 41.1.4,</b> <b>41.3.1, 41.3.2</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Patrol Administration

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide standards governing the organizational and administrative components of the Doña Ana County Sheriff Office (DASO) Patrol Division.

#### II. POLICY

It is the policy of DASO to organize and administer the Patrol Division to promote both optimal service to the community and efficient use of DASO resources.

#### III. PROCEDURE

##### A. Patrol Division Function

The primary objective of the Patrol Division is the protection of life and property, preservation of the peace, and the enforcement of state laws and local ordinances. In order to accomplish these objectives, the responsibilities of the Patrol Division shall include, but not be limited to, the following:

1. Conducting patrol directed toward the prevention of criminal activity and accidents, maintaining the public order, and the identification of hazards or potential delinquency-causing situations.
2. Responding to calls for service in a timely and efficient manner.
3. Coordinating crime prevention programs promoting community security through cooperation with citizens.
4. Preliminary investigation of crimes and incidents.
5. Traffic direction and control, as well as enforcement activities directed toward the reduction of traffic accidents.

6. Providing emergency services in emergency situations.
7. Developing and promoting police-community relations through efficient and courteous law enforcement services.
8. Reporting of information to appropriate departmental components in an accurate and timely manner.
9. Application of resources to specific problems or situations, which may be improved or resolved by directed patrol activity.

## **B. Communication with Departmental Divisions**

Effective communication between the Patrol Division and other DASO divisions is achieved through the constant exchange of information. This is accomplished by the following means:

1. Attendance by the Patrol lieutenants to all command staff meetings.
2. Distribution of information, in either electronic or paper form. This could include copies of offense and incident reports, teletypes, field interview forms, attempts to locate, information items, booking forms, and other DASO forms and reports.

## **C. Patrol Coverage**

The Patrol Division provides continuous patrol coverage on a 24-hour basis, every day of the week. Such coverage is accomplished by the deployment of three Patrol shifts, and their respective components, during the following hours of operation:

Night Shift: 2030 hours - 0630 hours;

Day Shift: 0600 hours - 1600 hours;

Swing Shift: 1400 hours - 2200 hours;

The shift coming on duty should be in service no later than 30 minutes after the beginning of their shifts. The shift going off duty will be called in by the shift supervisor no sooner than 30 minutes prior to the end of their shift, for shift debrief, unless there is not sufficient patrol coverage to handle calls for service, or if otherwise instructed by the shift supervisor.

Minimum staffing for patrol will be nine (9) deputies (including supervisors) on duty, under normal circumstance.

## **D. Shift Assignment and Rotation:**

A bid process determines shift assignments for the Patrol Division. Administration assigns a specific number of available positions and days off for the shift supervisors and all other Patrol personnel. Personnel will bid, according to seniority in accordance with the CWA contract, taking the next preferable position available. Probationary employees are subject to shift assignment by the Sheriff or their designee.

Shift rotation is for a one-year duration. The bid process begins each year in early June, for shift change in early July.

### **E. Patrol District Assignment**

Doña Ana County is divided into various patrol districts. Patrol deputies are assigned to a specific patrol district each shift, to provide law enforcement services within each district.

Deputies assigned to a specific patrol district have primary responsibility for providing law enforcement services within that area. Deputies may leave their assigned patrol districts if they are dispatched, receive clearance from the dispatcher or shift supervisor, or inform dispatch during the course of performing any proactive patrol function.

Deputies may be assigned as a roving unit, if staffing permits. Those roving units may be assigned to a specific patrol district in which they are to concentrate most of their patrol duties, but from which they are not restricted from leaving.

### **F. Patrol Supervisors**

Patrol lieutenants and sergeants function in the position of shift supervisors. Patrol sergeants are normally in the position of first-line supervisors, with direct responsibility and accountability for the actions of the employees operating under their immediate control.

Patrol sergeants are the first-line supervisors for the following personnel on each shift:

Night Shift: Patrol deputies;

Day Shift: Patrol deputies and Traffic deputies;

Swing Shift: Patrol deputies and Traffic deputies.

### **G. Patrol Shift Briefing**

At the beginning of each shift, a shift supervisor will conduct a daily briefing session. The following tasks should be accomplished at these sessions:

1. Assignment of deputies to patrol districts or assignment of any special duties;
2. Briefing of shift personnel on information regarding daily patrol activity, utilizing Smartforce and passed-along information from the supervisor from the previous shift. Information disseminated includes items such as close patrols, attempts to locate, information items, wanted persons, stolen vehicles, major crimes or investigations, updated information on unusual situations, etc.
3. Conducting training on areas identified by shift supervisors, or on changes to DASO policy or procedure.
4. Evaluating the readiness of all shift personnel through informal inspection.

5. Completion and distribution of the Shift Roster, listing the following information:
  - a) On duty deputies' names and patrol district assignments.
  - b) Names and R-numbers of those deputies on leave, other than normal days off, and the type of leave.
6. Distribution of the shift roster to Mesilla Valley Regional Dispatch Authority and police administration.

#### **H. Patrol Vehicles – Markings**

DASO vehicles used for routine patrol duties are visibly marked to ensure they are readily identifiable as DASO vehicles. All patrol vehicles are equipped with a siren, and exterior-mounted red and blue emergency lights on a roof-mounted light bar, or mounted in the area of the front grill facing forward, and on the rear dash deck, facing the rear.

The markings for Patrol vehicles, will include the approved DASO logo, indicating "Sheriff" and the vehicle number on the front and rear.

#### **I. Patrol Vehicles – Equipment**

DASO vehicles used for routine patrol duties are equipped with the following equipment in operational order:

1. Emergency lights as described above;
2. A siren, including a public address system;
3. A mobile radio transceiver capable of receiving and transmitting on all DASO channels, and a computer docking station;
4. Exterior spotlights;
5. Alley lights (Vehicles equipped with a roof mounted light bar);
6. Equipment box;
7. Fire extinguisher;
8. First aid kit;
9. TraCS equipment;
10. Mobile Data Terminal and associated laptop;
11. Road flares;
12. Reflective vest (Issued to individual deputies and carried in the patrol vehicle, while on-duty);

13. Blanket;
14. IFAC kit;
15. NARCAN kit;
16. All applicable forms.

It is the responsibility of the deputy driving the unit to replenish supplies and equipment, as needed, by notifying their supervisor. It is the responsibility of the shift supervisor to conduct inspections of all patrol vehicles assigned to their shift, as outlined in the policy and procedure, Patrol Operations, to ensure all of the above mentioned equipment is present and in working condition.

In addition, the following equipment is available to patrol personnel upon request, and can be obtained by the shift supervisor:

1. Camera;
2. Leg restraints;
3. Materials for producing a crime scene sketch;
4. Materials for the collection and preservation of physical evidence;
5. Tactical shields;
6. Spit masks;
7. CPR masks;

#### **IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-002**

**CALEA STANDARD:  
41.2.1, 41.3.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Patrol Operations

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines concerning the operational practices of the Patrol Division.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish standards of practice for Patrol Division operations to ensure efficient and effective service to the community.

#### III. PROCEDURE:

##### Objectives:

The following guidelines are designed to furnish patrol personnel with standards of operational practice with the intent of improving productivity and ensuring officer safety. Patrol personnel will adhere to these guidelines during normal operational conditions unless otherwise instructed by specific policy or by a supervisor.

##### Minimum Staffing:

Minimum staffing for patrol will be nine Deputies including supervisors on duty under normal circumstance, with one Deputy assigned to each of the seven areas within the county not including Deputies in training (FTO). Other events, incidents or command direction may change this from time to time.

##### Routine Patrol Procedures:

The following factors will be considered when patrolling assigned patrol areas:

1. High citizen complaint and selective enforcement areas.

2. Known criminal activity/high crime areas.
3. Geographical and demographic composition of the patrol area (i.e., LANL, residential, business, isolated areas, school zones, etc.).
4. Other duties as directed by Shift Supervisors

When a call for service is dispatched, personnel in the patrol area in which the call is dispatched will handle the initial response and reports. If the patrol area Deputy determines the crime or incident occurred in another patrol area and further patrol investigation is required, the responding Deputy will notify his or her Shift Supervisor as to where and in what patrol area the crime occurred. The Shift Supervisor will determine whether the initial responding Deputy should continue the investigation or turn the follow-up investigation over to the Deputy assigned to the patrol area of the occurrence.

During a traffic stop and/or motorist assist, Deputies will utilize their emergency equipment to signal the vehicle to stop in accordance with applicable State and County laws. During the traffic stop, the Deputy will ensure the vehicle and patrol vehicle will be in a position to be of least exposure to danger from passing traffic and other hazards as possible. The emergency lights will be activated during the traffic stop for other responding units to easily locate the patrol vehicle and to warn traffic of the stopped vehicle. Deputies should position their vehicle in such a manner as to conduct a safe traffic stop, limiting the obstruction of the roadway. If necessary, the Deputy will utilize flares, traffic cones or other devices to warn on-coming motorists of hazards at the scene of a traffic stop, traffic accident, disabled motorist or any other roadway hazard that is obstructing traffic.

Any Deputy responding to a "call for service", making an arrest, engaged in a pursuit, agency assist, conducting a "field interview", traffic crashes, criminal investigation, dealing with any citizen concern(s), or other activity in connection with his/her duties and responsibilities will complete all required reports, forms and submit them for review by the end of their shift unless an extension is approved by their Supervisor.

### **Investigations - Preliminary:**

Patrol Deputies are responsible for conducting the preliminary investigation for the majority of incidents or calls for service requiring law enforcement service or attention. In such cases, the patrol Deputy assigned is responsible for the following functions:

1. Establish control of the crime scene;
2. Provide aid to the injured and obtain additional medical attention if necessary;
3. Assess the assistance required and request additional Deputies, supervisors, detectives, medical investigators or other support personnel as needed;
4. Determine if a crime has been committed and if it was committed within the Department's jurisdiction;

5. Locate and identify victims and potential witnesses;
6. Determine the identity of the suspects and affect the arrest of the criminals whenever possible;
7. Furnish other field units with descriptions, method of operation and direction of flight when possible;
8. Conduct initial interviews and interrogations;
9. Process the scene and collect evidence;
10. Completely and accurately report collected information on the appropriate report forms.

In the case of an unusually serious or complex situation, immediate notification of a shift supervisor and response of Detective Division personnel may be required. In such cases, the Deputy will notify the Mesilla Valley Regional Dispatch Authority (MRVDA) who will contact the shift supervisor and the on-call Detective Division supervisor. The shift supervisor and detective supervisor will make the determination to call-out the appropriate on-call Detective Division or other required personnel. Cases that would warrant notification and response of Detective Division personnel would include, but not be limited to:

1. Homicide or any violent, unexplained or unattended death other than traffic accidents;
2. Criminal sexual penetration/contact of a minor;
3. Kidnapping;
4. Missing Persons;
5. Any violent felony involving serious injury or which may result in death;
6. Arson;
7. Police-involved shootings;
8. Any crime involving extensive or complex crime scene processing;
9. Any incident where the investigation may require the presence of Detective Division personnel in plainclothes during the initial investigation;
10. Any incident where the shift supervisor determines that Detective Division personnel should become immediately involved.

The assigned patrol Deputy is responsible for preliminary crime scene functions and to assist Detective Division and other support personnel as requested, unless relieved of those duties by a supervisor or the responding Detective Division personnel.

### **Investigations - Follow-up:**

Patrol Deputies are responsible for conducting the follow-up investigation for the majority of misdemeanor incidents or calls for service. The following conditions will serve as guidelines when a misdemeanor level case should be referred to the Detective Division for follow-up:

1. The case cannot be concluded during the Deputies normal shift hours;
2. The investigation requires prolonged contact with an outside agency;
3. The crime appears to be one in a pattern or involves an on-going Detective Division investigation;
4. The duration or location of the investigation extensively interferes with Deputy's primary patrol duties;
5. Instructed by the Shift Supervisor.

### **Field Interviews:**

The field interview is an important point of contact for Deputies in preventing and investigating criminal activity.

Even when conducted with respect for involved citizens and in strict compliance with the law, the field interview can be perceived by some as police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of Deputies who must approach suspicious individuals, law enforcement Deputies shall conduct field interviews and perform pat-down searches in conformance with federal/state laws and procedures set forth in this policy.

### **Justification for Conducting a Field Interview:**

Law enforcement Deputies may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need the test for probable cause to be sufficient to make an arrest. In justifying the stop, Deputies must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop.

### **Procedures for Initiating a Field Interview:**

Based on observance of suspicious circumstances or upon information from an investigation, a Deputy may initiate the stop of a suspect if he has reasonable suspicion to do so. The following guidelines shall be followed when making an authorized (legally justifiable) stop for the purpose of conducting a field interview:

1. When approaching the suspect, the Deputy shall clearly identify himself as a law enforcement Deputy, if not in uniform, by announcing his identity and displaying departmental identifications;
2. Deputies shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband or other suspicious actions;
3. Before approaching more than one suspect, individual Deputies should determine whether the circumstances warrant a request for back-up assistance and whether the contact can and should be delayed until such assistance arrives;
4. Deputies shall confine their questions to those concerning the Deputy's suspicions; however, in no instance shall a Deputy detain a suspect longer than is reasonably necessary to make these limited inquiries and resolve suspicions;
5. Deputies are not required to give suspects Miranda warnings in order to conduct field interviews unless the person is in custody and about to be interrogated;
6. Suspects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to a Deputy's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.

#### **Procedures-Pat-down Searches:**

**Justification for Conducting Pat-down Searches:** A law enforcement Deputy has the right to perform a pat-down search of the outer garments of a suspect for weapons if:

1. The suspect has been legitimately stopped with reasonable suspicion; and
2. Only when the Deputy has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the Deputy's or another person's safety.

Not all field interviews pose sufficient justification for conducting a pat-down search. The following are some criteria that may form the basis for establishing justification for performing a pat-down search. Deputies should note that these factors are not all-inclusive and there are other factors that could and should be considered.

The existence of more than one of these factors may be required in order to justify a pat-down search:

1. The type of crime suspected, particularly crimes of violence where the use or threat of a deadly weapon is involved;
2. Where more than one suspect must be handled by a single Deputy;
3. The hour of the day and location or neighborhood where the stop takes place;

4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons;
5. The appearance and demeanor of the suspect;
6. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon;

Whenever possible, pat-down searches should be performed by a Deputy of the same sex.

**Procedures for Performing a Pat-down Search:** When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint and sensitivity. These searches may only be performed to protect the safety of the Deputies and others and may never be used as a pretext for frisking down individuals or groups of individuals to obtain evidence or for other purposes.

Pat-down searches should be conducted in the following manner:

1. Whenever possible, pat-down searches should be conducted by at least two Deputies, one who performs the search while the other provides protective cover;
2. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position with feet spread apart. Should a Deputy visually observe a weapon, a more secure search position may be used, such as the kneeling or prone positions;
3. In a pat-down search, Deputies are permitted only to feel the outer clothing of the suspect. Deputies may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club or other item;
4. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the Deputy should not open the item but instead secure it or request consent to search said item;
5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, a Deputy may retrieve that item only. If the item is a weapon, the possession of which is a crime, the Deputy may make an arrest of the suspect and complete a full in-custody search of the suspect.

### **Reporting:**

If after conducting a field interview, the Deputy has no basis for making an arrest, the Deputy should write a report describing the facts of the interview.

### **Use of Informants:**

Patrol Deputies shall not utilize the assistance of confidential informants without

supervisor approval through their chain of command.

### **Information Items:**

Information items are those police hazards which are defined as any situation, person, property, or place that may induce an incident calling for some law enforcement action. Potential or actual information items may be permanent or temporary and may vary hourly, daily or seasonally.

Any time a Department employee is made aware of information relating to any type of hazard or activity that could adversely affect Deputies or the public, the employee documents such information items by means of the following forms or documentation:

1. Attempt to Locate and Information item;
2. Shift/Department Information;
3. Deputies Request of Close Patrol;
4. Inter-Office Memorandum;
5. House Watch/Officer Safety (dispatch notification);
6. Any other pertinent information, documentation, statistical data or relevant communication or intelligence.

The originating Deputy or other authorized personnel enter these informational items into the Smartforce system. The information is disseminated through the intranet system and is accessed daily upon commencing one's shift. Information is also disseminated to on-duty shift personnel through dispatch via radio, MDT and cellular transmissions. Additionally, information can be disseminated through department email and other department communication sources.

Information items involving a specific place or address should be noted in the Computer Aided Dispatch (CAD) system by means of a Premise Information alert. This provides a means of alerting Deputies of hazards if they are dispatched to the same location in the future. Department employees should do so by providing the appropriate information to an on-duty dispatcher through the on duty supervisor to be entered into the CAD system.

### **Required Presence of a Patrol Shift Supervisor:**

It is the duty of the shift supervisor to provide the necessary command presence to facilitate the proper completion of selected criminal investigations. The shift supervisor normally responds to the following incidents when available:

1. Most major in-progress calls involving the threat of physical violence, injury, trauma, use of a deadly weapon, violent or unexpected deaths;

2. All felonies;
3. Any incident or crime involving critical injury;
4. Unattended deaths, other than hospice cases;
5. Traffic or industrial accidents resulting in serious injury or death or involving vehicle(s) or equipment owned by Dona Ana County;
6. Incidents involving barricaded persons or the taking of hostages;
7. Any incident involving the execution of a search warrant, with the exception of vehicle search warrants executed in the secure evidence/impound lot;
8. Any incident involving the discharge of a firearm by a Deputy;
9. Any incident involving injury to a Deputy;
10. Any major incident or incident of alleged criminal misconduct involving Department employees, to include Domestic Violence;
11. Any incident that a supervisor deems their presence may be required due to the expertise of the Deputy assigned, type of incident or crime described or at the request of the assigned Deputy.

A shift/detective supervisor evaluates each incident to determine the length of time they will spend on the scene and if they will take command of the incident.

A shift/detective supervisor evaluates the actions of the Deputy/detective assigned to the incident and will advise, counsel, or relieve them if the actions of the individual are deemed inappropriate. Or, if they are failing in their obligation to properly conduct the investigation and/or handle the incident satisfactorily.

The Deputy/detective assigned to the incident is responsible for completion of the assignment until such time that the shift/detective supervisor relieves them, assumes command or re-assigns another Deputy.

### **Radio Communications - Portable Radios:**

All Patrol shift personnel are issued a portable radio and are required to carry it during their tour of duty. Any time a Deputy leaves their police vehicle, they turn on the portable radio and monitor the appropriate channel, unless otherwise instructed (such as the case of a bomb threat or officer safety issue). Should an issued portable radio become inoperable, the assigned Deputy should advise their supervisor and steps shall be taken to get a replacement radio.

### **Radio Communications - Patrol Deputy Identifiers:**

During radio transmission, DASO personnel are identified by their assigned call number.



It is the shift supervisor's responsibility to send the duty roster with these call numbers to the communication center prior to the Deputies going on duty.

Communications personnel will have immediate access to the following information in order to contact agency personnel both on and off duty:

1. Shift Sergeant or on duty supervisor;
2. Duty roster;
3. Cellular telephone list of all agency personnel;
4. Visual maps of the agency's service area.

### **Radio Communications - Required Transmissions:**

To enhance operational efficiency and officer safety it is required that Deputies communicate with the dispatcher during the following situations:

1. Acknowledging a dispatch or assignment;
2. Arriving at an incident or assignment scene;
3. Advising on the status of an incident or assignment upon completion;
4. Going in or out of service, including meals and breaks;
5. Leaving assigned district or county limits, except when dispatched.
6. Checking out at a location (gas, break, etc.)

In addition, Deputies are required to communicate with the dispatcher under the following circumstances, giving the corresponding information:

1. Prior to conducting a traffic stop, field interview or citizen contact, indicating the location and as detailed of a description of the vehicle or person as possible;
2. Leaving or re-entering the police vehicle, indicating the location and reason for leaving;
3. Changing previously reported location, indicating the new location.

### **Radio Communications - Multiple Deputy Response:**

To enhance operational efficiency and officer safety, some calls for service require an initial response of at least two Deputies. These would include any call for service that is life-threatening, property threatening or in progress. Calls for service that meet these criteria include, but are not limited to, the following:

1. Alarms;

2. Armed robberies;
3. Bank robberies;
4. Disturbances or fights;
5. Calls related to the mentally ill;
6. Bomb threats;
7. Burglary in progress or prowlers;
8. Homicide, suicide or dead bodies;
9. Explosions;
10. Injured subjects;
11. Armed subjects;
12. Rapes;
13. Shots fired;
14. Accident with injuries;
15. Domestic disturbances;
16. Any call that contains circumstances that poses a threat or obvious risk to a Deputy's safety;
17. Any call involving a potential arrest for a felony or violent misdemeanor, resisting arrest or a fleeing suspect.

**Radio Communication - Inter-Agency Procedure:**

In situations involving inter-agency communications, Deputies are required to use clear, plain language, speech when communicating with agencies not dispatched through the MVRDA. They should avoid using 10 code(s) which may not be known about assisting agencies. This would apply if transmissions are being made over any DASO channels or any other agencies' channels.

**Emergency Notifications:**

Notifications of an emergency nature to persons residing within DASO's jurisdiction are accomplished in a prompt, professional and courteous manner using extreme tact and a direct approach.

Every effort should be made to ensure the appropriate person is notified, that the information is accurate and that the notification is made in the proper setting or

environment. Any possible assistance should be offered.

Emergency notifications that originate outside of DASO's jurisdiction are made if the request comes from a law enforcement agency by means of a teletype message. The request should include specific information facilitating the delivery of the message and call-back information.

Notifications of next-of-kin of deceased, seriously injured or seriously ill persons are made in person by the shift supervisor whenever possible. Another person such as another supervisor, patrol Deputy, detective, medical investigator should accompany the shift supervisor making the notification, etc. Whenever possible, the clergy, a relative or a close friend should be contacted to ensure that the person notified is not left alone. The person being notified should not be left alone unless it is determined that they have gained adequate composure and there are no unusual reactions.

Notification of emergency messages such as attempt to contact can be made by the shift supervisor or a patrol Deputy.

### **Notification of Other Agencies:**

Certain emergency or critical situations may require the notification of another agency or organization. In such cases, it is essential that notification of the appropriate entity be promptly carried out when it is safe to do so.

Supervisors shall notify their chain of command of events that will affect a large portion of the county for an undetermined period of time. The following procedures will serve as guidelines for notification under specific circumstances:

1. Medical Investigator - The Medical Investigator is contacted in the case of any violent, unexpected, unexplained or unattended death. The on scene supervisor or designee in charge of the scene notifies MVRDA, who contacts the on call Medical Investigator;
2. Street Department/Electric Utilities - The Dona Ana County Streets Department is contacted in the event of any condition that would require emergency repairs to county streets, removal of debris from county streets and/or placement of barricades.

The El Paso Electric Utilities Department is notified in the event of any emergency situation involving electric utility power, including a down or damaged utility pole or a power outage or in the case of any down utility lines. In the event of any down utility lines the Electric Utilities Department will determine whether the lines are electrical, telephone or cable television so proper notifications can be made.

The Deputy assigned or the shift supervisor notifies the police dispatcher, who notifies the appropriate County Department during normal working hours and utilizes afterhours on-call lists for afterhours notifications;

3. Other Public Utilities - Public utility agencies are contacted in the event of any

emergency situation involving the respective utilities, such as telephone, cable television, natural gas or water and sewer. The Deputy assigned or the shift supervisor notifies the police dispatcher who notifies the appropriate agency;

4. News Media - The news media is contacted in compliance with the Public Information policy. The shift supervisor is responsible for notifying their chain of command, who will determine when the news media should be notified. The shift supervisor, or public information Deputy, may contact the media or delegate the responsibility as deemed appropriate. Information to be released includes the type of hazard or condition, the location and any instructions or directions the public is recommended to follow.

### **Patrol Vehicles - Deputy's Responsibilities:**

Deputies are fully responsible for the care and maintenance of their assigned vehicles. In addition, all Deputies shall inspect their assigned vehicle prior to going in service at the beginning of each tour of duty and are responsible for the following:

1. Ensuring all emergency equipment is available and operational;
2. Condition of all vehicle equipment and accessories such as horn, lights, windshield wipers, gauges, and heating/air conditioning system;
3. Reporting any new or previously unreported damage;
4. Checking the interior, including under the seats, for contraband or weapons.
5. Checking the interior, including seating area, for contraband or weapons after placing a subject in the back seat.

Ignition keys are removed from all patrol vehicles and the vehicle locked whenever it is left unattended and the Deputy is not within the immediate proximity. The Deputy is responsible for ensuring the security of the vehicle when going out of service at the end of shift.

It is the responsibility of the shift supervisor to conduct inspections of all Patrol vehicles assigned to their shift, to ensure all of the above mentioned conditions are adhered to.

### **Patrol Vehicles - Seat Belt Usage:**

In compliance with New Mexico State Statutes and Dona Ana County Sheriff's Office policy, seatbelts are worn by drivers and passengers of all Department vehicles at all times the vehicle is in motion. Deputies are exempt only in cases of emergency where such use would endanger a Deputy's safety.

### **Missing Persons/Children:**

Patrol personnel who respond to missing person calls will respond in accordance to the department's Missing Person (Adults) and Missing Children policies.

**Temporary Detention:**

DASO employees shall not transport detainees to the Dona Ana County Sheriff's Office for the purpose of temporary detention. For the purpose of this policy, temporary detention is defined as being measured in hours and does not involve housing or feeding detainees in extenuating circumstances. Testing and processing of detainees, or interviewing of detainees does not constitute temporary detention.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-003	
<b>CALEA STANDARD:</b> 41.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Patrol Responding Procedures

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines concerning the responding procedures from uniformed personnel.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish standards of practice for Patrol Division response procedures to ensure efficient and effective service to the community.

#### III. APPLICABILITY:

This Policy is applicable to all sworn Deputies of the Dona Ana Sheriff's Office and any agency entering into a mutual aid agreement with Dona Ana County Sheriff's Office.

#### IV. REFERENCE:

#### V. DEFINITIONS:

**Emergency Call:** A call which requires immediate action by a Deputy to prevent loss of life or to reduce bodily injury where the Deputy has reasonable grounds to believe that the situation poses a clear and immediate threat of death or serious injury to others or a clear and immediate threat to the safety of others that is ongoing.

**Non-Emergency Calls:** A Non-Emergency call is simply a request for the service of Law Enforcement, Fire, or EMS personnel that is not a life or death situation.

#### VI. PROCEDURE:

This policy is designed to establish procedures to guide deputies in determining appropriate levels of response through classification of calls for service by designation

of the seriousness of the call. Deputies responding to calls for service are to operate police vehicles in strict compliance with New Mexico State Statutes and the following guidelines and procedures. Deputies will operate police vehicles with due regard for the safety of all persons and will be held accountable for the consequences of any reckless disregard for the safety of others.

### **New Mexico State Statutes 66-7-6: Authorized Emergency Vehicles:**

Section 66-7-6 of the Motor Vehicle Code regulates the operation of authorized emergency vehicles and provides exemptions from certain traffic laws to those operators. The section states:

The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The Chief of the New Mexico State Police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of provisions of the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978];
2. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property; and
4. Disregard regulations governing direction of movement or turning in specified directions.

The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle.

This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

All departmental patrol vehicles which are equipped with emergency lights and sirens are in compliance with the definition of an authorized emergency vehicle and are designated as such.

### **Non-Emergency and Emergency Responses**

**Non-Emergency calls** - shall be answered without emergency lights and siren, obeying all traffic regulations.

1. Deputies shall respond to non-emergency calls without delay, proceeding directly to the call by the most expedient route, without the use of emergency equipment, unless the Deputy or Supervisor, based on the nature of the call, personal knowledge, or any other mitigating circumstance, feels that an immediate response is warranted, in which case the Deputy will notify dispatch and respond with emergency equipment.

**Emergency calls** - shall be answered with emergency lights and siren to warn vehicular and pedestrian traffic, unless directed otherwise. These calls require a fast response by the Deputy to a given situation and the Deputy will proceed directly in a safe manner to the call by the most expedient route, and;

1. Under normal circumstances will have their emergency lights and siren in operation to facilitate and expedite their response;
2. Deputies shall use emergency warning equipment in accordance with the applicable statutes, ordinances, policies, or when specifically authorized to do so by a Supervisor;
3. The siren and/or air horn shall be used simultaneously with the emergency lights when responding to emergency calls;
4. A Supervisor may request units to respond with an emergency response to any type of emergency call or may advise responding units to cancel their emergency response to any situation. Deputies will immediately terminate emergency vehicle operation when advised to do so by a Supervisor;
5. The operation of a vehicle with emergency lights and sirens requires the right-of-way be granted by other vehicles and pedestrians but does not relieve the operator of the emergency vehicle from the duty to drive with due regard for the safety of all persons using the street or highway;
6. Deputies shall not respond to emergency calls when they are transporting any non-Police personnel, unless that person has signed a Request to Ride-Along Form;
7. Deputies shall not operate their vehicle at a speed, or in any manner, that may cause loss of control;
8. Deputies shall pass to the left of other vehicles traveling in the same direction if possible;



9. Deputies shall slow or come to a complete stop to ensure safe passage through controlled intersections, particularly when proceeding against a red or stop signal or stop sign;
10. Deputies shall not make sudden turns across moving traffic, U-turns or other changes of direction without ensuring that such movement can be made safely;
11. Deputies at all times shall remain cognizant of the safety of themselves and the general public;
12. Certain circumstances warrant increased caution when nearing the scene of an incident. Potential Hostage Situations, "Active Shooter", Armed Robberies still in-progress and other similar situations may be exacerbated by the suspect(s) becoming alerted, by virtue of the visual and audible warning signals of the emergency response, to the imminent arrival of responding law enforcement. In such circumstances, deputies may choose to terminate the audible and visual emergency warning equipment upon reaching the area where the use of such equipment may constitute an undue increased threat to innocent victims and persons involved in the incident. When so doing, deputies shall use increased caution in their response, weighing the need for the expedited response against the hazards presented to other vehicles, pedestrians, and un-involved persons. Deputies may choose to resume normal driving methods and speeds when the risk of the continued emergency response outweighs the inherent risks faced by persons involved in the incident;
13. If, in the course of an emergency response, a deputy receives additional information that tends to significantly lessen the degree of the emergency or negates a continued emergency response, the deputy shall de-activate his or her emergency equipment and return to normal, law-abiding driving procedures. For example, while responding to a vehicle accident with injuries, and emergency medical personnel arrive prior to the responding deputy or another law enforcement officer arrives, the expedited response is no longer necessary unless requested.
14. Upon arrival, deputies will assess the situation and advise dispatch if additional emergency response is needed from other responding deputies.
15. Deputies shall not travel over ten (10) miles an hour over the posted speed limit while performing police vehicle operations or emergency vehicle response without supervisor approval.

**VII. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-004**

**CALEA STANDARD:  
41.2.2, 41.2.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Pursuit of Motor Vehicles & Roadblocks/Forcible Stopping

*regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide written guidelines governing the pursuit of motor vehicles.

#### II. POLICY:

Emergency response driving and vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Dona Ana County Sheriff's Office to assist deputies in the safe performance of their duties. To fulfill these obligations, it shall be the policy of the Dona Ana County Sheriff's Office to regulate the manner in which emergency response driving and vehicular pursuits are undertaken and performed.

It is the policy of the Doña Ana County Sheriff's Office (DASO), to initiate a motor vehicle pursuit only when a deputy has reasonable grounds to believe the offender presents a clear and immediate serious threat to the safety of other motorists, or the general public or who the officer has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that threat existed prior to the initiation of the high speed pursuit

Therefore, a motor vehicle pursuit will only be initiated or continued when it is necessary to apprehend suspects who pose an imminent or serious danger to the general public should the fleeing occupants be left at large and where such a pursuit does not create a greater threat of harm to the citizens of this community than the threat of allowing the fleeing occupants to continue at large.

#### III. DEFINITIONS:

**Authorized Emergency Vehicle:** Clearly marked police vehicle equipped with working emergency lights and siren.

**Barricade:** The improvised placement of emergency vehicles across a street or other thoroughfare to prevent or delay the movement of traffic.

**Boxing In:** The action of restricting a vehicle's movement by strategically placing emergency vehicles on one or more sides of a pursued vehicle, whether mobile or stationary.

**Clear and Immediate Serious Threat:** A threat which is present prior to the pursuit and which represents a willful disregard by the operator or occupants of the vehicle for the rights and safety of others, which reasonably places the public in imminent danger of great bodily harm or death. The continuing, patently unsafe operation of a vehicle by an apparent impaired driver may be considered as an example of a clear and immediate serious threat.

**Forcible Stops:** Any method utilized to stop the movement of a motor vehicle including ramming techniques, roadblocks, barricades, etc.

**High Speed:** Any speed which exceeds the posted speed limit and/or the reasonable speed given the current environmental conditions.

**Low Speed Pursuit:** A motor vehicle pursuit which does not exceed the posted speed limit.

**Motor Vehicle Pursuit:** An active attempt by a law enforcement officer, operating an authorized emergency vehicle, to apprehend one or more occupants of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the posted speed limit, disobeying traffic laws or attempting to elude the officer through evasive maneuvers or tactics. A visual and audible signal must be given by the officer directing the operator to stop.

**Primary Pursuit Vehicle:** The police vehicle operated by the officer initiating the pursuit or another police vehicle which assumes the lead pursuit position.

**Public Risk:** Inherent risk to the safety of the public, to include pedestrians, motor vehicles and property, during an on-going high speed pursuit.

**Pursuit Termination:** The act of terminating an active pursuit, is accomplished by all participating units immediately obeying all traffic laws including posted speed limits and traffic controls, turning off all emergency equipment and ceasing to pursue or follow the suspect vehicle.

**Ramming:** The use of an emergency vehicle to damage or stop another motor vehicle by forcibly colliding with said vehicle.

**Roadblock:** A roadblock is any solid object that is placed in the roadway or in the vehicle's path with the intention of stopping or slowing that vehicle. Types of roadblocks include solid barricades or other vehicles.

**Street Paralleling:** The action of shadowing a vehicle by traveling on a street parallel

to the roadway being traveled by the pursued vehicle.

**Secondary Pursuit Vehicle:** The police vehicle which becomes involved in the pursuit immediately following the primary pursuit vehicle and acting as the primary pursuit vehicle's backup.

**Vehicle Paralleling:** The action of shadowing a vehicle by traveling side-by-side on the same roadway as the pursued vehicle.

**Violent Felony:** Homicide, criminal sexual penetration, armed robbery, kidnapping, felony aggravated battery or assault with a deadly weapon.

Other than as defined above, motor vehicle pursuits for any other felony or misdemeanor crimes or common traffic violation(s) are prohibited.

#### **IV. PROCEDURE:**

##### **STATUTORY CONSIDERATIONS FOR MOTOR VEHICLE PURSUITS**

Pursuits must be considered as a potentially dangerous act for the officer(s) and the suspect, as well as the general public. When a police officer initiates a pursuit of a fleeing vehicle, they may have a tendency to consider only themselves and/or the occupants of the fleeing vehicle. This is not an adequate mindset.

It must be remembered that other citizens using public roadways do not expect their travel to be interrupted by a high-speed, motor vehicle pursuit which may cause them to become involved in an accident due to over-reaction or sudden panic. In addition, children at play, as well as other pedestrian traffic, are likely to be drawn towards a police vehicle with the emergency lights and siren activated.

In order to diminish the likelihood of a pursuit, deputies intending to stop a motor vehicle should, when possible, be within close proximity to the violator's vehicle before activating the police vehicle's emergency lights to initiate a traffic stop. This practice is intended to reduce the violator's temptation to elude police contact. This practice does not absolve an officer from using reasonable and safe driving techniques and following state statute regarding the operation of emergency vehicles while attempting to narrow the distance between the officer and the offender before activating emergency lights.

Motor vehicle pursuits are governed by New Mexico State statute, 66-7-6, Authorized Emergency Vehicles, which states the following: The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico State Police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles. The driver of an authorized emergency vehicle may: (1) park or stand, irrespective of the provisions of the Motor Vehicle Code 1-8 of Chapter 66, except 66-7-102.1 NMSA; (2) proceed past a red or stop signal of stop sign, but only after slowing down as necessary for safe operation;

(3) exceed the maximum speed limits so long as he does not endanger life or property, and; (4) disregard regulations governing direction of movement or turning in specified directions. The exceptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle, operated as a police vehicle, need not be equipped with or display a red light visible from in front of the vehicle. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of their reckless disregard for the safety of others.

### **GUIDELINES FOR MOTOR VEHICLE PURSUITS**

1. The initiating pursuit vehicle is responsible for the conduct of the pursuit, unless such vehicle is unable to remain close enough to the pursued vehicle to prevent losing visual contact or becomes disabled.
2. The authority of the primary pursuit vehicle is, at all times, subordinate to the command of the shift supervisor.
3. Upon initiation of a pursuit, the Communication Center shall notify on duty supervisors of the pursuit by radio. An on-duty supervisor shall announce on the radio that they have command of the pursuit. If no supervisor announces command of the pursuit after the Communication Center attempts to notify them, the pursuing officer shall terminate the pursuit.
4. When a secondary pursuit vehicle replaces the initial pursuit vehicle, that unit becomes the primary pursuit vehicle. The replacement unit is then responsible for the pursuit and continues in that capacity until the pursuit is terminated or the primary pursuit vehicle is again replaced. The primary pursuit vehicle retains operational responsibility for the pursuit, unless relieved by a shift supervisor.
5. The primary pursuit vehicle will relinquish radio communications upon the engagement of a secondary pursuit vehicle. The secondary vehicle will then be tasked with communicating all pertinent information and pursuit updates to the Central Dispatch. This is done in order to allow the primary pursuing deputy to safely operate their vehicle, while simultaneously concentrating their focus on the fleeing vehicle's actions. If the primary pursuit vehicle is a two-man unit, the passenger deputy will operate radio communications, whenever possible.
6. Deputies should broadcast all geographical directions utilizing north, south, east and west. (Providing directions, such as: left, right, oncoming or towards a landmark should be avoided, when possible).
7. The primary pursuit vehicle provides updated information to the Central Dispatch concerning the direction of travel, speed and pursued vehicle's actions, as such information becomes available, or until radio communications are relinquished to

- a secondary pursuit vehicle.
8. The Central Dispatch continuously updates the shift supervisor and other field units of the direction and progress of the pursuit, by repeating all relevant information received from the pursuit vehicles over the primary radio channel. Additional transmissions and irrelevant radio traffic should not be repeated unnecessarily.
  9. Only deputies directly involved in the pursuit, the shift supervisor, primary dispatcher and deputies initiating deployment of tire deflation devices, shall broadcast radio traffic during a motor vehicle pursuit. All other personnel shall monitor the pursuit, but will refrain from broadcasting radio transmissions, unless necessary.
  10. In the event the pursued vehicle begins driving in a direction opposite of the flow of traffic, the pursuing deputy(s) shall not follow the driving behavior, but instead remain in the designated lane of travel for the direction of traffic flow and broadcast a detailed observation of the pursued vehicle's driving behavior.
  11. The pursuing deputy(s) will continuously evaluate the nature of the pursuit, in light of changing conditions and currently present dangers and makes a decision, whenever necessary, to terminate the pursuit.
  12. Upon stopping a pursued vehicle, deputies will use high-risk stop (felony stop) procedures, if possible.

### **MOTOR VEHICLE PURSUIT INITIATION CRITERIA**

1. A deputy may initiate a motor vehicle pursuit to apprehend a suspect only when the deputy has reasonable grounds to believe the suspect poses a clear and immediate threat of death or serious injury to others or when the officer has probable cause to believe that the suspect poses a clear and immediate threat to the safety of others, which is ongoing and which existed prior to the deputy's attempt to initiate a traffic stop. This decision is based on known circumstances and includes, but is not limited to, the following:
  - a. The initiating officer has probable cause to believe a violent felony has been, or is being, committed;
  - b. The initiating officer has reasonable grounds to believe that the suspect presents a clear and immediate serious threat to the safety of others;
  - c. The necessity of immediate apprehension outweighs the level of inherent danger created by the pursuit;
  - d. Knowledge of the suspect's identity, possible destination and previous activities which make apprehension at a later time feasible;
2. A pursuit of a known suspect, who has an active felony arrest warrant for a violent

felony, is permissible if it is deemed immediate apprehension outweighs the risks of allowing the subject to remain free at large.

## **MOTOR VEHICLE PURSUIT PROHIBITIONS**

1. In the event the pursued vehicle begins driving in a direction opposite of the flow of traffic, the pursuing deputy(s) shall not follow the driving behavior, but instead remain in the designated lane of travel for the direction of traffic flow and broadcast a detailed observation of the pursued vehicle's driving behavior.
2. Under no circumstances will officers pursue in an operating school zone;
3. Absent a definitive life or death need, where lives are at stake and in which immediate action is likely to successfully save the life of an innocent person or persons, deputies shall not enter a pursuit with non-sworn personnel in the police vehicle;
4. Deputies with prisoners or subject(s) being transported in their police vehicle will not initiate or join a motor vehicle pursuit.
5. Deputies shall not pursue any off-road type vehicles which include three and four wheeled ATVs, dirt bikes, motorized scooters, go-peds, mopeds, go-carts and any other recreational type vehicle that may be operated on public roads or property. (Very often these vehicles are operated by youths who are incapable of handling the pressures involved in pursuit situations. In only the most extreme situations, where allowing the operators escape creates a severe risk of serious injury or death to either a deputy or another citizen, a supervisor may allow the pursuit).
6. Deputies are prohibited from discharging firearms at or from a moving vehicle or bicycle unless the deputy reasonably believes deadly force is necessary to defend the deputy or a third person from the use, or imminent use, of deadly force.
7. Deputies shall not attempt to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor; overtaking or attempts to overtake a pursued vehicle is prohibited.

## **MOTOR VEHICLE PURSUIT INITIATION PROCEDURES**

1. Prior to engaging any emergency equipment to affect the stopping of a vehicle, the deputy should attempt to note the license plate number and vehicle description.
2. Any Deputy initiating a motor vehicle pursuit shall activate their police vehicle's emergency lights and siren (which automatically activates the in-car audio/video recording system), which will remain activated for the entirety of the pursuit. The deputy shall notify the Central Dispatch, as soon as reasonably possible, that a

motor vehicle pursuit is underway and provide the following information:

- a. The deputy, identified by call number, is in pursuit;
  - b. The specific articulated reason for the pursuit, including the type of violation which initiated the pursuit;
  - c. The indication of any weapons involved;
  - d. The location, direction of travel, surrounding traffic conditions (i.e. light, moderate or heavy) and the speed of the vehicle being pursued;
  - e. The description of the vehicle being pursued, including the license plate number and state of issuance, if known;
  - f. The number, approximate age and description of occupants of the vehicle being pursued, if known;
  - g. If a hostage is involved, this fact, along with description and exact location of the hostage in the vehicle, if known;
  - h. Any additional information requested by the field supervisor.
3. Failure to transmit the above information listed in letters A-E above may be cause for the immediate termination of a motor vehicle pursuit by the shift supervisor.

### **PRIMARY AND SECONDARY DEPUTY RESPONSIBILITIES**

1. The responsibility for the decision to initiate a motor vehicle pursuit rests with the initiating deputy. The pursuing deputies shall at all times operate in strict compliance with this policy and Section 66-7-6 of New Mexico State Statute, which grants exemptions from certain traffic laws to operators of authorized emergency vehicles.
2. Deputies shall not initiate or continue a motor vehicle pursuit when the immediate dangers which are created by the motor vehicle pursuit exceed the dangers presented to the deputy(s) and/or the general public if the occupants of the motor vehicle being pursued were to remain at large.
3. The primary concern in pursuit situations is the protection and safety of our citizens and deputies. Death or permanent injury to either can result without warning. The seriousness of the possible outcome of a pursuit commands the deputy to weigh many factors when deciding whether or not to initiate a pursuit. The decision to initiate or continue in pursuit of a fleeing motor vehicle shall be determined by the pursuing deputies or immediate supervisor based on the following considerations:
4. The geographic location, time of day and present population density, taking into consideration, school zones, residential streets, congested business districts,



etc.;

- a. Traffic volume and road conditions;
  - b. Pedestrian traffic and volume;
  - c. Weather conditions;
  - d. Driving actions or operation of the suspect vehicle;
  - e. Condition of the police vehicle;
  - f. Deputy's driving skill/specialized training;
  - g. Speed involved;
  - h. Availability of additional police vehicles to assist at the scene or to intercept the pursued vehicle;
  - i. Likelihood of apprehension;
  - j. Familiarity with the roadway/area;
  - k. Existence of possible innocent third persons inside the suspect vehicle;
  - l. Ability to maintain radio communications.
5. A deputy may not enter an active pursuit without first activating their police vehicle's emergency lights and siren. In addition, they must notify the Central Dispatch of their entry into the pursuit immediately.
  6. The secondary pursuit vehicle maintains a safe distance behind the primary pursuit vehicle, but remains close enough to render immediate back-up assistance and retain visual contact.
  7. If the secondary pursuit vehicle assumes the primary pursuit vehicle position, they will immediately notify the Central Dispatch.

### **CENTRAL DISPATCH RESPONSIBILITIES**

1. During a motor vehicle pursuit, the Central Dispatch is responsible for the following:
  - a. Upon being advised of the initiation of a motor vehicle pursuit, the dispatcher operating the primary radio channel signifies a "10-33 Traffic" (emergency radio traffic only), in order to notify all field units.
  - b. Notify the field supervisor of the pursuit.
  - c. Monitor all radio communications pertaining to the pursuit and enter all

relevant information into the Computer Aided Dispatch System.

- d. Perform all relevant record and motor vehicle checks on the pursued vehicle, as well as on the registered owner.
2. Should a pursuit from another jurisdiction near or enter the Dona Ana County Sheriff's Office jurisdiction, the Central Dispatch shall immediately notify all field units and the field supervisor, providing all available information pertaining to the pursuit. The closest available unit is dispatched to assist.

### **FIELD SUPERVISOR'S RESPONSIBILITIES**

1. Upon being notified of a motor vehicle pursuit, the shift supervisor verifies the following information with the Central Dispatch and determines:
  - a. Advises the Communication Center he/she has command;
  - b. Identification numbers of all police vehicles involved in the pursuit;
  - c. Location and direction of travel;
  - d. The reason the pursuit was initiated;
  - e. Ensure the pursuit is in compliance with this policy;
  - f. Assist the primary unit with the necessary support requested;
  - g. Request surrounding agencies support, if available;
  - h. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle.
2. The shift supervisor continuously monitors and, when appropriate, directs the pursuit, determining the merits of the pursuit based on the information available. Supervisors have the ultimate responsibility and authority for the decision to continue or terminate the pursuit. A pursuit will not continue without the expressed verbal acknowledgement and/or authorization of the shift supervisor.
3. If a pursuit leaves or enters the Dona Ana County Sheriff's Office jurisdiction and the pursuit directly involves more than one agency, the shift supervisor may request the channels of both affected agencies be joined ("patched") to ensure all relevant pursuit information is relayed to all assisting deputies/officers and supervisors.
4. This does not relieve the deputy(s) involved in the pursuit from exercising good judgment, based on existing conditions and Department policy and procedure, to make the decision to terminate the pursuit.

## **TERMINATION OF THE PURSUIT**

1. As previously stated, the decision to terminate a pursuit rests with both the primary and secondary pursuit deputies and the shift supervisor.
2. The deputies and the shift supervisor are neither criticized nor disciplined for their decision to terminate a pursuit based on their sound judgment. A pursuit should be terminated under any of the following circumstances:
  - a. In the opinion of the pursuing deputy(s) or the field supervisor there is a clear and unreasonable danger to the deputy(s), the general public, and/or suspect, which is created by the pursuit and which outweighs the necessity of immediate apprehension;
  - b. The identity of the suspect or suspects has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension;
  - c. The traffic, roadway and/or environmental conditions create a dangerous or hazardous condition for the pursuit;
  - d. The officer knows, or is reasonably certain, that the pursued vehicle is operated by a juvenile and there are no conditions constituting a clear and immediate threat to the general public, such as driving while intoxicated and the safety factors involved are considered greater than a juvenile can cope with;
  - e. The pursuit vehicles are no longer in visual contact with the pursued vehicle, or the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is senseless.
3. Upon termination of a motor vehicle pursuit, the pursuing unit(s) will deactivate all emergency equipment, (turn around and travel the opposite direction of the fleeing vehicle) and obey all applicable traffic laws. Deputies shall continue the operational recording on their in-car audio/video systems for at least one minute after the termination of a pursuit.
4. If a supervisor terminates a pursuit, that supervisor will instruct the pursuing deputy(s) to meet at a specific location. The supervisor will obtain all information regarding the pursuit from the deputy(s) involved.

## **CARAVANNING**

1. No additional deputy(s) will enter an in-progress motor vehicle pursuit in which two police vehicles are already involved, unless otherwise authorized by the shift supervisor. The monitoring supervisor may enter into the pursuit or authorize an additional vehicle to become involved, if deemed appropriate, based on the circumstances and/or type of crime involved.

2. Assisting deputies may respond to the area of the pursuit in an attempt to prevent roadway traffic and pedestrians from becoming inadvertently involved in the pursuit, deter the offender, as possible, from areas and roadways which are congested or which constitute areas or roadways involving a greater risk to un-involved persons. Assisting units may be utilized in the stopping of the pursued vehicle. Assisting deputies will be alert to the progress of the pursuit and the location.
3. The assisting deputies will respond as safely as possible, utilizing emergency lights and sirens. When doing so, deputies shall use increased caution in their response, weighing the need for the expedited response against the hazards presented to other vehicles, pedestrians, and un-involved persons. Deputies may choose to resume normal driving methods and speeds when the risk of the continued emergency response outweighs the inherent risks faced by persons involved in the incident. If, in the course of an emergency response, a deputy receives additional information that tends to significantly lessen the degree of the emergency or negates a continued emergency response, the deputy shall deactivate his or her emergency equipment and return to normal, law-abiding driving procedures. Deputies shall operate within statutory limitations while exercising the privileges set forth in section 66-7-6 of the Motor Vehicle Code regarding exemptions to certain laws.

#### **VEHICLES QUALIFIED TO ENTER A PURSUIT**

1. Only police vehicles equipped with emergency lights and sirens are to enter a pursuit. Police vehicles not so equipped may attempt to maintain visual contact with any fleeing vehicle, without using excessive speed and will provide all relevant information to the Central Dispatch.
2. Police motorcycles should not initiate a motor vehicle pursuit unless absolutely necessary for the safety of the public. Police motorcycles will immediately disengage upon engagement of a marked patrol vehicle, and shall never engage in an in-progress pursuit.

#### **PURSUIT LEAVING DONA ANA COUNTY SHERIFF'S OFFICE JURISDICTION**

1. The shift supervisor has the responsibility of determining if the pursuit should continue into another jurisdiction. The pursuing deputy(s) does not make presumptions on this matter.
2. If it is determined that the pursuit should be continued into another agency's jurisdiction the shift supervisor notifies Central Dispatch and requests assistance from the agency whose jurisdiction the pursuit is entering.
3. Should a law enforcement vehicle from the affected jurisdiction actively enter the pursuit, the DASO vehicle will remain in the primary pursuit position while the affected jurisdiction assumes the secondary pursuit vehicle position and responsibilities whenever it is safely possible to do so. This is to ensure accurate direction of travel is broadcast pertaining to the motor vehicle pursuit. The

affected jurisdiction may have geographical knowledge which DASO units do not.

4. Participation in the pursuit by DASO vehicle(s) is terminated by the primary or secondary deputy under any of the following circumstances, unless otherwise directed by a shift supervisor:
  - a. Radio contact with the Central Dispatch or affected agency's units is lost or becomes inaudible;
  - b. The DASO units, unassisted by other agencies' units, enter any area unfamiliar to them that could result in the deputy being unable to notify the Central Dispatch of their exact location.

#### **PURSUIITS ENTERING DONA ANA COUNTY SHERIFF'S OFFICE JURISDICTION**

1. Notification from another jurisdiction of a pursuit in-progress, which is entering DASO's jurisdiction, is not to be taken as a request to join the pursuit. When a pursuit by another agency enters Dona Ana County, the shift supervisor will determine direct involvement or maintenance of the pursuit.

#### **NO DEPUTY WILL JOIN AN ACTIVE PURSUIT BY ANOTHER LAW ENFORCEMENT AGENCY UNLESS SPECIFICALLY AUTHORIZED BY THE SHIFT SUPERVISOR.**

2. The shift supervisor is responsible for ensuring the department pursuit policy is adhered to before deputies enter into the pursuit. If the pursuit meets the standards of this policy, the deputy will:
  - a. Enter the pursuit assuming the secondary pursuit vehicle responsibilities, when safe to do so;
  - b. Immediately notify the Central Dispatch of their entry into the pursuit;
  - c. Adhere to the standards of this policy until the pursuit is terminated.
3. When another agency's pursuit does not meet the standards of this Department's policy, active participation will be prohibited. However, any appropriate and reasonable type of assistance extended to the agency will be given when requested by the agency involved and will be restricted to the following measures:
4. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
5. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved;
6. Containment and preservation of the location where a pursuit is terminated, if it is within the jurisdiction of the Dona Ana County Sheriff's Department.

7. Assistance with securing, transporting, or lawfully detaining offenders, as needed, on behalf of the pursuing agency or assistance with apprehending offenders present at the termination of the pursuit or who have fled from the scene.

## **FORCIBLE STOPPING OF MOTOR VEHICLES**

### **Tire Deflation Devices:**

1. Tire deflation devices are designed to slow the momentum of a fleeing vehicle by puncturing the tires and allowing air to escape or puncture the tires of a vehicle as it attempts to flee. Whether moving or not, the intention is to slow the vehicle and therefore lower the speeds of a pursuit.
2. If the pursuing deputy or a supervisor has reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in imminent danger of serious bodily harm or death, assisting units may utilize approved tire deflation devices in order to stop the suspect vehicle.
3. Tire deflation devices are intended to be used on vehicles engaged in a pursuit which is in accordance with Department policy. Therefore, the use of tire deflation devices should be used in accordance with the parameters outlined in this policy.

### **Ramming of Motor Vehicles:**

1. The use of a Police vehicle to ram a moving or non-moving vehicle has to be taken with great consideration. Utilizing a motor vehicle to try and stop or slow another motor vehicle can cause serious bodily harm and even death. For those reasons, deputies should only ram another vehicle when their lives or the lives of others are at imminent risk. If time allows, authorization from the on duty Supervisor should be obtained prior to any ramming technique being deployed.
2. If there is reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in immediate danger of serious bodily harm or death, deputies may reasonably ram a motor vehicle in order to stop or prevent the suspect vehicle from continuing actions posing the threat of serious bodily harm or death.
3. Subsequently the ramming of a motor vehicle is only permitted during circumstances where deadly/lethal force is justified.
4. Deputies should take the following criteria into account prior to attempting to ram another vehicle;
  - a. Criminal Activity- The crime committed by the offender should be of the serious and violent nature; Armed robbery, Aggravated battery with a deadly weapon, Aggravated Assault with the motor vehicle etc. Where the crime is a possible DWI, the deputy must be able to advise the extreme and on-going threat to the public. The necessity to stop the vehicle by such

extreme measures must be evident and reasonable.

- b. Speed- Deputies have to take into account the speeds of their motor vehicle and the vehicle to be rammed. It is understood, the higher the speed of the vehicles, the greater likelihood of significant injuries when the vehicles collide or lose control of their direction. It is recommended that deputies attempt ramming techniques at speeds no greater than 35 miles per hour. This does not eliminate the possibility of ramming techniques at higher speeds when there is an immediate threat to deputies or the public.
- c. Location- Deputies should consider their location prior to attempting a ramming technique. They should look for areas of straight roadway, with soft shoulders, to initiate a ramming technique. Techniques should not be initiated on hills, downgrades, corners or areas that are highly populated, unless there is an immediate threat to deputies or the general public.
- d. Traffic- Deputies must consider other motor vehicles on the roadway at the time of ramming a motor vehicle. Deputies should not place innocent bystanders or motorists at greater risk while deploying a ramming technique.
- e. Collision Points on Vehicles- Deputies should utilize their push bumpers or bumpers on their vehicles to make contact with the suspect vehicle. Likewise, deputies should target bumpers on the suspect vehicle when attempting a ramming technique.

### **Precision Intervention Technique**

1. See policy on utilizing Precision Intervention Technique (P.I.T.) for utilization of this technique.

### **Blocking Maneuvers:**

1. Nothing in this policy or procedure will prevent deputies from blocking other vehicles that have come to a stop or have not begun to move. Deputies are not looking to make contact during a blocking technique, only preventing the avenue of escape for the suspect vehicle. Ideally, this should be completed by utilizing bumpers on the patrol vehicle.

### **Roadblocks:**

1. The placing of unmovable structures, barricades and motor vehicles in the direct path of a fleeing vehicle will greatly increase the possibility of injury or death to the suspects, deputies or civilians. Thus, they will only be authorized by a Supervisor when lethal force is the only option to stop a suspect's actions. These techniques should only be utilized in the direst of circumstances (Homicides, Active shooters) or situations where the circumstances show an immediate and on-going threat to life.

2. Deputies utilizing their patrol car in a roadblock will not be seated in the vehicle and will obtain cover or concealment if no cover is available, so as to not be targeted by the suspect vehicle.
3. Deputies of the Dona Ana County Sheriff's Office are not trained in rolling roadblock techniques. Therefore, they are highly discouraged and should not be utilized unless authorized by a Supervisor.
4. Roadblocks are considered a use of force by law enforcement and fall under the use of Lethal/Deadly force.

**Supervisor's Considerations:**

It is at the discretion of the Supervisor whether or not a roadblock will be deployed.

Supervisors should consider:

1. Criminal Activity- Supervisors must be aware of the nature of crime committed prior to setting up a roadblock. The crime must be serious and violent in nature; i.e., Homicide, Active Shooter.
2. Time- Supervisors must consider the time it would take to set up a roadblock.
3. Manpower- There should be enough manpower to safely conduct a roadblock and set up a corridor for the suspect to enter.
4. Location- Roadblocks should be utilized in areas of low bystander populations. They should have good lines of sight and not be set up on curves of roadways.

**V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-005	
<b>CALEA STANDARD:</b> 41.2.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Foot Pursuit

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide Dona Ana County Sheriff Deputies with written guidelines to assist Deputies in making the decision to initiate or continue the pursuit of suspects on foot.

#### II. POLICY:

This policy sets forth guidelines to assist Deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the Deputy, the public and/or the suspect. Deputies are expected to act reasonably, based on the totality of the circumstances.

Absent exigent circumstances, the safety of Dona Ana County Sheriff's Office (DASO) personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and/or DASO personnel.

#### III. DEFINITIONS:

**Foot Pursuit:** An incident where a Deputy(ies) chases on foot while maintaining visual contact of a person who they have reasonable suspicion to believe is about to commit, is committing or has committed a crime and who is resisting apprehension by walking or running away from the Deputy after verbal commands to stop have been given.

#### IV. PROCEDURE:

##### DECISION TO PURSUE:

Deputies are justified in initiating a foot pursuit of an individual when a Deputy has reasonable suspicion to believe he/she is about to engage in, is engaging in or has engaged in a felony, a violent misdemeanor, a suspected DWI, or when the immediate

apprehension outweighs the risks associated with a foot pursuit.

Simple flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in a foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision a Deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place DASO personnel and the public at risk. No Deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit due to the perceived risks involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing subjects. In deciding whether or not to initiate and/or continue a foot pursuit, a Deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

1. Containment of the area.
2. Availability of a Police Service Dog.
3. Saturation of the area with patrol personnel.
4. Availability of other agencies that may provide containment assistance.
5. When the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

#### **CONSIDERATIONS FOR WHETHER OR NOT TO PURSUE:**

Additional factors to be considered in determining whether or not a Deputy should initiate a foot pursuit:

1. The seriousness of the crime or suspected offense;
2. The level of threat or resistance presented by the subject;
3. Whether the subject posed an imminent or immediate threat to Deputies or others
4. The availability of other resources;
5. The training and experience of the Deputy;
6. The number of subject(s) in relation to the number of Deputy(ies);
7. Disparity factors to include the age, size, relative strength, skill level, injury or

exhaustion related to both the Deputy and subject.

### **FOOT PURSUIT GUIDELINES:**

Unless a Deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), Deputies should consider alternatives to engaging in or continuing a foot pursuit, when reasonably practical, in the following circumstances:

1. Directed by a supervisor to terminate the foot pursuit (such an order shall be considered mandatory).
2. If the Deputy is pursuing alone, it is generally recommended that a single Deputy keep the suspect in sight, from a safe distance, and coordinate the containment effort.
3. The Deputy is unsure of his/her location and/or direction of travel.
4. The Deputy, or Deputies, pursuing multiple suspects and it is not reasonable to believe they would be able to control the suspects should a confrontation occur.
5. The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain and there are insufficient Deputies to provide backup and/or containment. The primary Deputy should discontinue the foot pursuit and coordinating containment efforts pending the arrival of sufficient resources.
6. The Deputy loses possession of their firearm, other essential equipment, or loses contact with dispatch.
7. The Deputy, or a third party, is injured during the pursuit requiring immediate assistance and there are no other emergency personnel available to render assistance.
8. The suspect's location or direction of travel is no longer known to the pursuing Deputy.
9. The Deputy's ability to safely continue the pursuit becomes impaired by inclement weather, poor lighting, or other environmental conditions, obstructions or safety concerns.

### **FOOT PURSUIT RESPONSIBILITIES:**

#### **Initiating Deputy's Responsibilities**

Unless relieved by another Deputy, or a supervisor, the initiating Deputy shall be responsible for coordinating the progress of the pursuit.

Early communication of available information from the involved Deputies is essential so adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the

following information as soon as it becomes practicable and/or available:

1. The Deputy, identified by call sign, that is in foot pursuit;
2. The specific, articulated violation which initiated the pursuit;
3. The location and direction of travel;
4. The description of the suspect(s) being pursued, to include age if known;
5. Whether or not the suspect is believed to be armed with a dangerous weapon;  
and
6. Any additional information requested by the shift supervisor.

Failure to transmit the above information listed in 1-4 above may be cause for the immediate termination of a foot pursuit by the shift supervisor. Deputies should be mindful that radio transmissions made while running can be difficult to understand and may need to be repeated.

### **Assisting Deputy's Responsibilities**

Whenever any Deputy announces that they are engaged in a foot pursuit, all other Deputies shall minimize nonessential radio traffic to permit the involved Deputies maximum access to the radio channel. Much like a motor vehicle pursuit, a secondary Deputy directly involved in the foot pursuit shall assume all relevant radio communication to allow the primary Deputy to solely focus their efforts on the apprehension of the fleeing suspect.

### **Shift Supervisor's Responsibilities**

When appropriate, the shift supervisor shall take command, direct responding resources and control the foot pursuit. Shift supervisors shall continuously assess the situation in order to ensure the foot pursuit is conducted safely, efficiently and within department policy.

Supervisors shall terminate a foot pursuit when the danger to pursuing Deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect. Upon apprehension, shift supervisors shall promptly proceed to the termination point to direct any post-foot pursuit activities (i.e. evidence or equipment recovery, medical attention, etc.).

### **Communications Center's Responsibilities**

During a foot pursuit, the Communications Center is responsible for the following:

1. Upon being advised of the initiation of a foot pursuit, the dispatcher operating the primary radio channel announces "10-3 Traffic" (emergency radio traffic only), in order to notify all field units;

2. Repeat or relay all pertinent transmissions of the pursuing Deputies to responding personnel, as needed;
3. Notify the field supervisor of the pursuit;
4. Monitor all radio communications pertaining to the pursuit and enter all relevant information into the Computer Aided Dispatch System;
5. Coordinate the response of any additional resources or outside agencies responding to assist with the foot pursuit and;
6. Perform all relevant record checks on the pursued suspect, if known.

### **REPORTING:**

All foot pursuits will be documented with a report and reported as a use of force.

The initiating Deputy shall complete a detailed report documenting, at minimum:

1. Reason for initiating the foot pursuit;
2. Identity of involved personnel;
3. Route and approximate distance and length of the pursuit;
4. Whether the suspect was apprehended, to include means and methods used for apprehension or whether they escaped.
  - a. Any use of force application shall be reported and documented in compliance with the Use of Force Policy. (Foot pursuits are not considered a use of force in and of themselves. However, should force application be utilized in process of a foot pursuit, said force shall be reported according to the Reporting and Investigating of Force policy)
5. Any injuries to the suspect, Deputies or citizens, as well as any property damage.
6. Assisting Deputies taking an active role in the apprehension of a foot pursuit suspect shall complete a detailed associated supplemental report.

### **MEDICAL PROCEDURES:**

#### **Medical Evaluation and Aid**

Immediately after the apprehension of a foot pursuit subject, Deputies shall be alert to any indications and/or complaints that the individual needs medical care.

This includes, but is not limited to:

1. Breathing difficulties;

2. Gagging;
3. Significant obvious increase in body temperature;
4. Profuse sweating; and/or
5. Loss of consciousness.

Upon observing these or any other medical problems or if the subject requests medical assistance, Deputies shall immediately summon emergency medical aid.

Appropriate medical aid is rendered following any foot pursuit which results in visible injuries or complaints of injury. Subjects with injuries are examined by emergency medical personnel on-scene and/or are transported to the nearest medical center's emergency department for treatment prior to incarceration.

While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of shock or other physical discomfort. A subject should never be left unattended while awaiting medical attention.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-006**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Precision Intervention Technique

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#### I. PURPOSE

The purpose of this policy is to provide deputies with a technique to utilize when slowing and or terminating a vehicle pursuit. Vehicle pursuits are high-risk law enforcement activities, and are inherently dangerous to citizens, the involved deputy(s), motorists, the fleeing suspect, and passengers. It is the goal of the Doña Ana County Sheriff's Office (DASO) to reduce the risks and dangers of motor vehicle pursuits. As part of that effort, DASO utilizes methods to assist deputies in slowing and/or terminating vehicle pursuits, with the ultimate goal of making pursuits safer, until apprehension can be made.

#### II. POLICY

It is the policy of DASO to establish rules, use considerations, procedures, and guidelines on the proper use of the Precision Intervention Technique (PIT), which can assist in terminating motor vehicle pursuits.

#### III. DEFINITIONS

**Precision Intervention Technique (PIT)** – The PIT is a precision maneuver, which involves intentional, vehicle-to-vehicle contact, and consists of a pursuing deputy applying lateral pressure with the front corner of their vehicle to the rear quarter panel of the fleeing suspect's vehicle, resulting in a predictable spin.

#### IV. PROCEDURE

Only deputies who have successfully completed certification training in the proper use and execution of the PIT are authorized to employ the technique.

The PIT may only be utilized during pursuits which are compliant with DASO Pursuit Policy and have been authorized by a supervisor.

Supervisory authorization is not required once the pursuit has been authorized.

Pursuing units must allow the PIT-certified deputy to assume the lead position in the pursuit.

Once the PIT-certified deputy performs the PIT on the suspect's vehicle, every effort should be made by assisting deputies to set-up and conduct a high-risk traffic stop.

### **A. Use Considerations**

1. The use of the PIT in an attempt by deputies to stop a fleeing motor vehicle is considered a seizure under the Fourth Amendment, and its use must be objectively reasonable based on the totality of the circumstances.
  - a. The PIT is not a front bumper "bumping" or "ramming" maneuver.
  - b. Unlike the PIT, bumping or ramming involves intentionally colliding with the fleeing vehicle with considerable force, which significantly increases the risk of injury to the fleeing suspect, the deputy, and the public.
  - c. Utilizing a police vehicle to ram, or intentionally collide with another motor vehicle, with the intent to stop the vehicle, carries with it a significant risk of serious bodily injury or death to both the occupants of the fleeing vehicle and the involved deputies.
    - 1) Ramming should only be authorized when the use of deadly force would be justified.
    - 2) All other reasonable options for stopping a vehicle should be considered prior to utilizing a ramming technique to stop a fleeing vehicle.
2. Motor vehicle pursuits are inherently dangerous and attempts by deputies to bring a pursuit to a safe conclusion, including the use of the PIT, carries with them additional risks and dangers. In order to reduce the risks to deputies, motorists, and pedestrians, the following safety issues should be considered:
  - a. Location for executing the PIT maneuver
  - b. Capabilities of the deputy and/or deputy's vehicle
  - c. Speed of the fleeing vehicle
  - d. Traffic volume
  - e. Time of day/lighting conditions
  - f. Oncoming traffic
  - g. Pedestrian volume
  - h. Weather conditions



- i. Road conditions
  - j. School zones
  - k. Size of the fleeing vehicle
3. If available, there should be three units involved in the pursuit, prior to initiating a PIT. Once the PIT has been executed, the primary unit will continue driving through the maneuver and is therefore temporarily unavailable. The second and third units will assist with containment of the suspect vehicle and initiation of a high-risk traffic stop.
- a. The PIT should not be attempted on vehicles which are higher or considerably heavier than the deputy's vehicle (e.g. large commercial trucks, buses, RV's).
  - b. If the suspect's vehicle has an electronic stability control system, the effectiveness of the PIT may be reduced.
  - c. The PIT does not necessarily disable a suspect's vehicle, and pursuing deputies should be prepared for the pursuit to recommence after the PIT has been executed.
  - d. The PIT will not be utilized on two or three wheeled vehicles, unless the use of deadly force is justified.
  - e. The PIT will not be executed at speeds above 35 miles per hour, unless the use of deadly force is justified.
  - f. This policy should not be viewed as limiting the use of the PIT or any other use of force to protect the lives of deputies, citizens, or suspects, should they be in imminent danger of serious injury or death.

## **B. PIT Certified Deputy Responsibilities**

1. The PIT-certified deputy will notify the supervisor in command of the pursuit that she or he is available.
2. When authorized to do so by the lead vehicle, the PIT-certified deputy will safely assume the lead position in the pursuit.
3. The deputy initiating the PIT shall take into consideration factors such as weather, time of day, volume of vehicular and pedestrian traffic, road conditions, capability of the pursuit vehicle, population density, and geographic location when selecting a location to execute the PIT maneuver.
4. The PIT-certified deputy will execute the PIT once she or he determines it is safe to do so.

## **C. Supervisors**

Supervisors will identify the availability of a PIT-certified deputy to assist the pursuing deputy(ies).

**D. Reporting Requirements**

1. The PIT-certified deputy will refer to the Use of Force Reporting and Review Policy in documenting their use of the PIT.
2. The use of the PIT will be reviewed as part of the Use of Force Reporting and Review Policy.
3. Use of the PIT Technique is not considered a vehicle crash.

**E. Training**

The initial pursuit intervention technique certification will consist of a minimum of eight hours to include classroom and practical training.

**V. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-007**

**CALEA STANDARD:  
41.3.4, 41.3.5, 41.3.6**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Uniforms, Equipment & Appearance

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#### I. PURPOSE:

To provide uniformity and maintain a professional appearance in both uniform and non-uniform apparel, including Department owned equipment and the general appearance of all Department employees.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide all necessary equipment and uniforms for a professional appearance and for the personal safety of personnel. Uniforms and equipment will be issued to sworn police officers and special commission civilian service officers. Individuals are responsible for cleaning and maintenance of these uniforms. The appearance of every Department employee shall adequately represent the Department's professionalism and reputation within the community, and shall not detract from a safe and efficient work environment.

#### III. PROCEDURE:

Uniforms are issued upon initial employment. Uniform items are replaced as determined by Supervision.

Commissioned employees will typically be issued the following items as standard procedure:

Badge, radio and associated accessories, baton with holder, taser with holder, flashlight with holder, body camera, gun with ammunition, computer, and duty armor with carrier.

Commissioned employees belonging to a specialty unit (ie. SRT, CNT, Honor Guard, CID, etc.) may also receive additional equipment related to their duties.

The types of uniform pieces issued to an employee will vary based upon their assignment within DASO;

One class "A" uniform (hat, pant and long sleeve shirt). Court Security employees can receive three Class A pants and shirts.

Three class "B" uniforms (Navy blue BDU pants, short sleeve shirts, long sleeve shirts).

One Bothell carrier or comparable item, OR three armor skin vest carriers.

One jacket.

Issued uniforms and equipment are accounted for and each employee is held accountable for all issued uniforms.

Uniforms that are lost, damaged or destroyed by situations other than employee negligence are replaced by the Department. Negligence or carelessness could result in disciplinary action and/or reimbursement from the employee.

Each sworn employee and Court Security are provided a bullet resistant vest which shall be worn for all assignments unless otherwise authorized by the Sheriff or his/her designee.

Bullet resistant vests shall be worn by all Department personnel involved in pre-planned or high-risk situations including, but not limited to, SRT tactical operations, high-risk warrant service, and drug raids.

Detectives, in lieu of a full complement of uniforms, receive a clothing allowance quarterly.

Deputies will wear their badge and nametag on their outer uniform shirts, vest carrier or jackets while on duty.

The approved Department patch is worn on both sleeves of all uniforms and jackets. Deputies currently serving in a specialty position shall wear the patch of their respective specialty unit on the right sleeve of their uniform and jacket.

### **Nametag:**

Nametags will be worn centered and 1/8 inch above the right pocket of the shirt or outer carrier vest. Molle vest will have a Velcro nametag worn above the right chest in the Velcro area.

Nametags will have the last name, first initial of the employee and be consistent with coloring, size, and shape with what is issued by the Department.

### **Specialty Pins:**

One specialty pin will only be worn in the class "A" uniform or dress coat. All other specialty pins will be represented by "ribbons" in the class "A" uniform. (Specialty positions are represented by patches in the class "B" uniform) When worn with medals and ribbons, the specialty pin will be worn 1/8 inch above the top row of such award.

Authorized specialty pins; Traffic, DRE, SRT, FTO, CID, Honor Guard, and Bomb Squad.

### **Service Ribbons and Medals:**

Service ribbon bars will be 1 3/8 by 3/8 inches.

Service ribbons will be worn directly above the left shirt pocket, with a maximum of three per row.

If an employee chooses not to wear his or her service ribbons, the name tag will be worn centered above the shirt pocket with the lower edge affixed 1/8 inch just above the top pocket seam.

Medals (Valor, Distinguished Service, Purple Heart, Meritorious Service and Life Saving) shall be worn centered and flush on the left shirt pocket flap, directly below the badge. If an officer has multiple medals, they will be worn side by side with the inner edges 1/8 of an inch separating each of them and centered.

Medals will be worn in accordance with the order of importance as outlined in the Awards and Recognition Policy, starting from the center of the body and working outward. Medals are only worn during ceremonial functions which require the wearing of a class "A" uniform.

### **Sunglasses:**

Sunglasses, when worn, will be conservative in appearance. Will be black, blue or tan in color and not be mirrored.

### **Exhibit of Rank:**

Sergeants wear three chevrons which are affixed to both sleeves of the uniformed shirts and jackets. The chevrons are affixed to each uniform shirt and jacket centered directly below the approved Department patch with the single point flank upward.

The ranks of Sheriff, Undersheriff, Major, Captain, and Lieutenant will wear the appropriate collar brass to signify their rank. Shirt insignia for command personnel will be worn in the following manner:

The shirt and jacket insignia for Lieutenants will be a single gold bar. The shirt insignia will be 3/4 inch by 1/4 inch, centered 1/2 inch from the outer edge of the collar tab, and will be parallel to the collar edge. The jacket insignia will be one inch by 3/8 inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the shoulder seam.

Shirt insignia for Captains will be a double gold bar, each bar 3/4 inch by 1/4 inch, centered 1/2 inch from the outer edge of the collar tab, and will lie parallel to the collar edge. The insignia for all jackets will be a double gold bar, each bar shall be one inch by 3/8 inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the shoulder seam.

Shirt insignia for Major will be a gold oak leaf, each insignia  $\frac{3}{4}$  inch by  $\frac{1}{4}$  inch, centered  $\frac{1}{2}$  inch from the outer edge of the collar tab, and will lie parallel to the collar edge. The insignia for all jackets will be a gold oak leaf, each insignia shall be one inch by  $\frac{3}{8}$  inch, and will be centered on the cross-stitched portion of each epaulet with bars parallel to the shoulder seam

Shirt insignia for Undersheriff will be three gold stars,  $\frac{3}{8}$  inch by  $1 \frac{1}{8}$  inch, centered so as to form a triangle with the point of the collar. The insignia for all jackets shall be three gold stars,  $\frac{5}{8}$  inch by  $1 \frac{7}{8}$  inch, centered on the top of the shoulder.

### **Service Stripes:**

Service stripes, also commonly referred to as "hash marks," are worn on the left side sleeve of all long-sleeved Class A and B uniforms. Service stripes are positioned slanted downward from left to right, inward towards the body and centered with the Department patch. The foremost service stripe will be placed with the lower right-hand corner positioned one quarter inch above the cuff.

A single service stripe represents three years of service (from the deputy's date of hire) and will continue to stack in three-year increments.

Lateral officers upon completion of their probationary period, may display the appropriate service stripes for previous years of service and they will jointly accrue for the remainder of their career.

### **General Appearance:**

All employees of the Department, while on duty or otherwise representing the Department shall adhere to generally accepted professional grooming and appearance guidelines.

#### **Visible Body Piercing:**

Employees of the Department, while on duty or otherwise representing the Department, may wear a conservative appearing single ear pin in each ear, flush on both the front and back side, in the ear lobe area, not to extend beyond or outside of the earlobe area. Additional ear piercing and jewelry for non-sworn, non-field service personnel and civilian employees may be authorized by the Captain in that employee's chain of command. Authorization shall be based on that employee's work environment, assignment and responsibilities.

An exception is those individuals working in an undercover role for specific duty assignment in either full or part-time capacity.

#### **Tattoos and Branding:**

Department personnel that are on duty or representing the department shall be afforded the option of displaying tattoos and/or branding  $\frac{1}{2}$  inch below the short sleeve shirts. Department personnel shall adhere to the following:

### Eligible Visible Tattoos and Branding:

Department personnel displaying arm tattoos are allowed to wear department issued or approved short sleeve shirts throughout the calendar year.

### Ineligible Visible Tattoos, Branding and Prohibited Locations:

No tattoos shall be displayed while on duty which are below ½ inch of the short sleeve. No tattoo or branding that is visible will be obscene, offensive, extremist, indecent, racist, sexist or vulgar.

If a tattoo is in question as to whether it falls into one of the aforementioned categories, review and approval shall be with the Sheriff.

The only tattoo below the above mentioned area or on the hands or fingers permissible is a wedding band style tattoo on the associated finger.

### **Uniformed Footwear:**

The footwear policy for uniformed Department employees is as follows:

Uniform boots are black in color and constructed of smooth leather uppers or permanent shine man-made uppers with a choice of outsoles.

Due to the specialized nature of the Bicycle Patrol Deputy, duties and work environment, approved footwear for Bicycle Patrol Deputies may also include shoes or boots of a nature consistent with operation of bicycles. At the discretion of the Uniform Services Captain, approved footwear for the Bicycle Patrol Deputies may include shoes or boots that are non-leather of man-made materials, shoes or boots that are athletic in nature, shoes or boots that may be of a bright color other than black, and which may potentially display manufacturer's logos that are not distracting in nature;

Boots may be the pull-on or lace up style with a plain toe style. Hiking boots, engineer boots, and construction boots are not acceptable. Motorcycle officers must wear the approved style boots;

Boots with design stitching or ornamental dressing as well as other decorated shoes or boots are not acceptable. All logos, tags or lettering that is not black in color shall be removed or the color altered to appear black in color;

All footwear should be sturdy, of high quality and kept clean and in good repair at all times;

Footwear must be professional in appearance and be maintained to acceptable levels. Shoes or boots found not to meet the above standards due to lack of maintenance or lack of quality are not acceptable or approved for use.

**Hair Styles:**

While on duty, all members and employees of this Department will be well groomed and clean in their person. Extreme, eccentric, or faddish haircuts or hairstyles are not authorized. If department members use dyes, tints, or bleaches, they must choose a natural hair color. Colors that detract from a professional appearance are prohibited. Therefore, department members must avoid using colors that result in an extreme appearance. Applied hair colors that are prohibited include, but are not limited to, purple, blue, pink, green, and fluorescent or neon colors.

**Uniformed Members:**

Hair is neat, clean, and styled to present a groomed appearance;

The hair must be pulled away from the face for clear, peripheral vision;

Members with collar length hair or longer will wear it pulled back and secured for a neat and professional appearance. Braids, ponytails, and buns are acceptable styles.

Detectives:

Hair is neat, clean, and styled to represent a groomed appearance;

Hair style restrictions for Detectives may be dictated by the Detective Lieutenant.

**Facial Hair:**

Department personnel that are on-duty or representing the department in any capacity are allowed to have facial hair. All facial hair must be neatly trimmed and not detract from the employee's professional appearance. Facial hair styles are restricted to full beards, goatees, and mustaches. Beards and goatees must be worn with a connecting mustache, have a clean edge, and will not extend onto the neck. No portion of the beard or goatee may be exceptionally longer than the rest and the beard or goatee will not exceed one half (1/2) inch in length.

Mustaches will be neatly trimmed, should not extend below the corners of the mouth, and should be professional in appearance.

Side burns worn with a mustache, goatee, or while clean shaved will not exceed past the bottom of the ear and will be professional in appearance.

Supervisors will have authority to have the employee shave before continuing in the performance of their duties if the individual's facial hair is patchy, ungroomed, incomplete, or detracts from the employee's professional image.

The facial hair restrictions mentioned above do not apply to officers assigned to METRO.

Honor Guard personnel must remove all facial hair when participating in Honor Guard events.



### **Public Appearances, Training, and School Attire:**

Detectives, officers, and civilians attending training sessions, schools, presentations, or otherwise representing the Department, while not wearing an issued uniform are encouraged to dress appropriately and in good style, with wearing of the departmental polo preferred. Apparel that is not allowed is as follows:

Blue jeans or denim pants;

Athletic type shoes;

Tee shirts/tank tops or shirts bearing logos;

Shorts.

Supervisors or the training coordinator may approve a deviation from the above restrictions should an assignment dictate, or the training is of a nature where more casual wear is necessary.

### **Court and Motor Vehicle Department Hearing Attire:**

Detectives, deputies, and civilians will dress appropriately when attending any court or hearing. Uniformed deputies may wear the issued Class B duty uniform while adhering to any restrictions or requirements governing firearms as set forth by the court.

### **Jury Trials in Federal, District, or Magistrate Courts:**

Dress shirt, ties, slacks, and appropriate footwear are required for men. Women may wear business attire or appropriate dresses. Officers may choose to wear a Class A uniform at their discretion.

### **Bench Trials or Hearings:**

A collared shirt and slacks with appropriate footwear are required for men. Women may wear office attire or appropriate dress. Detectives, officers, and civilians who are responding to court or a hearing from a specialized assignment or training sessions, who have not been adequately notified by the court, may appear in their current attire as approved by the Supervisor or training coordinator.

### **Detective Attire:**

Detectives shall dress neatly in professional and appropriate office attire during normal duties and responsibilities except as noted above for Court or Hearing appearances. Acceptable Detective attire shall include dress or casual slacks, a collared shirt, and appropriate footwear.

Detectives responding to call out situations will wear clothing approved by the Captain of Criminal Investigations for call out wear. Detectives responding to non-emergency investigations likely to require significant citizen contact should be neatly dressed in

appropriate pants and a collared shirt.

Detectives working specialized assignments such as surveillance, plain clothes operations, or operations requiring unique or specialized clothing may deviate from the accepted attire standards at the discretion of the Detective Lieutenant.

### **Civilian Attire:**

Civilian Staff, Police Assistants, instructors, secretaries, evidence technicians, records technicians, clerks, operators, and other civilian employees shall wear neat, clean, and professional attire suitable for their individual assignments and responsibilities.

### **Restrictions on Uniform Accessories:**

The accepted uniform hat is a department issued 8-point style which may be worn at the Deputies discretion.

Only the Department issued ball cap may be worn in uniform. The ball cap shall be maintained in good condition, free of stains, debris, excessive fading and shall not be modified from the issued condition other than a slight rounding of the bill. The ball cap is only to be worn with the class "B" uniform.

Gloves may be worn at the discretion of the deputy. They will be black in color, and of a plain design, with no ornamentation or logos. Gloves with reinforced, hardened, weighted backs, palms, or knuckles are not allowed.

Tee shirts are worn under the patrol uniform shirt. Tee shirts may be black or white in color and of a crew neck style. Black turtle neck or mock turtle neck shirts may be worn under the patrol uniform shirt during cold weather at the discretion of the deputy. The collar of the turtle neck shirt should not protrude above the collar of the uniform shirt.

Winter hats, knit fleece (watch caps/beanies) must be solid black in color with no visible ornamentation or logos.

Deputies are issued a Department approved jacket upon hire. Deputies may purchase a "soft shell" jacket to wear on duty. The "soft-shell" jacket must be black in color with no ornamentation or visible logos. The "soft-shell" jacket must have the deputy's nametag (see above nametag for direction), department badge, and department patches affixed.

While wearing the Department uniform, if socks are visible while in the standing or sitting position, black socks will be worn.

### **Restrictions on Wearing of the Uniform:**

Wearing an official department uniform is prohibited in the following situations:

In connection with the furtherance of any political or commercial interests, or when engaged in off-duty civilian employment unless authorized by the Sheriff or designee;

When participating in public speeches, interviews, picket lines, marches, rallies, or public demonstrations, except; as authorized by the Sheriff or designee;

When attending any meeting or event that is a function of, or is sponsored by, an extremist organization.

When wearing the uniform would bring discredit upon the department;

When specifically prohibited by other department regulations or policies.

### **Long Sleeve Shirt Sleeves:**

All long sleeve uniform shirts must have unrolled sleeves, and the cuffs must remain closed with the button or Velcro secured while outside the Dona Ana County Sheriff's Office or substations and any time deputies are observed by the public.

### **Class "A" Uniform:**

The Class "A" Uniform will be worn for special or formal events, such as funerals, graduations, promotions, ceremonies or as deemed appropriate. The Class A Uniform will consist of the following components:

Long sleeve uniform shirt and pants consisting of wool or wool/polyester blend;

Uniform tie (black in color);

Polished duty belt (for both sworn and non-sworn), firearm with holster, single cuff case and magazine pouch (as applicable),

Polished smooth leather shoes or boots or high gloss oxford uniform shoes;

All other standard uniform components (as applicable).

Deputies will wear one (1) service pin earned. All others will be represented by ribbons. Service ribbons shall be worn in accordance with the order of importance as outlined in the Awards and Recognition Policy, starting from the top row and working from the outer body inward.

For funerals and other formal events, the 8-point style uniform hat and white gloves are worn as directed. In addition, deputies attending funerals or fallen officer memorial events shall wear their medals and service pins in accordance with this policy.

### **Class "B" Uniform:**

The class "B" uniform will consist of the following:

The long or short sleeve shirt may be worn with the collar open.

All shirt buttons must remain buttoned except for the top button at the neck.

Polished shoes.

Duty belt with firearm shall be carried in accordance with the Use of Force policy: Firearms.

Carry either OC Spray or an ECW as a less lethal option. ECW must be worn on the opposite side as the firearm.

**Outer Vest Carriers and Molle Vests:**

A deputy may attach no more than three items to their Molle vest. Pouches must be low profile pouches that will not prevent them from acquiring a prone position.

The items allowed to be carried on the vest are handcuffs, baton, flashlight, tourniquet, IFAK, O.C., radio. Any other item may be reviewed for approval.

Firearms and magazines must remain on the duty belt.

**Drop Holster:**

A less-lethal option may be worn from a drop holster that positions the less-lethal weapon on the upper thigh of the support side of the deputy in the class "B" uniform only.

The deputy must be able to wrap all four fingers of the support hand around the bottom of the holster without bending.

If a deputy chooses to purchase and use a drop leg holster for a less-lethal weapon, they must request permission through their chain of command. As a part of the approval process, the deputy must demonstrate their ability to retain the weapon and draw it. The chain of command will be responsible for maintaining information on who is approved.

The drop holster set-up will not be allowed to be worn with the class A uniform.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-008**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Fleet and Vehicle Maintenance

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide written guidelines governing the assignment, operation, responsibilities for and care of DASO Vehicles.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO), to manage DASO's fleet in a manner that maximizes the safety of its personnel and the general public to ensure responsible stewardship of county resources.

#### III. PROCEDURE:

Vehicle Assignment Procedures:

The DASO Fleet Manager, in consultation with the Administrative Services Captain, will conduct assignment of newly acquired vehicles to specific employees. Considerations as to which vehicle is assigned to a specific employee include, but are not limited to:

1. The suitability of the particular vehicle for a specific task;
2. The age, mileage, and maintenance record of the vehicle to be replaced; a given employee's years of experience;
3. Their driving/accident record; and
4. The diligence and care manifested by the employee in the care and maintenance of previous vehicles.
5. The units shall be assigned by seniority within the division in which the units are assigned.

6. New units assigned to a division will be assigned to the next senior certified non-probationary employee that has not received a new unit in the last five years prior to July 1<sup>st</sup> of that current year.
7. The Sheriff has the discretion to reassign units to another division or for other use if the Sheriff determines that such reassignment is required by DASO's mission and needs. The Sheriff's decision shall be final.
8. Dependent upon operational requirements, a given employee or employee may be assigned responsibility for one or more vehicles (e.g. motorcycle employees, SWAT commander, etc.)
9. Pool and unassigned vehicles are the responsibility of the Fleet Manager, with the exception of those that are assigned to patrol shifts as pool units.
10. Both the appropriate lieutenant or division head and the Fleet Manager must approve any reassignment of vehicles within a division. Reassignments of vehicles between divisions requires the approval of the pertinent lieutenants, the Administrative Services Captain, and the Fleet Manager.

#### Damage Record:

Upon receipt of a newly assigned vehicle, the employee is responsible for completing an inspection form specific to that type of vehicle (sedan, SUV, pickup, or motorcycle). All defects, damage, and operability issues are to be recorded on this form, which shall be submitted to the Fleet Manager for retention.

The damage recorded is for the protection of the assigned employee, as a means of documenting any pre-existing damage or other issues and providing accountability. Photographs may be submitted in conjunction with the damage recorded. The assigned employee is encouraged to keep a copy of the completed form in the vehicle for reference during monthly inspections.

#### Vehicle Operations:

In keeping with the Dona Ana County Sheriff's Office policy, employees shall use DASO vehicles only for their intended purposes, in accordance with departmental procedures, and shall not abuse, damage or demonstrate negligence in the care of DASO vehicles or equipment.

Vehicles shall be operated in a careful and prudent manner and operators shall obey all state statutes, local ordinances and DASO policies related to such operation. Loss or suspension of any driving privileges shall immediately be reported to DASO member's immediate supervisor.

Statutes and policies regarding the use of DASO vehicles for police undertakings can be found in New Mexico Statute § 66-7-6 and Motor Vehicle Pursuits; Responding to Calls for Service; Forcible Stopping of Motor Vehicles; In-Car and Wearable Video Cameras; and Ride-Along Program amongst others.

Lieutenants and division heads are ultimately responsible for the operational control of vehicles assigned to their division. This responsibility is delegated through the chain of command to the assigned employee, who has responsibility for the roadworthiness and safe operation of the vehicle.

Civilian non-employees may only be transported in relation to official business or in compliance with the Civilian Ride-Along Program Policy; or in accordance with the provisions on take-home vehicles contained in this policy.

Tobacco use in any form is prohibited in all police vehicles.

The use of hand-held devices shall abide by state statute and local ordinance, but hands-free devices or applications are to be used whenever possible. No DASO employee shall use any electronic device while operating any DASO vehicle on any roadway, street, alley or while on private property when the vehicle is not parked. This does not include the use of police radios or the use of electronic devices while being parked on the roadway for any police activity such as a crash investigation or traffic stop. DASO employees may make or receive cellular phone calls as long as it does not affect their ability to operate the vehicle safely.

Employees shall not presume any special privileges with the vehicle, regarding parking or otherwise, except for instances when employee or citizen safety is of concern or whilst employees are transporting or anticipating the transport of prisoners.

#### Safety and Security:

In compliance with New Mexico state statutes and the Dona Ana County Safety Policy, seat belts shall be worn by drivers and passengers of all DASO vehicles at all times when the vehicle is in motion. Employees are exempt only in rare cases of emergency in which the use of a seat belt would endanger employee safety. A child restraint device is available for use when transporting children, as mandated by State statute.

All DASO vehicles will be supplied with a First Aid Kit, fire extinguisher, and flares. Fire extinguishers should be inspected at least once per month by the employee to whom the vehicle is assigned, to ensure that the pressure gauge aligns with the green line, the plastic safety tag (or wire) and pin are in place, that the nozzle remains undamaged, and that the annual inspection sticker has not expired. Extinguishers shall be secured within the vehicle in a readily-accessible location. In the event that an extinguisher loses pressure or is discharged, or the annual inspection sticker expires, another extinguisher is to be obtained as soon as possible from the fleet manager in exchange of the expired or depressurized extinguisher.

Employees are to inspect their assigned vehicle prior to use or to going "In Service" at the beginning of each shift, including ensuring that:

1. All emergency equipment is available and fully operational, including in-vehicle cameras, if equipped.
2. All vehicle equipment (e.g. horn, lights, windshield wipers, gauges and HVAC system) are operational.
3. All new or previously unreported damage is reported to their supervisor and the Fleet Manager.
4. The interior, including under the seats, has been checked for contraband or weapons
5. Specialty vehicles (e.g. Mobile Command Vehicle, Bear, motorcycles, UTVs, etc.) should be operated only by employees who have received full training (and certification, where applicable) in the operation of that particular vehicle or class of vehicles.
6. Vehicles shall be locked whenever they are left unattended and the employee is not in the immediate vicinity.
7. Employees are responsible for ensuring the security of the vehicle when going out of service or at the end of a shift.

#### Light or Restricted Duty:

Employees on light duty or restricted duty should not operate a marked police vehicle without the express, written permission of the Sheriff (per Light or Restricted Duty Policy). Employees on light or restricted duty who are assigned a marked unit shall arrange to park the unit at DASO, as directed by the Fleet Manager. Those employees assigned an unmarked unit may be allowed to retain the use of that vehicle at the discretion of the Sheriff.

Depending upon vehicle availability and the best interest of DASO, a vehicle assigned to an employee on prolonged light or restricted duty may be reassigned to another employee.

#### Vehicle Appearance:

Employees are responsible for the appearance and upkeep of the interior and exterior of the vehicle, and should keep the vehicle washed and cleaned, as necessary, to maintain the appearance.

Employees may opt to have their units washed or detailed at a commercial establishment at their own expense. These expenses shall not be paid with the Dona Ana County charge card. (Exceptions may be made in rare instances, but are subject to prior approval from the lieutenant of the pertinent division. Such services will be



charged to the appropriate division, and will not be paid out of the general Fleet Management budget.) Due to security concerns and the increased risk of damage to sensitive equipment, the use of commercial washing and detailing services is discouraged.

#### Idling:

Employees should operate DASO vehicles with reasonable prudence in order to conserve fuel and maintain operating efficiency. Vehicles should not be allowed to idle unnecessarily. Idling may be necessary to support the operation of electronic equipment, and in extreme weather conditions to ensure occupant comfort, or protect the health of prisoners or Police Service Dogs. Where possible, other measures, such as cracking windows, should be employed in preference to idling. Vehicles should not be left idling unattended beyond the time necessary to upload video, etc. Prolonged idling to heat up or cool down the interior of an unattended vehicle should be avoided.

On-duty deputies shall not loiter in public places except in the performance of duties or during any break. No more than two (2) deputies will be at the same location for a break except with the permission of their supervisor.

#### Extra-Jurisdictional Use:

DASO units may be taken outside of DASO's jurisdictional boundaries only in conjunction with official DASO duties, or driven to and from the employee's residence in keeping with the take-home portion of this policy detailed below.

If a vehicle becomes inoperable outside of Dona Ana County through mechanical failure or as a result of a crash, it is to be towed to the nearest dealership for that type of vehicle, and the Fleet Manager or Vehicle Maintenance contacted for further instructions. Exception is made in the case of vehicles required for evidentiary purposes, in which case local law enforcement procedures shall be followed.

#### Fueling of Vehicles:

Fuel charge cards are assigned to a specific vehicle, and shall be used to fuel the assigned vehicle only. In the event that a vehicle's assigned charge card is lost or becomes inoperable, the operator shall notify his supervisor and obtain a new fuel card from the Fleet Manager.

If after hours, the employee's supervisor may authorize the use of a fuel card from another unit. A memorandum must be completed documenting the miles and reason for the use of another unassigned fuel card.

Employees shall take care to enter the correct mileage each time they re-fuel the vehicle, as it is this information, as registered by the vehicle-specific fuel card that determines maintenance intervals.

Employees shall fuel up at the beginning of shift and not allow the vehicle to fall below a quarter of a tank of fuel during their shift.

Fuel pumps should not be left unattended while the vehicle is being fueled, as this poses a serious safety hazard.

#### Vehicle Maintenance and Repairs:

Maintaining the DASO fleet in peak operating condition is the responsibility of all parties concerned. Employees are fully responsible for the care and maintenance of vehicles assigned to them and are responsible to ensure that periodic maintenance is performed when due, and that problems are reported promptly to their supervisor, Vehicle Maintenance and to the Fleet Manager.

Vehicle damage resulting from abuse, carelessness or neglect—including failure to perform needed maintenance—may result in disciplinary measures.

All maintenance and repairs are to be carried out by Dona Ana County or County-authorized mechanics, with the exception of certain general maintenance which can be carried out by the employee. These exceptions include:

1. Windshield wiper replacements.
2. Examination of fluid levels (motor oil, transmission fluid, brake fluid, coolant and windshield-wiper fluid) and their replenishment.
3. Maintaining tire pressure.

Employees are prohibited from altering the body, appearance, markings or the mechanical, electrical or radio systems of the vehicle and from adding or rearranging accessories or equipment in the vehicle, or from authorizing such alterations, without prior approval of the Fleet Manager.

The MDT and all weapons shall be removed from vehicles prior to service.

All vehicle maintenance and repairs must receive prior approval from the Fleet Manager or the Vehicle Maintenance Division, with the exception of the following:

1. Emergency towing. Emergency towing of DASO vehicles is to be arranged through DASO's designated towing service, not through the Communications Center Dispatch rotation.
2. Filling rock chips in windshields. This should be done as soon as possible to prevent further damage to the windshield.
3. Periodic basic oil changes through the currently-contracted vendor or with fleet.
4. When dropping of a vehicle for maintenance, the employee shall complete a work order and describe what maintenance is needed or the nature of the issue. If the vehicle is turned in for preventative maintenance, this should be indicated.

5. The nature and timing of any malfunctions should be included, as well as the circumstances under which the problem does or does not manifest itself (e.g. when running code, idling, etc.) The greater the detail provided, the more rapidly and accurately the problem can be diagnosed.
6. If a similar issue has arisen in the past, this should be indicated, with the approximate date(s). This also aids Vehicle Maintenance with troubleshooting.
7. Units which have been serviced or repaired at Vehicle Maintenance and have been completed will be parked in the ready area of fleet. Fleet or The Fleet Manager will to notify employees that their units are ready.

#### Preventative Maintenance and Oil Changes:

Regular preventative maintenance and oil changes are scheduled by Vehicle Maintenance based on mileage or time elapsed since last service, depending on the level of use of the vehicle, and following manufacturer's recommendations.

Trailers receive preventative maintenance annually. Vehicle Maintenance will contact the Fleet Manager with a list of those units in need of preventative maintenance or basic oil changes. The Fleet Manager will contact the assigned employee, who is responsible for scheduling with Vehicle Maintenance or the contracted basic oil change provider, and arranging for drop-off and pick-up of the unit.

Preventative maintenance may be alternated with basic oil change services. Basic oil changes are available through DASO's contracted provider. The Fleet Manager or Vehicle Maintenance may be contacted for the name of the current contractor. The contract is limited to oil changes and employees may not authorize additional services such as tire rotation or system flushes. If a vehicle is determined to be in need of additional services, these should be performed by Vehicle Maintenance.

The supervisors of employees who fail to perform preventative maintenance or basic oil changes in a timely manner will be notified. An ongoing pattern of such failures may result in disciplinary action.

#### Vehicle Repairs:

Windshield Replacements: Upon approval from the Fleet Manager or Vehicle Maintenance, broken windshields may be taken to a qualified windshield replacement shop in Dona Ana County. They will contact Vehicle Maintenance for a purchase order number through which the replacement will be billed. For economic reasons, shops offering replacement guarantees or free chip repair are preferred.

#### Auto Body Repairs:

See the section in this policy headed "Crash, Vandalism and Damage" for procedures for auto body repairs.

Window Tint: Upon approval from the Fleet Manager, side and rear windows may be tinted, using any of the qualified tint shops in Dona Ana County. The tint shop will contact Vehicle Maintenance for a purchase order number. Tint is not to exceed 35%.

#### Recalls:

Vehicles are periodically subject to recall for a variety of reasons. It is the responsibility of the Fleet Manager and Vehicle Maintenance to be aware of such recalls, and to contact the assigned employee and advise them of the nature of the recall and the steps to be taken. If an assigned employee believes that their unit may be subject to recall, they may contact the Fleet Manager. If an assigned employee is advised that their unit is subject to recall and that a remedy is available, the employee is responsible to schedule the repair per the Fleet Manager's instructions. Many recalls are safety-related, and an employee's repeated failure to schedule repairs may be grounds for disciplinary measures.

#### Vehicle Inspections:

All employees and operators of marked units should conduct an inspection prior to going "In Service" for each shift. The only exception to these checks being carried out prior to going "In Service" is in the case of an urgent operational commitment. In those instances, the checks shall be completed at the first available opportunity.

Regular conduct of pre-shift inspections does not preclude the need for a regular monthly inspection, nor vice-versa. Monthly inspections are to be carried out using the Vehicle Inspection Form.

Vehicle-specific Inspection Forms should be used for specialty vehicles such as the BEAR, UTVs, motorcycles, etc. If a vehicle-specific form is not available, the regular Monthly Inspection Form can be used, and those items that are not applicable simply marked "N/A". It is the responsibility of shift or division supervisors to conduct regular inspections of vehicles assigned to their shift or division, and to ensure adherence to all aspects of this policy.

Vehicle inspection intervals are presented in Table 1, below. This schedule and procedure has been developed to help maximize the safety and condition of fleet vehicles, consonant with the associated demands on staff time.

As a general guideline, units regularly driven during the duration of a daily shift are subject to monthly inspection. Units—including take-home—that are not driven for a significant proportion of most shifts and are rarely or never used in a "code" emergency response status are to be inspected semi-annually, once per shift bid (e.g. Administration units, Detectives). Unassigned marked Patrol units rotate relatively quickly and are given a full mechanical inspection by Vehicle Maintenance when

removed from regular service; therefore, monthly inspections are not required until the vehicle is reassigned and returns to service. Patrol Pool units are to be inspected bi-monthly, other Pool Units are to be inspected quarterly. Seasonal-use vehicles are to be inspected monthly during the use season, and quarterly out of season. Trailers and Training Specialty Units receive an annual inspection conducted by Vehicle Maintenance.

The Fleet Manager may adjust the schedules for a specific vehicle, based on age, mileage, extent and type of use, etc.

Any questions regarding the inspection interval for a specific vehicle should be addressed to the Fleet Manager.

Vehicle Type	Inspection Interval	Responsible
Patrol/Traffic/K-9	Monthly	Supervisor
Detectives/Crime Scene	Monthly	Supervisor
SRT Specialty Unit	Monthly	Supervisor
Bomb Specialty Unit	Monthly	Supervisor
Motorcycles	Monthly	Supervisor
Command Post	Bi-Monthly	C.P Operator
Sergeants	Monthly	Self/Supervisor
Administration	Semi-Annually	Self
Professional Standards, Training, Court	Monthly	Self
Records, Fleet Manager, Victim advocates	Semi-Annually	Supervisor
Pool Units (non-patrol)	Semi-Annually	Fleet Manager/Designee
Trailers	Annually	Fleet Manager/Designee
Patrol Pool Units	Bi-Monthly	Patrol Sergeant

For sworn personnel of the rank of sergeant and above, monthly inspections may be conducted by the themselves without the necessity of a supervisor signature; but supervisors should perform semi-annual inspections, once per shift bid. Inspection of specialty units assigned to SWAT and the Bomb Squad may be conducted by the supervisor, Lead Bomb Technician, or their designee. Inspections of vehicles assigned to civilian employees may be conducted by the supervisor or by the employee, at the discretion of the supervisor, in consultation with the Fleet Manager.

Any deficiencies identified through inspection should be rectified promptly if minor (e.g. fluid levels, tire pressure, windshield chips, overdue preventative maintenance or basic oil changes). If moderate deficiencies which do not affect the roadworthiness or mission effectiveness of the vehicle are discovered (windshield cracks, cosmetic damage, minor mechanical malfunctions, etc.) they are to be reported promptly to the Fleet Manager or Vehicle Maintenance and be resolved as soon as practicable. If serious deficiencies are identified, the vehicle is to be taken out of service and a pool unit used. If defects affecting the safe functioning of the vehicle are identified, the vehicle is not to be driven. It is to be towed (not driven) to Vehicle Maintenance for repair.

Previously unrecorded damage should be annotated on the bottom of the Vehicle Inspection Form. Damage due to vandalism should be recorded in a standard police report, and the Fleet Manager notified. If vandalism was the result of the actions of a known suspect, the Fleet Manager and County Claims Manager should be notified and a case number provided, so that restitution can be pursued through the courts. If the source of the damage is unknown, a "Damaged Equipment Memorandum" shall be completed. If there is doubt as to whether the damage was pre-existing, the employee's copy of the Vehicle Damage Record can be consulted. In the absence of such a record, the Fleet Manager should be contacted.

If a vehicle is not available for inspection due to extended repairs, this should be noted on an Inspection Form, and if a Pool Unit is being used instead, a separate Inspection Form should be filled out for the Pool Unit, and both should be submitted (the Inspection Forms are filed separately by unit). In the case of take-home vehicles, if a vehicle is not available for inspection due to an employee being on FMLA, extended vacation or training, or other leave this should be noted on an Inspection Form and submitted to the Fleet Manager for documentation purposes.

Once complete, Inspection Forms should be submitted to the Fleet Manager for review and tracking in the fleet database. The employee's supervisor or Fleet Manager will contact the employee with instructions on how to resolve any noted deficiencies.

#### Pool Units:

A fixed number of marked units have been designated as "Pool Units." Each of these is designated by the unit number. Vehicles not marked "Pool" or designated as division pool units may not be used as pool units without prior approval from the Fleet Manager.

Unless an employee is in active on-call status, pool units are not to be taken home.

They are to be returned to the station at the end of each shift. Violation of this structure is subject to disciplinary action.

Pool units are to be signed out for each shift, by the employee's supervisor.

Employees are responsible for notifying the Fleet Manager, via email or text, of any mechanical problems or equipment deficiencies they observe with pool units. All assigned equipment and personal belongings are to be removed from pool units at the end of an employee's shift, fueled, and left clean, regardless of their condition when the employee received it.

Pool units are to be parked in the designated parking area when not in use.

Regular maintenance, recalls and repairs of pool units are the responsibility of the Fleet Manager.

#### Take-Home Vehicles:

Based upon the results of studies performed in other police departments (including an eight-year study by an outside consulting firm for the Tacoma Washington Police Department) the Dona Ana County Sheriff's Office has implemented a take-home vehicle policy. This is based on the following considerations:

1. In spite of the extra fuel expenditure, operating costs (including fuel and maintenance) for take-home units are significantly (15-30%) lower than those for pool units.
2. Vehicle longevity of take-home vehicles is markedly greater than that of pool units.
3. Assigned vehicles increase efficiency, reducing the time necessary to load and unload equipment at the beginning and end of shift.
4. Employees who take vehicles home typically render a significant amount of service whilst "off-duty," resulting in increased enforcement.
5. Increased crime deterrence due to increased police visibility as employees commute to and from work and park in their neighborhoods.
6. Improved response time during emergency callouts, and dispersal of vehicles during adverse weather or terrorist incidents, preventing a "wipe-out" of police units due to a single event.
7. Cost savings due to eliminating the need to provide secure parking for the entire fleet.

Due to the considerations above, take-home vehicles are issued to all sworn personnel who have completed Field Training and Evaluation ("FTO").

Take-home vehicles may be marked or unmarked.

This policy may also be modified, as necessary, based on vehicle availability. Temporary exceptions to this policy may only be made by a supervisor of the rank of Captain or above, upon notification of the Fleet Manager.

Take-home privileges may be rescinded as a disciplinary measure, upon approval of a supervisor of the rank of Captain or above. In such instances the Fleet Manager is to be notified, and the vehicle parked at DASO.

Take-home vehicles are to be used for driving to and from work and other DASO duties and assignments. They may also be used by on-call personnel for personal use within Dona Ana County, providing all provisions laid out within this policy are abided by.

If the unit has markings identifying it as a DASO vehicle, the employee must keep their credentials, his/her badge, firearm, and some form of less lethal equipment in the vehicle where it is readily available to the employee.

#### Take-Home Vehicle Operation Standards:

Operation of take-home vehicles during the commute to and from an employee's residence are subject to the following strictures:

Off-duty employees (unless on-call) will not operate their assigned vehicle unless on official business or driving between their residence and work.

Deputies driving take-home vehicles will be prepared to handle any emergency situation they may encounter, and will take appropriate action. Deputies must monitor the police radio frequencies.

Unless a situation requires immediate action, off-duty deputies may call for an on-duty deputy to handle the situation, but will stand by and assist until the on-duty deputy arrives.

Only DASO personnel will operate take-home vehicles, and will be responsible for the safety, proper appearance and conduct of all passengers. Civilian non-employees may only be transported in relation to official business or in compliance with the Civilian Ride-Along Program Policy.

When responding to urgent or life-threatening calls when civilian passengers are on board, deputies will have those passengers exit the vehicle at a safe and convenient location before responding, or advise the Communications Center that they are unable to assist.

Employees will maintain professional conduct and will not operate the vehicle contrary to the laws of the State of New Mexico and Dona Ana County ordinances and policies, except when done by deputies using legal means and in performance of their duties.

Employees will maintain an acceptable dress code when operating the vehicle, which will allow the employee to perform in an official capacity when necessary. Prohibited



attire includes, but is not limited to, the following:

swim wear, flip-flops, bare feet, and bare torso.

#### Vehicle Crashes, Vandalism and Damage:

Employees shall notify their immediate supervisor of any crash, vandalism or other damage as soon as it is observed, following the procedures below. Failure to report such damage promptly may subject the employee to disciplinary action.

#### Crashes:

All vehicle crashes involving DASO vehicles, even if there is no damage immediately evident and regardless of fault, are to be promptly reported to the employee's supervisor in accordance with the Dona Ana County Fleet Crash Process Policy. If the employee involved is not a deputy, deputies are to be summoned to the scene by calling the Police Non-Emergency Number or 911, as circumstances warrant. Deputies may contact dispatch directly, through normal channels.

#### Vandalism:

In the event of vandalism to a DASO vehicle, the assigned employee shall contact the Police Non-Emergency Dispatch number, so that a standard incident report can be taken and a case number issued. If the reporting party is an employee other than the one assigned to the vehicle, the reporting party shall attempt to contact the assigned employee, or if the assignment is unknown, the Fleet Manager.

Photographs shall be taken of the damage to the vehicle. A copy of the report and accompanying photos should be sent to the supervisor.

#### Damage:

In the event that damage occurs to a vehicle that is not attributable to either a crash or vandalism, the assigned employee shall document the damage in a memorandum and forward it to their respective supervisor and fleet. Very minor damage, such as "door dings" due to opening doors in parking lots, or minor scratches (those which do not penetrate through the primer) need to be reported, but may not need to be repaired. If in doubt, the assigned employee should consult with their supervisor or the Fleet Manager to determine whether the matter should be reported, and if repairs are necessary. In all instances where bare metal is exposed, a report is required, and unless the vehicle is scheduled for disposal within the next six months the breach shall be repaired to prevent further damage through oxidation.

#### Repairs Due to Crashes, Vandalism or Damage:

Unless the damaged vehicle is inoperable, the assigned employee is responsible for taking the vehicle for repair estimates from three commercial body shops specified by the Fleet Manager or Vehicle Maintenance. (Vehicle Maintenance does not perform body work.) The vehicle should be taken to the body shops for the estimates within

one week of discovery of the damage. The body shops will submit a copy of the estimate via email to the Fleet Manager.

The Fleet Manager will notify the assigned employee and the body shop if approved for repairs. The assigned employee is responsible to coordinate the scheduling of repairs directly with the body shop, and for notifying the Fleet Manager when the vehicle is taken in for repairs. The Fleet Manager will, in turn, notify Vehicle Maintenance.

In the case major repairs are required and if no recourse to outside insurance is available, the decision whether to repair the vehicle rests with the Sheriff or his/her designee. The assigned employee is responsible for coordinating the scheduling of repairs directly with the body shop, and shall notify the Fleet Manager when the vehicle is taken in for repairs. The Fleet Manager will, in turn, notify Vehicle Maintenance.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-009**

**CALEA STANDARD:  
41.2.7**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Responding to Persons with Mental Illness

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidance to agency personnel when dealing with persons who are suspected of suffering from mental illness.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide an effective response to situations involving individuals who are suspected and/or verifiably mentally ill, in order to avoid unnecessary uses of force and to ensure that proper medical and/or psychological attention are provided.

#### III. DEFINITIONS:

**Mental illness-** is defined as any of a variety of conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

**Serious harm to oneself:** Is more likely than not in the near future the person will attempt to commit suicide or will cause serious bodily harm to themselves by violent or other self-destructive means, including but not limited to grave passive neglect. Grave passive neglect means failure to provide for basic personal or medical needs, or for one's own safety; to such an extent that it is more likely than not serious bodily harm will result in the near future.

**Serious harm to others:** Is more likely than not in the near future the person will inflict serious, unjustified bodily harm to another person or commit a criminal sexual offense, as evidenced by behavior causing harm, attempting to harm, or threatening to harm, when such behavior results in reasonable fear of harm from another individual.

#### **IV. PROCEDURE:**

It is important for employees to have the ability to recognize behavior that is indicative of mental illness, particularly when there is likelihood that an individual will cause serious harm to themselves or others.

##### **Recognition of Persons Suffering from Mental Illness:**

It is important to recognize behavior that is indicative of mental illness and that is potentially dangerous to one self and/or others. In attempting to determine whether an individual suffers from mental illness, employees should not rule out other causes of abnormal behavior, including reactions to drugs and/or alcohol, medical emergencies (such as a diabetic emergency), or temporary emotional disturbances. Employees should evaluate the following symptomatic behaviors in the total context of a situation when determining an individual's mental state and the possible need for intervention.

**Degree of Reactions** - Mentally ill individuals may show signs of strong and unrelenting fear of persons, places, or things. For example, the fear of people or crowds may make the person reclusive or aggressive without apparent provocation.

**Appropriateness of Behavior** - A person who acts extremely inappropriate for a given situation may be mentally ill. For example, a motorist who vents frustration in a traffic jam by physically attacking another motorist may be mentally ill.

**Extreme Rigidity or Inflexibility** - Mentally ill persons may be easily frustrated in new or unforeseen circumstances and may exhibit inappropriate or aggressive behavior.

##### **Other Specific Behaviors:**

1. Abnormal memory loss, such as name, address, or phone number;
2. Delusions of grandeur, such as stating, "I am Christ", or delusions of paranoia, such as stating, "Everyone is out to get me", or "The FBI and CIA have tapped my telephone";
3. Hallucinations of any of the five senses; for example, hearing voices, or feeling one's skin crawl;
4. Belief that the person is suffering from extraordinary physical illnesses that are not possible, such as their heart has stopped beating or they are rotting from the inside out; and/or;
5. Extreme fright, depression or suicidal ideation.

##### **Determining Danger:**

Not all mentally ill persons are dangerous. Some may represent danger only under

certain circumstances or conditions. Employees may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to themselves, deputies, or others. These include the following:

1. The availability of any weapons to the suspect;
2. Statements by the person that suggest to the deputy that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendos to direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence;
3. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the deputy, or family, friends, or neighbors may be able to provide such information;
4. Failure to act prior to arrival of the deputy does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger;
5. The amount of control that the person demonstrates is significant, particularly the amount of physical control over the emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual may be close to losing control;
6. The volatility of the environment is a particularly relevant factor that deputies must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

### **Dealing With Mentally Ill Individuals (Demeanor, Interviews and Interrogations):**

If an employee suspects or determines that an individual is mentally ill, the employee will attempt to respond in the following manner:

1. Calm the situation by turning off emergency lights and sirens, when feasible;
2. Disperse crowds, when possible;
3. Assume a quiet, non-threatening manner when approaching the individual;
4. Avoid physical contact, if possible, while assessing the situation;
5. Move slowly, being careful not to excite the individual;
6. Provide reassurance that the police are there to help the individual and that appropriate care will be provided;

7. Attempt to find out what is bothering the individual;
8. While relating to the individual's concerns, allow the individual to vent their feelings;
9. Do not threaten the individual with arrest, unless the individual has committed a crime and an arrest is appropriate;
10. Do not threaten the individual with physical harm;
11. Attempt to avoid topics which may agitate the subject, and guide the conversation toward topics that seem to ease the situation;
12. If an interrogation of the subject is necessary, attempt to conduct it in a safe environment for both parties (in an interview room of the police department, on scene away from other people, in a quiet location away from vehicular and pedestrian traffic, etc.);
- 13.13. If co-occurring behaviors are suspected (i.e. mental illness and substance abuse) attempt to ascertain what substances the individual may be on before interview or interrogation so the appropriate medical care can be provided prior to further agitation if possible.

#### **Procedures for Accessing Available Community Mental Health Resources:**

In accordance with NMSA 43-1-10, a peace officer may detain and transport a person for emergency mental health evaluation and care in the absence of a legally valid order from the court only if:

1. The person is otherwise subject to lawful arrest; or
2. The peace officer has reasonable grounds to believe the person has just attempted suicide; or
3. The peace officer, based upon his own observation and investigation, has reasonable grounds to believe that the person, as a result of a mental disorder, presents a likelihood of serious harm to themselves or others and that immediate detention is necessary to prevent such harm; or
4. A licensed physician or a certified psychologist has certified that the person, as a result of a mental disorder, presents a likelihood of serious harm to themselves or others and that immediate detention is necessary to prevent such harm. Such certification shall constitute authority to transport the person.

Any person detained under NMSA 43-1-10 will, whenever possible, be taken immediately to the Emergency Room to be assessed for admission to the In-patient Behavioral Health Unit.

When an individual is detained and transported to the Emergency Room, the Emergency

Room physician will evaluate whether reasonable grounds exist to detain the individual for evaluation and treatment, and if such reasonable grounds are found, the individual will be admitted to the In-Patient Behavioral Unit. If the Emergency Room physician determines that reasonable grounds do not exist to detain the individual for evaluation and treatment, the individual will no longer be detained.

In all instances in which an individual is detained under NMSA 43-1-10, an offense report will be taken by the detaining deputy, documenting the circumstances of the incident and the type of behavior that was addressed.

Department employees having initial contact with people suspected of having a mental illness should provide assistance information by giving the following information to the patient when it is safe to do so:

1. Medical services and crisis intervention services available, including the 24 Hour Crisis Hotline (Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline, 1-800- 662-HELP (4357), (also known as the Treatment Referral Routing Service) or TTY: 1-800-487-4889 is a confidential, free, 24-hour-a-day, 365-day-a-year, information service, in English and Spanish, for individuals and family members facing mental and/or substance use disorders. This service provides referrals to local treatment facilities, support groups, and community-based organizations. Callers can also order free publications and other information);
2. The Offense Report number so that the person may have additional information regarding the case and to receive information reference the status of the case at a time in the future when they are not in crisis;
3. The names of the other medical professionals or institutions that may be able to provide the individual assistance in the present or future;

### **Required Reports:**

In an effort to best facilitate the treatment and rehabilitation of persons suffering from mental illness, it is important to properly document circumstances requiring police intervention. Upon investigation, if a responding deputy, through credible information, has reason to believe that a person was or is in danger to themselves or others, a report shall be taken, even when the threat no longer exists. An offense report shall be taken by the responding deputy, documenting the circumstances of the incident and the type of behavior that was observed in all instances in which an individual is transported for mental evaluation upon recommendation or persuasion of a deputy, whether or not the patient is ultimately admitted to the In-Patient Behavioral Unit (including self-admits).

All suspected encounters with mentally ill individuals will be forwarded to the CIT team through the Intranet, an email stating the specifics of the call and those parties involved (including contact information), or a form turned into the leader of the CIT so that the information can be acted upon further by the team.

Prior to the development of the CIT team, all suspected encounter with mentally ill

individuals will be forwarded to the Detective Division through Smartforce shift notes.

Add narratives shall not be used in lieu of an offense report. Full reports documenting the situation must be taken.

**Agency Personnel Training:**

All employees will receive entry level training regarding the handling of persons with mental illness. Deputies either receive training through the basic academy or, in the event of newly hired lateral officers, during their field training program. Civilian employees are provided initial training through guidelines issued to them at the time of hire in their Policy and Procedure Manual. Refresher training will be provided to all employees, either in the form of briefing training or advanced training, annually.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-010	
<b>CALEA STANDARD:</b> 41.2.7	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Responding to Persons with Special Needs

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidance for the response and investigations of calls involving persons with special needs.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide guidance to our employees regarding contacts and encounters with persons with Alzheimer's disease and related dementias and persons with special needs.

#### III. DEFINITIONS:

**Person with Special Needs-** For the purposes of this policy, the definition of a person with special needs is a child or an adult that has been diagnosed with one of the following; Autism, Asperger Syndrome, Down Syndrome, and Bi-Polar. This list is not inclusive and the statement of a family member or caregiver as evidence may be taken to support the appropriate law enforcement response.

**Alzheimer's Disease-** Alzheimer's disease is a progressive, degenerative disorder that attacks the brains nerve cells, or neurons, resulting in the loss of memory, thinking and language skills, and behavioral changes. Alzheimer's disease is hallmarked by memory loss and changes in a person's ability to think clearly; to recognize persons, landmarks, or other familiar objects; and often causes him or her to act irrationally under what most persons would consider normal situations. While it most commonly afflicts older adults, a small percentage of cases include early-onset of Alzheimer's beginning as early as age 35.

#### IV. PROCEDURE:

##### Contacting Alzheimer's or Special Needs Residents:

Those missing with Alzheimer's or with special needs fall into the following three categories:

1. Individuals who seem normal and oriented during encounters with law enforcement and other persons, and who may not be classified as missing but whose behaviors suggest that they are lost, or at risk of becoming lost;
2. Those who are missing but have not yet been noticed or reported missing by caregivers;
3. Those who have been reported as missing by caregivers.

### **Identifying the At-Risk Person:**

Residents, who initially appear coherent, can subsequently be recognized as being confused and disoriented. In these situations, deputies should ask the individual basic evaluation questions, such as the following:

1. Where are you coming from or going to? What route are you taking to get there?
2. Who are you meeting?
3. What is your full name and address? What is your phone number?
4. What day of the week is it? What month is it?
5. Can you tell me what city and state we are in?
6. What time is it right now (Answer should be correct within the hour)?

If the individual does not provide correct answers to these questions, law enforcement personnel should secure the person at his or current location and consult with their immediate supervisor.

If a substantial degree of confusion, disorientation or lack of understanding is identified, the individual should be temporarily detained in a reasonably comfortable setting and attempts be made by deputies to locate the individual's family or care facility. If these efforts are not successful, the person should be taken to a local hospital or care facility as available.

### **Responding to Calls for Missing Alzheimer's and Special Needs Residents:**

Please refer to Missing Person Policy for additional guidelines related to missing person reports. In addition to the missing person requirements, deputies should ask the following questions:

1. Is the person carrying identification, medical alert devices, or similar items?
2. Would the person recognize and respond to police officers or someone in uniform? Would they be fearful of police or uniforms for any reason?
3. Does the individual have weapons or access to weapons?
4. Is the current location near the person's hometown-could the person have gone to a former residence, workplace, church, or other familiar location?
5. What is the person's general daily routine?
6. Can he/she still use money and does he/she have any with him/her? Is he/she capable of accessing cash?
7. What neighbors does he/she know well?
8. Are there activities he/she seeks out or enjoys? What would he/she find interesting as it relates to locations?
9. Does he/she know how to use public transportation? Does he/she use it regularly?
10. Does the person usually know his/her address or phone number?
11. Is the person drawn to certain landmarks, buildings, or objects?
12. Will the person go away from the sun or towards it?
13. Does the person have fears of crowds, strangers, or certain environments?
14. Does the person carry a cell phone?

Searchers should be aware that missing persons with Alzheimer's or Special Needs may not respond to their names being called. Missing persons may perceive that they are "in trouble" and further hide or seclude themselves.

If the person is located, those having initial contact with the person should do the following:

1. Use low, calm voices and short, simple sentences or questions;
2. Clearly identify themselves and explain what they are doing;
3. Ask permission before touching;
4. Use simple instructions and positive reinforcement;
5. Allow plenty of time for the person to respond;

6. Limit volume of radios and curtail the use of lights and sirens, if possible and practical, as this may further agitate the person;
7. Avoid placing the person in handcuffs, (when under arrest, use two deputies) and use caution when placing the person in police vehicle.

**Agency Personnel Training:**

All employees will receive entry level training regarding the handling of persons with special needs. Refresher training will be provided to all employees, either in the form of briefing training or advanced training, at least biannually.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-011	
<b>CALEA STANDARD:</b> 41.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Death Notifications

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for delivering professional and courteous care when notifying a citizen of the death of a family member.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to exercise the utmost compassion, while following established guidelines, when notifying a citizen of the death of a family member. The emotional and traumatizing nature of death notifications is complicated, and the manner in which it is conducted may have lasting impacts on the ability of those affected to recover from their loss in a healthy manner. Deputies are normally the first professionals contacting a person upon the death of their loved one. This process must be done professionally and courteously, in order to best assist the person being notified in responding to the loss of a loved one, as well as providing to them a positive perception of the investigative abilities and compassionate spirit of DASO.

#### III. PROCEDURE

This policy is in compliance within the standard procedures submitted by the Federal Bureau of Investigation and DASO Patrol Operations Policy. A patrol supervisor, detective, or detective supervisor, should make all death notifications, when possible. In the event that circumstances prevent the supervisor from performing the death notification, the supervisor should carefully select the deputy to conduct the notification.

- A.** Upon commencing a death investigation, one of the investigation's priorities is to determine the existence and whereabouts of the deceased's living next of kin (NOK): a spouse, parent/guardian, children, siblings, uncles, aunts, cousins, etc.

Attempts to notify the closest NOK are to be made in a timely manner. Notifications, made in the most appropriate and timely manner, help avoid additional trauma for the family of the deceased. If the NOK is not immediately known, research through the Mesilla Valley Regional Dispatch or through the Doña Ana County Detention Center records should be considered as a potential reliable source of NOK information. Other ways to locate the NOK are through the decedent's cellular phone, address book, miscellaneous papers, etc.

**B.** When responding to a location to make a death notification, or in the preparation of a teletype requesting assistance in performing a death notification, the following should be considered in regards to the NOK:

1. The age of the NOK;
2. Health risks and disabilities of the NOK;
3. Potential violent reactions;
4. Weapons potentially present or available;
5. Relatives and children present;
6. The health risks and disabilities of the relatives and children;
7. The nature and role of, if any, law enforcement's participation in the cause of death; and
8. Any other information that could potentially result in the NOK reacting badly.

**C.** When the next of kin lives out of state or in another jurisdiction other than Doña Ana County, the assigned deputy should still ensure the proper notification is made to the NOK, utilizing the assistance of the law enforcement agencies in the jurisdiction in which the NOK resides. The assigned deputy should obtain as much identifying information as possible regarding the NOK, including, but not limited to, the next of kin's full names, phone numbers, addresses, places of employment, etc. Once this information is obtained, and with the assistance of the Mesilla Valley Regional Dispatch, the deputy should transmit, via teletype, the necessary information to the appropriate law enforcement agency requesting that a proper death notification be made to the NOK.

The teletype should include the decedent's full name, date of birth, physical description, address, and the investigating deputy's identification and reliable phone number. The teletype should include instructions for the NOK to contact the investigating deputy for additional information.

**D.** For deputy safety and convenience, when the notification is made by DASO, it is recommended, when possible, that a deputy is accompanied by at least one other deputy and a chaplain (or other qualified clergy member) to perform the death notification. It is recommended that a minimum of two vehicles are utilized when traveling to the location of the NOK. This is done so that the chaplain (or other clergy) may remain with the next of kin, as needed, after the notification has been made. It will also provide for the reasonable transportation needs for the NOK, as required by the circumstances surrounding the event. A representative of DASO, either a deputy or the chaplain, should remain with the NOK until an additional family member, friend, or personal clergy arrives to

provide assistance to the NOK.

**E.** Barring extreme circumstances, death notifications should NEVER be conducted over the telephone. Only the Uniformed Services or Investigations captain shall approve any attempt to conduct a death notification by telephone. Telephonic death notifications are, by their impersonal nature, disrespectful and lacking credibility. A person being notified of a traumatic event may not believe the notification to be factual. If the notification is done over the phone, the NOK may believe themselves to be the victim of a cruel joke. A notification made by a deputy in uniform or other appropriate attire offers professionalism and believability.

1. Death notifications should not be conducted on a doorstep. The deputy should ask the NOK for permission to speak with them inside the residence or building. If the notification is going to be made in a public place, every effort should be made to move the NOK to a private room or secluded area.
2. When a notification is made, it is imperative the deputy positively identifies the NOK, by verifying the NOK's name and relationship to the decedent.
3. The deputy should have the person (NOK) sit down, if possible. If they are elderly or have potential health risks, consider having EMS personnel on standby, prior to the notification. Ask the NOK if there is anyone immediately available, whom they would like to be present, prior to the notification; however, undue delays in notifying the NOK may further traumatize them.
4. When the notification is made, the deputy should tell the NOK that, "[decedent's name] is dead" or "has died." Do not use euphemisms such as, "[decedent's name] has passed away," or has "gone to a better place," or "is no longer with us," etc. The notification needs to be clearly and directly stated.
5. After the notification is made, the deputy should wait for the initial reaction, and once the initial shock has passed, then give the NOK the reasonably appropriate details of the cause and manner of death, when such information is available. For example:
  - a) Cause of Death: stabbing, shooting, heart attack, blunt force trauma, asphyxiation, etc.
  - b) Manner of Death: homicide or natural death, accidental, suicide, or undetermined etc.
6. If the death notification is given by someone other than the investigating detective, the deputy should give the name of the detective, if any, assigned to the case.

7. Whether a notification is made in person, or whether the deputy is speaking to the NOK over the phone, condolences should be offered to them on behalf of the Doña Ana County Sheriff's Office, immediately after the notification. A phrase such as, "On behalf of the Doña Ana County Sheriff's Office, I express my condolences to you and your family". A sincere expression of compassion is very important and powerful. It gives a sense of professionalism and competency during the investigation of the death of their loved one.
  8. In cases when the death occurred within the state of New Mexico, details may be given regarding the nature of the death, as appropriate. The deputy will also provide the NOK with a name and phone number for the field deputy investigator with the Office of the Medical Investigator's (OMI) Office. **DO NOT GIVE THE NOK THE OMI INVESTIGATOR'S CELL PHONE NUMBER.** The only exception to this is if the investigator asks the deputy to do so.
  9. Once the notification process is complete, the deputy will then provide the name of the NOK and phone number to the OMI field deputy investigator. The NOK will receive additional information from OMI such as autopsy dates, transport dates to a preferred funeral home, and other important information.
- F.** The Sheriff is to be notified of all death notifications. Notification (of the Sheriff) can be made via Smartforce (shift note) or an e-mail to the Investigations captain. The notification shall include the name of the decedent, and the name and mailing address of the NOK notified.

#### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## Policies and Procedures



**POLICY NUMBER:  
200-012**

**CALEA STANDARD:  
41.2.4, 11.3.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives**

### Notification Procedures

*This policy statement and the procedures are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide Command Staff personnel of the Doña Ana Sheriff's Office (DASO) with timely and effective information concerning significant incidents involving DASO personnel, incidents occurring within Doña Ana County, or that may affect Doña Ana County and/or DASO. This policy serves as an additional measure to augment the existing information flow within DASO.

#### II. POLICY

It is the policy of DASO to provide timely, important, and accurate information to the Sheriff and members of the Command Staff about significant incidents involving DASO personnel, public safety incidents occurring in the County, or incidents that may adversely impact Doña Ana County and/or DASO. It is the policy of DASO to have a fully informed and reactive Command Staff structure that supports the overall efforts of the DASO employees and aids them in the decision making process.

#### III. APPLICABILITY

This policy shall be applicable to all personnel within DASO.

#### IV. DEFINITIONS

**COMMAND STAFF** –refers to the rank of Lieutenant and above, to include the Sheriff, the Undersheriff, the Major, and Captains.

**EXECUTIVE STAFF** – refers to the rank of Captain and above, to include the Sheriff, Undersheriff, and Major.

**RANKING DEPUTY** – refers to the full-time, salaried, sworn member of DASO having the highest seniority in rank on-duty or on-call within the geographic boundaries of Doña Ana County at the given time.

MESILLA VALLEY REGIONAL DISPATCH AUTHORITY (MVRDA) – refers to the DASO primary emergency radio and telephone contact.

EMPLOYEE – refers to any employee of DASO, sworn or non-sworn.

MINOR INJURY – refers to an injury requiring medical treatment but not needing admittance to a hospital.

SERIOUS INJURY – refers to an injury requiring admittance to a hospital, but is not likely to result in death.

## **VI. PROCEDURES**

### **A. Command Staff Notifications**

1. Utilizing the procedures in this policy, the ranking deputy or on-duty supervisor will be responsible for personally making Command-Staff notifications or directing that the MVRDA or other personnel make such notifications in a timely and appropriate manner.
2. In the event of a situation requiring Command Staff notification, the notification will be made in the most expeditious and appropriate manner. Such notifications should be made telephonically, rather than by radio.
3. In the event a phone is not readily available, the most expeditious contact means should be made (such as by MVRDA); however, efforts to make contact by phone should continue until contact is made, or instructions from a competent authority directs that contact efforts can be discontinued.
4. All Command Staff personnel are responsible for ensuring that the MVRDA has current contact information.
5. Employees shall not initiate Command Staff notifications unless or until directed to so by the supervisor or ranking deputy on-duty. However, nothing in this policy prohibits MVRDA or other personnel from inquiring of the supervisor or ranking deputy on-duty if such contacts should be initiated.
6. The employee making such notifications should be prepared, as much as possible, to answer questions regarding the cause of the notification.
7. In the event of a Command Staff Notification, it will be up to the discretion of the individual Command Staff contacted to take whatever action deemed necessary and/or appropriate in response to the notification, unless otherwise directed in the notification.
8. Command Staff Notifications of incidents not delineated, specified, or described in this policy may be made at the discretion of the supervisor or, in his or her absence, the ranking deputy on-duty. When in doubt, it is better to initiate a notification to the next higher individual in the chain of command for guidance.

### **B. NOTIFYING COMMAND STAFF, EXECUTIVE STAFF AND THE SHERIFF**

The Command Staff, Executive Staff, and the Sheriff will be notified immediately, or as soon

as practical, by a supervisor in charge of the incident (or his or her designee) of the following incidents:

1. The following require Command Staff Notification to the on-duty or on-call lieutenant:
  - a. Any injury to DASO personnel resulting in minor medical treatment but no hospital visit
  - b. Minor incidents involving off-duty personnel
  - c. Incidents involving Doña Ana County employees, resulting in an arrest
  - d. Homicide/suspicious/accidental deaths
  - e. Hostage/barricade situation
  - f. Fatal or life threatening traffic crashes
  - g. Any incident, in the supervisor's opinion, that may result in wide-spread media coverage
  - h. Negligent firearm discharge outside of the DASO firing range.
  - i. Serious felonies
  
2. The following require Executive Staff Notification through the on-duty or on-call lieutenant up the Chain of Command:
  - a. Escapes
  - b. Discovery of a real or suspected explosive device
  - c. Serious in-custody injuries and serious response to resistance
  - d. Serious incidents involving off-duty or Doña Ana County personnel
  - e. Any injury to DASO personnel, resulting in treatment.
  
3. The following require notification to the Sheriff:
  - a. Officer involved shootings
  - b. Employee actions that result in serious physical harm or death of another
  - c. All in-custody deaths
  - d. Any line of duty death or serious bodily injury.
  - e. Any incident in the Command Staff's opinion may result in DASO liability
  - f. Any incident in the Command Staff's opinion may result in wide-spread media coverage

## **VII. ATTACHMENTS**

## **VIII. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-013	
<b>CALEA STANDARD:</b> 42.1.3-42.2.8	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> All related directives.

### Criminal Investigations

*This policy statement and the procedures there under are intended for Dona Ana Sheriff's Office use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to ensure the efficient and effective management of the criminal investigative function by providing administrative guidance that identifies the responsibilities and investigative processes within the uniform and investigative components of the Dona Ana Sheriff's Office (DASO).

#### II. POLICY

It is the policy of the Dona Ana Sheriff's Office to manage the function of a criminal investigation in an effective and efficient manner by coordinating the efforts of uniform and other investigative organizational components as provided in this policy.

#### III. APPLICABILITY

This policy is applicable to all sworn law enforcement employees of the Doña Ana Sheriff's Office.

#### IV. REFERENCES

**A. Rule 11-707 New Mexico Rules of Evidence – Polygraph Examinations**

**B. 31-18-17 – 31-18-20 NMSA 1978 – Habitual Offenders**

**C. 1.15.2 NMAC – General Records Retention and Disposition Schedules (GRRDS)**

**D. CALEA Criminal Investigations**

## V. DEFINITIONS

**A. Case Agent/Primary Investigating Officer** – The agent/officer assigned primary responsibility and accountability for an investigation.

**B. Criminal Investigation** – The objective collection of facts and information to determine whether a crime has been committed. If a crime is committed, the goal is to identify any offenders, collect and organize facts, information, and evidence in support of criminal prosecution.

**C. First Line Supervisor** – The immediate supervisor over the case agent/primary investigating officer in the chain of command.

**D. Criminal Investigation Division (CID)** – A bureau within the Doña Ana Sheriff's Office staffed by agents trained to conduct criminal investigations.

**E. Informant Monitor**- The Captain of the Criminal Investigations Division is designated as the final authority with respect to all paid informants for the Criminal Investigations Division. Maintains all required records for informants. These duties shall not be delegated to any rank below Captain.

## VI. PROCEDURE

### A. Preliminary investigations

1. Most investigations begin with a preliminary investigation conducted by the first responding officer, usually a uniformed officer. Depending on the nature and severity of the crime and complexity of the crime scene, a follow-up investigation conducted by CID may be initiated based on needed expertise. However, until an investigation is officially turned over to another officer/agent the first responding officer is responsible for the investigation and any follow-up unless a supervisor deems otherwise.
2. Preliminary investigation includes activities centered on the protection of persons, apprehension of suspects, and protection of the crime scene. During the preliminary investigation, and upon arrival at the scene, officers shall perform the following duties in accordance with state law and in the order and to the degree deemed appropriate, if applicable:
  - a. Observe the conditions of the scene and involved parties as well as the events occurring upon initial arrival. Note any remarks made by parties at that time.
  - b. Notify the Mesilla Valley Regional Dispatch Authority (MVRDA) concerning injured parties and any dangerous conditions present, and

request appropriate medical assistance and additional equipment, services, or personnel, as needed.

c. Assist the injured pending arrival of Emergency Medical Services (EMS) personnel. An officer may be assigned to accompany the victim or the suspect to the hospital, remaining with him/her to record information about the incident.

d. Determine if a crime was committed.

e. Locate, identify, and conduct documented interviews of reporting party, suspects, victims, and witnesses.

f. Establish a crime scene perimeter and secure the crime scene to protect it against alterations due to weather or other potential contamination.

g. If further assistance is needed, a supervisor shall contact a CID supervisor and discuss the incident.

h. Process crime scene for evidence or request additional assistance with evidence processing if beyond the officer's level of expertise.

3. Uniformed deputies shall pursue preliminary investigations to the full extent of their available time and investigative training. In most minor crimes, uniformed officers should assume responsibility of the crime scene and conduct any on-scene and follow-up investigation necessary.

4. The preliminary investigation shall, whenever practical, be completed by the end of the shift in which it occurs.

## **B. Felony Cases (CID on scene)**

### **1. Immediate Notification of CID Personnel**

a. The on-call CID supervisor shall be notified if there is a need for immediate investigation at the crime scene, via a request from the uniformed officer's supervisor, as circumstances dictate. Requests for investigative assistance at the crime scene shall be based, primarily, on the following factors:

i. The seriousness or complexity of the crime.

ii. A "hot" lead that requires immediate attention.

iii. The dangerousness of the crime scene.

iv. The level of the uniformed officer's expertise in crime scene processing and the availability of appropriate crime scene

processing equipment for photography, evidence collection, and related tasks.

v. A belief that the crime may be linked to a more serious crime.

b. The CID supervisor will give the name of the detective that will be responding to the scene if immediate callout is warranted, or advise uniformed officers to complete the currently approved Felony Notification form. If a "felony notification" is warranted, the uniformed officer shall email a copy of the form to the "CID-supervisors" email group, and shall complete all felony reports before the end of their shift.

c. CID personnel shall assume responsibility for oversight and completion of investigations of all major crime scenes as defined by the CID commander. The case agent and the first line supervisor in charge shall have authority to establish priorities and make decisions regarding witnesses and suspects, recording of statements and collection of physical evidence, making on-site arrests, applying for warrants, and all other activities relevant to a comprehensive investigation of the incident.

d. A supervisor may assign patrol deputies to assist CID personnel in certain circumstances. In such instances, these deputies will report to the case agent in charge.

e. All uniformed reports will be forwarded to the CID FELONY review group for approval unless directed otherwise.

f. The uniformed supervisor will contact the on-call CID supervisor and provide a synopsis of the case and resources needed, e.g., crime scene processing, interviews, interrogations, and/or the need to turn the case over to CID for immediate callout. The on-call CID supervisor will make the final decision on CID responding to the scene or if future follow up will take place.

## **B. Felony Case Referral Process (CID not on scene)**

1. When uniformed officers with assistance from supervisors determine that a Felony Notification referral is warranted the following will take place:

a. A Felony Notification form will be filled out completely by the uniformed initial officer and emailed to the CID-supervisors email group.

b. Uniformed officers will collect and document all evidence that is observable at the scene, i.e. fingerprints, DNA, photographs, witness and victim statements. Statements should be recorded and in best practice videotaped using the dash-cam and belt microphone.

c. CID supervisors will review all referrals for possible assignment to a detective. If, due to solvability factors, manpower issues, or other circumstances a detective is not assigned to any felony case, that information shall be recorded in the CID daily case log book and sent to the CID secretary to send a suspension letter, and to notify the initial officer that CID will not be assigned to the case and they can follow up as deemed necessary.

## **C. Supervisory Reviews**

### 1. Daily Review

a. Supervisors are responsible for creating the CID Daily Case Log, and completing the case assignment module in Law Enforcement Report Management System (LERMS) to include detective assigned, assigned by, assigned bureau, and ensuring the case is changed to open status.

### 2. Monthly review

a. Supervisors are required to review all current felony cases being investigated by their detectives on a monthly basis.

b. Supervisors shall monitor the performance of the investigating detectives and provide guidance and input with respect to cases.

c. Supervisors shall monitor the caseload of their respective detectives. If a detective needs to be put on special assignment or provided overtime to complete cases, the supervisor will make the necessary schedule/shift adjustments to facilitate this. Supervisors shall document case reviews and keep a copy in their files.

3. All first line supervisors shall maintain an up-to-date case assignment log, documenting the status of each case and the type of report generated based on the definitions below. First line supervisors shall conduct a monthly audit of the case status log to ensure proper investigative follow-up and disposition. (30-day review, and 60-day review). Every case that is determined by first line supervisors to remain open after the 60-day review shall be staffed with the CID Lieutenant.



- a. **Closed:** The case has been adjudicated and all evidence has been destroyed, the prosecuting entity has declined prosecution, or it was determined through the investigation that the offense did not occur.
- b. **Suspended:** The investigation has been completed and turned over to the prosecuting entity for review and/or prosecution or all potentially fruitful leads have been exhausted and not enough evidence exists for prosecution. An investigation may be reactivated and assigned to an investigator's active caseload if sufficient new leads develop.
- c. **Open:** An ongoing, active investigation or an investigation that has exhausted all leads, but the possibility remains that new facts may come to light given ongoing inquiry.
- d. **Initial:** The first report submitted by the deputy/agent for an assigned investigation.
- e. **Supplemental:** Any subsequent report submitted by a deputy/agent following the initial report or any report submitted by an assisting deputy/agent that supplements the initial report.

#### **D. Follow-Up Investigations**

1. Uniformed deputies or detectives conducting follow-up investigations shall review the preliminary investigation, to included previous reports, departmental records, and results from any laboratory tests. The deputy/detective shall then determine what additional investigative activities are required. These activities must be prioritized and may include, but are not limited to, any or all of the following in the order deemed appropriate:
  - a. Identify and apprehend suspects.
  - b. Enter wanted persons, stolen vehicles, and serially numbered stolen property into the National Crime Information Center (NCIC).
  - c. Conduct initial or follow-up interviews with witnesses and suspects.
  - d. Investigate suspect's possible involvement in other crimes.
  - e. Interrogate suspect(s).
  - f. Search for new witnesses.
  - g. Complete background checks on witnesses, victims, and suspects, as appropriate.
  - h. Conduct surveillance, and identification procedures.
  - i. Present evidence and statements to the prosecutor's office to obtain arrest or search warrants.
  - j. Prepare and execute search or arrest warrants.
  - k. Attend and retrieve evidence at autopsies.

- l. Prepare cases for court presentation, including development of exhibits for presentation, latent/patent fingerprint charts, crime scene sketches, and photographs.
- m. Make notifications and coordinate with other jurisdictions or governmental law enforcement agencies.
- n. In major cases potentially involving multiple jurisdictions, activate lead tracking systems, e.g., FBI's Rapid Start.
- o. Search for and recover stolen property.
- p. Submit items for forensic examination.
- q. Arrange for polygraph examinations.
- r. Seek additional information from other deputies, informants, contacts in community, and other detectives and agencies.
- s. Identify recent releases in the community. Seek additional information from law enforcement agency records regarding suspects, witnesses, or past incidents at/or near the location of the crime.
- t. Seek additional information from records, including motor vehicle driver's licenses, social security, occupational licenses, records from other law enforcement agencies, newspapers, employee records, and credit files.
- u. Track the source of all firearms involved and enter ballistic information in the national databases.
- v. Coordinate with departmental and regional intelligence databases.
- w. Notify victims and witnesses when their presence is required in court, as appropriate.
- x. Keep victims of crimes and assisting deputies informed of the status of investigations, as appropriate.

2. The use of any technical aids, such as polygraphs, in a criminal investigation shall be in accordance with state law.

3. Deputies or detectives will identify any cases being handled in which a party in the case is designated habitual offender as defined in state statute 31-18-17 – 31-18-20 NMSA 1978. In those the deputy or detective should contact the District Attorney's Office in that and notify them of the individual's status.

## **E. Case Assignments**

1. Supervisors shall assign cases based on their seriousness, complexity, and the presence of solvability factors.
2. First line supervisors shall assign necessary manpower to investigate cases based on criteria that includes the following:
  - a. Suspect in custody.
  - b. Suspect named or known.
  - c. Unique suspect identifiers.

- d. Vehicle in custody.
- e. Unique vehicle identifiers.
- f. General suspect description.
- g. General vehicle description.
- h. Unique MO or crime pattern.
- i. Significant physical evidence.
- j. Traceable stolen property.
- k. Witnesses.

3. Investigation of property crimes will not be conducted or will be discontinued when sufficient solvability factors are not available. In such cases, victims shall be informed of the departmental policy on this matter and its rationale and be provided with a copy of the crime report for insurance claims.

3. When a case is assigned, the frequency of follow-up reports shall be established. This determination shall be based on the severity of the crime and the overall caseload of the deputy/detective assigned. Cases shall remain open as long as leads are not exhausted and resources are not needed on more serious cases. A case will remain open if one of the following exists:

- a. Suspect information is known.
- b. Physical evidence is being processed.
- c. Vehicle description and license plate information is known.
- d. Identifiable stolen property.
- e. Recognizable crime pattern involving several crimes.

5. Each case shall be assigned a unique case number. Initial and supplemental reports will be filed with the Records Division. Every report related to the same case will be filed under the same case number. Sometimes several cases are discovered to be related to one suspect while an investigation is being completed. In these instances, the Records Division shall be made aware that several cases need to be linked together, and Records Division will be responsible for ensuring all arrest information and property information is entered into each separate case file in LERMS.

## **F. Case Management**

1. Investigative files should contain the following information, at a minimum:

- a. Copy of initial investigative report and any supplemental reports.
- b. Records of statements.
- c. Results of physical examinations of evidence.
- d. Case status reports.
- e. Other reports and records needed for investigative purposes.

2. Files should be maintained on all investigations in which investigative activities are ongoing. Case files shall be maintained in a location accessible only to the case investigator and his/her supervisory personnel. Any other access shall be at the discretion of the case agent and/or supervisory personnel.
4. Case files shall be maintained and purged in a manner consistent with state law.
5. All homicides, Officer Involved Shootings (OIS), and other complex cases shall have a major case file tabbed divider for ease of locating items within the file.
6. All other cases will have a minor case file checklist attached to the detective's working case file folder, filled out appropriately.
7. All items produced during the investigation shall become part of the official case file, and the detective's working file shall be submitted to the Records Division upon completion of the case.

## **G. Use of Informants**

1. In order for DASO employees to use paid informants, the following guidelines must be met:
  - a. The informant must be properly documented.
  - b. The following information, at a minimum, shall be obtained from the informant and maintained in a master file in a secure location:
    - i. Biographical and background information, to include criminal history, if any, as well as the code name and number assigned to the informant.
    - ii. Photographs of the informant.
    - iii. Fingerprints of the informant.
    - iv. The code name and number assigned to the informant.
    - v. The master files shall be maintained in a secure location to protect the identity of the informant.
2. CID shall observe the following procedures for the use of confidential informants. The procedures include:
  - a. **Criteria for paying informants:** In each and every instance in which a deputy/detective pays an informant it shall be necessary for the deputy/detective to complete a Dona Ana County Expenditure Report. An informant must agree to sign a receipt before any monies are disbursed. The CID Lieutenant and one CID Sergeant shall sign for the money disbursement. The case agent and one CID Sergeant

(different sergeant than the one who signed for disbursement) shall witness each payment of funds to an informant.

**b. Precautions to be used when dealing with informants:**

- i. If the person has worked in the past as an informant, the designated individual will give the requesting detective the name of the detective that had previously signed the informant up and the Confidential Informant Number assigned to the person.
- ii. The deputy/agent will contact the detective that first signed the person up as an informant and ascertain if there were any problems, events or circumstances with that informant during his tenure with the initial detective.
- iii. Based on the information obtained, the requesting detective will make the determination to use or not to use the informant. If he/she is to be used, the detective will notify the informant monitor, and use the original Confidential Informant Number on all associated paperwork.
- iv. Under no circumstances will a person under the age of 18 be used as an informant.

3. Tradition and propriety dictate that law enforcement officers give due and proper protection to those persons who furnish them with information upon a confidential basis. Accordingly, detectives shall refrain from revealing the identities and addresses of their confidential informants, unless done so to CID supervisors/detectives. The only report in which an informant shall be referred to by name is the Informant Background Form; in all subsequent reports only informant number shall refer to the informant.

4. The uniformed deputies within DASO shall adhere to the guidelines outlined in this policy and the confidential informant procedures when using paid informants. Informants shall be turned over to CID supervisors/agents so they can be documented and managed by the informant monitor.

**G. Interview and Interrogations Rooms**

1. Rooms designated for conducting interviews and/or interrogations shall be equipped in such a way as to provide safety and security for the interviewer and the interviewee.
2. The interview/interrogation room shall be equipped so that assistance can be readily requested by the interviewer, e.g., telephone, radio, or two-way mirror.
4. Only those items/equipment necessary to accomplish the law enforcement objective shall be in the room.

5. The interview/interrogation room should be located in such a manner as to provide access to restrooms and drinking water. The room is not required to be within immediate access of these amenities.

6. Only the numbers of interviewers necessary to accomplish the law enforcement objective is allowed in the interview/interrogation room during an interview/interrogation. This may also include uniformed deputy(ies) for control/security/ safety purposes.

## **H. Cold Case Investigations**

a. For purposes of this policy, a cold case is defined as the investigation of a major felony criminal act for which there is no statute of limitations established by state law and one where all investigative leads have been exhausted and the investigation did not result in the identification or location of suspects and more than twelve (12) months have passed without any developments or prosecution.

b. CID Supervisors have the option of reassigning these cases to other deputies/detectives. This decision may be based on, but not limited to, the following:

- i. Solvability.
- ii. Concerns over the initial investigation.
- iii. Other issues related to the investigation.

c. Supplemental reports shall be submitted monthly updating the status of the case. Supplemental reports shall be completed after new information is obtained or further action has been taken.

## **VII. ATTACHMENTS**

### **A. Felony Notification Form**

## **VIII. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-014	
<b>CALEA STANDARD:</b> 17.5.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Operational Readiness

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish and standardize the procedures for fiscal management, procurement, and budget accounting for the Doña Ana County Sheriff's Office (DASO) as prescribed by law.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to manage its fiscal activities and budget procurement with compliance to Doña Ana County policies and state of New Mexico laws governing budget and procurement of funds.

#### III. APPLICABILITY:

This policy shall be applicable to the Sheriff, Undersheriff, employees of DASO, agents of DASO, and any volunteers of the office.

#### IV. PROCEDURE:

##### A. Fiscal Responsibility, Authority, and Budgeting

1. The Sheriff provides administrative oversight of DASO and, in this capacity, is responsible for analyzing and reporting the affairs and activities of DASO, and for preparing the budget and other financial information relating to fiscal management of DASO, as required by the County Manager.
2. DASO's Operational and Capital Improvement budgets are based on a July through June fiscal year. During the third quarter of the fiscal year,

DASO's budget will be prepared by DASO employees and submitted to Doña Ana County Finance, with approval from the Sheriff.

## **B. Purchase Requests**

1. **Positions authorized to make purchases:** All employees who are issued a County Purchasing Card (P-Card), have completed the P-Card training, and have an approved purchase request may purchase items for DASO. All purchase requests must be approved by the employee's supervisor and must be consistent with policy regarding P-Card purchases. Any breaches to P-Card policies may lead to suspension of the P-Card and disciplinary action.
2. **Purchase specifications:** DASO management shall provide specifications for items under consideration for purchase by DASO, and is responsible for inquiries or research prior to recommendations for purchase. Specifications may include adaptability to existing equipment, availability for purchase, and serviceability considerations. Purchases may be made from an established vendors list or through the bidding process.
3. **Requisitions:** Requisitions will be completed once management gives approval for the purchase. The requisition shall be complete with account number and attached explanation, if needed. No obligation to any vendor shall be made until an approved purchase order is issued by Doña Ana County Finance.
4. **Bidding:** Purchases may be made from an established vendors list within confines of purchases not requiring bids. Bidding procedures are established by Doña Ana County Finance and shall be done in compliance with Doña Ana County and the state of New Mexico purchasing statutes.
5. **Emergency purchases:** Doña Ana County Finance may make or authorize others to make emergency procurements of goods, services, or items when there exists a threat to public health, welfare, or safety, provided such emergency procurements are made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular vendor shall be documented and saved in a file for audit purposes. As soon as practicable, a record of each emergency procurement shall be completed, including the vendor's name, the amount and type of purchase, a listing of the items procured, reason for the purchase, and any other applicable tracking information for the vendor and the purchase.



### **C. Budget Status Reports**

DASO Budget employees will provide the Sheriff with a budget status report on a regularly basis (ie. bi-weekly). Doña Ana County Finance also provides a budget status meeting of DASO's budget at least twice a year. The budget status report shows expenditures and encumbrances made during the period, as well as an accounting of available balances for purchases.

### **D. Procedures for Handling Cash**

Refer to Policy 17.4.2 Cash Fund/Accounts Maintenance for direction on processing cash and other forms of payments.

### **E. Administrative Personnel**

A Secretary, a Budget Specialist, and a Department Manager will oversee the day-to-day operations involving budget and purchasing for DASO. Command Staff will also be responsible for the oversight and safeguarding of how money is spent at DASO. It will be a collective effort of responsibility and oversight to ensure that money is spent/tracked in compliance with Doña Ana County policy.

### **F. Asset Forfeiture/Seizure**

At the conclusion of year 2019, no further asset forfeitures transpired.

### **G. Independent Audits**

An independent audit of the DASO's fiscal activities may be performed at any time by Doña Ana County Finance. Audits can be conducted to confirm DASO's adherence to state law and county policy.

### **H. Inventory Control**

1. Inventory and control of DASO property is regulated by Doña Ana County policy. The Doña Ana County policy addresses managing and accounting for fixed assets, acquisitions, dispositions, tagging, physical inventory, accounting for fixed asset additions, and accounting for fixed asset disposals.
2. The DASO Asset Supervisor, Fleet Coordinator, Armorer, and Inventory Technician will maintain an inventory of issued Doña Ana County property. These individuals will complete inventory on an annual basis and the Sheriff or designee will be responsible for signing the inventory report. Inventory will be under the Department Manager's span of control.

3. The individual (or unit) to whom property is assigned will be responsible for ensuring that the items are in good operating condition, satisfactorily maintained per the item's specifications, and not expired by date or availability of use. If the individual or unit discovers that equipment or property is not in a state of operational readiness or not ample to support operations, they will be responsible for bringing the matter to the attention of their immediate supervisor for further action

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-015**

**CALEA STANDARD:  
61.2.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Traffic Crash Investigation/Fleet Crash

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for reporting and investigating traffic crashes.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to perform a variety of traffic crash investigational functions, including providing emergency service to the injured, protecting the crash scene, conducting crash and follow-up investigations, preparing reports, and taking proper enforcement action against those responsible for the crashes.

#### III. PROCEDURE

##### A. PROCEDURAL STEPS

##### 1. Crash Classification

DASO will classify traffic crashes according to the National Safety Council Manual. A deputy will be dispatched to the scene of a traffic crash to investigate it, when the crash is classified as involving:

- a) Death or injury
- b) Hit and run
- c) Impairment of the driver due to alcohol and/or drugs
- d) Hazardous materials
- e) Damage to government vehicles or property
- f) A traffic crash on private property when it meets any of the criteria above

## **2. Dispatch Responsibilities**

Dispatch will inform the nearest available deputy of the crash location, injuries, traffic obstruction, and any other relevant information regarding the crash.

Dispatch will also be responsible for notifying additional units, including fire rescue services, EMS, and towing companies, as the situation dictates.

## **3. Responding Deputy Responsibilities**

Deputies who initially receive the call to respond to a vehicle crash, or in those instances when a deputy drives up on a crash scene without being dispatched, the deputy is considered to be in charge of that scene until relieved by a supervisor, or the scene is turned over to another deputy, as appropriate.

### a) Initial on-scene responsibilities include, but are not limited to:

#### (1) Arrival

The first deputy to arrive at a traffic crash will take charge of the scene.

#### (2) Assist Injured Persons

The investigating deputy will care for the injured, and administer emergency medical care and basic life support, within the boundaries of training, until relieved by trained emergency medical personnel.

#### (3) Summon Necessary Assistance

The investigating deputy may request assistance from additional units, the Crash Reconstruction Unit, HAZMAT ERO, Utility Companies, Department of Transportation, or any other necessary resources needed to mitigate the situation.

#### (4) Protect Crash Scene

The investigating deputy will park the patrol vehicle in a way that provides maximum protection to the crash scene without endangering the public or him/herself. The deputy may use traffic cones or flares, if available, for scene protection. Equipment will be placed in a position that provides the maximum amount of warning to motorists.

#### (5) Preserve Short-lived Evidence

Deputies will avoid altering or destroying short-term evidence (e.g. tire marks, impact debris) that may be essential to the investigation, while approaching traffic crash scenes. Deputies shall also direct responding resources to avoid destroying any evidence.

(6) Establish a Safe Traffic Pattern

Deputies may use certain equipment to establish a safe traffic pattern around a crash scene, to include:

(i) Emergency Lights

Lights provide oncoming traffic notice to continue with caution around the crash scene.

(ii) Additional Patrol Vehicles

Vehicles with emergency lights activated may be placed in front of or behind the crash scene to redirect traffic around the scene, or onto other roadways.

(iii) Traffic Flares and Reflectors

Flares and/or reflectors will be placed at a safe distance to allow other drivers to identify a crash scene and continue in a safe and controlled traffic pattern. Flares will be used during darkness to enhance visibility. Flares should not be used when there is a fuel hazard, due to spilled fuel, or if there is a danger of starting a fire.

(iv) Traffic cones

Cones may be placed around a crash scene. A deputy may request assistance from a state or a local highway department with a major crash scene or severe roadway obstruction.

In the event a crash result in a roadway being closed, the investigating deputy shall immediately inform his/her supervisor of the closure, and request that DASO Public Information Deputy (PIO) be contacted to assist with appropriate notifications, and to identify alternate routes of travel to divert traffic, if possible.

(7) Locate Witnesses

The investigating or assisting deputies will attempt to find drivers, occupants, or witnesses, when the scene is secured. The deputy will interview participants or witnesses, either at the scene of the crash

or as soon as possible thereafter.

(8) Record Crash Information

The investigating deputy will record pertinent crash information on the appropriate forms when investigating a crash. The deputy, within twenty-four hours after completing the investigation, will forward the report through the chain of command for approval.

(9) Control of Crash Victim's Vehicle and Property

The roadway will be cleared of all hazardous debris as soon as practical. When a tow truck is requested by a deputy to remove a vehicle, the deputy shall complete a DASO authorized Towing Authorization Form (Vehicle Towing and Inventory) and include instructions, in writing, specifically stating if the vehicle is to be held for investigation, or if it may be released to the owner.

(10) Fire Hazards and Hazardous Materials

(i) Fire Hazards

The investigating deputy will isolate the immediate crash area, remove persons from the vicinity of the hazard if practical, and summon fire rescue assistance, when there is potential for fire. The deputy will attempt to perform the following when safety allows:

1. Rescue persons.
2. Eliminate the possibility of sparks or ignition from smoking, flares, or electrical sources.
3. Extinguish the fire.

(ii) Hazardous Materials

Crashes that involve hazardous or harmful substances require specific expertise.

Deputies who arrive on scene shall secure the scene and attempt to identify the substance through interviews with the driver, shipping paperwork, or cargo identification placards.

Once the substance is identified, the deputy must take the appropriate action to ensure the safety of the public and him/herself. Guidance relating to what actions are necessary can be found in such reference material as the Hazardous Materials

Emergency Response Guidebook. The appropriate response may include but not be limited to:

1. Establishing a perimeter
2. Closing a roadway.
3. Evacuation of personnel.
4. Contact duty supervisor

The supervisor shall contact New Mexico State Police for the hazardous materials response.

The supervisor shall request those additional resources deemed appropriate to mitigate the hazard until New Mexico State Police arrive.

b) Follow-Up investigation responsibilities include, but are not limited to:

- (1) Conduct interviews of driver, passengers, or witnesses who may have left, or been transported from, the scene.
- (2) Obtain formal statements.
- (3) Prepare search warrants.
- (4) Process evidence.
- (5) Using expert / technical assistance; e.g. vehicle crash reconstruction.

#### **4. Equipment**

Deputies are issued necessary emergency equipment for traffic crash response. Each deputy will maintain and have, (at a minimum), the following equipment within the patrol vehicle:

- a) Traffic crash report forms
- b) First aid kit
- c) Fire extinguisher
- d) Flares
- e) Reflective vest
- f) Camera
- g) Measuring wheel & tape
- h) Investigation templates may be requested if needed.

## **5. Investigation**

### a) Collection of Crash Information

Deputies, who are tasked with a traffic crash investigation, will use the following procedures:

#### (1) Interview Drivers and Witnesses

The deputy will separate drivers and witnesses before interviewing them, to discourage discussion of the crash. The deputy will advise the driver of the Miranda Warning, when the investigation focus changes from a routine interview to a custodial interrogation.

#### (2) Examine Vehicle Conditions

The deputy will thoroughly examine the involved vehicles for faulty equipment, in order to decide if a deficiency contributed to the crash, was a result of the crash, or was not a factor. The deputy will check damage sustained in the collision, and compare observations with other evidence and statements.

#### (3) Collect and Preserve Evidence

Deputies will collect and preserve crash evidence following DASO policy regarding collection, processing, and preservation of evidence. If necessary, the deputy may request an evidence technician to assist with evidence collection.

#### (4) Photographs

The deputy will take photographs, when necessary. The photographs, negatives, and/or digital images shall be maintained in accordance with DASO policy.

#### (5) Examine Road and Weather Conditions

Deputies will note roadway conditions, and record weather conditions existing at the time of the collision, in the investigative report. Weather and roadway conditions include rain, fog, snow, ice, smoke, etc.

#### (6) Diagram and Measurements

The deputy will prepare and complete a crash scene diagram, when an arrest is made for a violation of law that is deemed to be a contributing factor to the cause of the crash, or in the event of an injury. All other crash investigation diagrams will be completed at



the discretion of the investigating deputy. If a crash scene diagram is not completed, the deputy shall articulate his/her reason in the report narrative, and ensure that the report fully articulates and documents the incident.

(7) Exchanging Information among Drivers

The deputy will assist the involved drivers in exchanging information including names, addresses, insurance carriers, driver's licenses, and registration information, in the event of a private property crash that does not require a crash report.

(8) Conduct Follow-up Investigations

It is often necessary for a deputy to conduct follow-up investigations when more evidence is obtained and requires processing; others, who may have been involved or witnessed the accident, need to be located; formal statements need to be obtained; and there is a need to follow up on other issues, such as equipment failures.

(9) Evaluate Vehicle Condition

The deputy will evaluate the overall condition of the vehicle and make a determination of whether or not the vehicle must be towed from the scene, or if it may be driven safely from the scene. Should the vehicle require towing, the deputy should refer to DASO policy, Vehicle Towing and Inventory, for specifics regarding the towing of vehicles.

b) Hit-and-Run Crash

Deputies will respond to hit-and-run crashes. The deputy will obtain a description of the hit-and-run vehicle, occupants, possible damage to vehicle, and last known or probable direction of travel. The deputy will relay vehicle and occupant information to dispatch for distribution to other deputies and law enforcement agencies. A suspected hit-and-run vehicle license plate number, if available, will be checked for the owner's name, address, and theft status.

c) Death or Serious Injury

The investigating deputy may request technical assistance from the Crash Reconstruction Unit (CRU) through his/her supervisor. The supervisor will respond to the scene and determine if the CRU is needed. If requested, the CRU team leader will screen the crash scenario via telephone, or other communication means, to determine if the crash needs to be reconstructed. The CRU team leader will assign CRU members, as appropriate. The CRU team leader will notify the Uniform

Services captain, or his/her designee, of any crash resulting in a fatality.

d) DWI Crash

A deputy will be alert to any physical or emotional impairment that may have affected the person's driving ability, including alcohol and/or drug influence. The deputy will watch for any behaviors, attitude, speech, or balance problems that may indicate impairment.

- (1) The deputy will investigate the traffic crash.
- (2) Determine signs of impairment.
- (3) Conduct the investigation according to proper DUI investigative practices.
- (4) Shall notify a supervisor if a driver will be admitted to a hospital.
- (5) Will arrest a hospitalized driver, who is a flight risk, and has caused great bodily injury or death. A supervisor will arrange for hospital prisoner security.

e) Disturbances between Drivers

A deputy arriving at a crash scene may encounter a verbal and/or physical altercation between the involved parties. Any criminal charges resulting from the altercation will be documented on an Offense/Incident Report.

f) Private Property Crashes

Crashes resulting in injury, death, property damage over \$500, or leaving the scene, will be investigated and documented on a Uniform Crash Report

g) Commercial Vehicle Crashes

The responding deputy may request assistance from New Mexico State Police to assist with crash investigations involving CMVs.

h) Identification of Drivers Who May Require Re-examination

A traffic crash investigation may result in the discovery of a driver who may be suspected of being incompetent, due to physical or mental disability, or some other condition that would preclude the driver from exercising reasonable and ordinary care over a motor vehicle. This suspected impairment shall be noted in the crash report. A copy of the crash report shall be forwarded to the Driver's Services Bureau of the

Motor Vehicle Division, with an explanation of the need for re-examination.

## **6. Prosecution**

Deputies will follow the guidelines established in the court appearance and attendance policy.

Deputies may request assistance from the Doña Ana County District Attorney's Office for guidance with prosecution, if needed.

## **B. CRASH RECONSTRUCTION UNIT (CRU)**

### **1. Activation**

Requests for the reconstruction of a traffic crash will be initiated telephonically to the CRU commander or on-call team leader.

#### a) Reconstruction Requests

The on-call team will respond upon the approval of the CRU lieutenant or on-call team leader. More members may be assigned at the discretion of the CRU lieutenant considering the following:

- (1) The nature of the crash and the likelihood of subsequent criminal charges or civil proceedings; and
- (2) The effective utilization of other team members to maintain proficiency in advanced and / or specialty reconstruction skills.

#### b) Cold Case Reconstruction Requests

Crashes where the original scene is not intact, and the evidence has been removed or partially removed are considered cold case crashes. These requests shall be forwarded to the CRU lieutenant for assignment. The CRU lieutenant will:

- (1) Review the request to assess the ability of the CRU to assist in the investigation, taking into account the specific requirements by the requesting party;
- (2) If the reconstruction request is approved, the CRU lieutenant will assign, via written orders, two or more members of the CRU. One (1) member will be designated as the lead investigator;
- (3) The CRU lieutenant will assign/manage a due date for the final reports to be submitted.

## **2. Operations**

The DASO Crash Reconstruction Unit (CRU) will be utilized to reconstruct traffic crashes and offer expert opinions in crash reconstruction. DASO CRU will be available to reconstruct crashes for DASO and other police agencies. The CRU will conduct crash reconstructions dealing with great bodily injury or death.

It is the policy of CRU lieutenant to assign crash reconstructionist to work as a team, for reconstructing major crashes where a criminal prosecution is being contemplated.

## **3. Selection, Qualification, Training, and Dismissal**

### a) Selection and Qualification

When the CRU is in need of additional members, the CRU commander shall put out a request for interested personnel to apply. The application process shall be as follows:

- (1) All applicants must have a minimum of two (2) years patrol experience.
- (2) All applicants must provide deputy evaluation forms for the last two years of service, if applicable.
- (3) Applicants will provide the CRU lieutenant with a memorandum of interest.
- (4) Applicants will provide any applicable training certificates.
- (5) Applicants will submit a recommendation letter from their immediate supervisor.
- (6) A three-person panel, consisting of the CRU lieutenant, a certified reconstructionist, and a supervisor, will interview applicants.

### b) Training

All personnel will attend in-service training, as well as specialized training outside the department, as allowed by budgetary constraints.

### c) Dismissal

Membership and participation as a part of the team is considered a privilege, and not a promotion. To maintain team integrity and the highest level of standards, all members are subject to disciplinary

action, and may be removed from the team, without cause, by the CRU lieutenant or the Sheriff. Reasons for removal or suspension from the team may include, but are not limited to, the following:

- (1) Failure to attend special assignments;
- (2) Failure to attend training, unless excused;
- (3) Failure to maintain team standards;
- (4) Failure to meet duties and responsibilities.

#### **4. Duties and Responsibilities**

The assigned CRU member(s) will:

- a) Complete the on-site and physical evidence examinations;
- b) Notify the CRU lieutenant or team leader when the assignment is completed, or provide justification for the particular circumstances that will necessitate additional time to complete the assignment;
- c) Produce a reconstruction report within the assigned time period.
- d) Forward a copy of the report, in draft form, for review by the CRU lieutenant or team leader, prior to the final report being distributed to the requesting party;
- e) When finalized, the reconstruction report will be distributed as follows;
  - (1) Original will be sent to the requesting agency.
  - (2) A copy will be retained by the crash reconstructionist.
  - (3) A copy will go to the CRU lieutenant.
- f) For tracking and administrative purposes, if a team member is called to testify as an expert witness in a case in which he/she was assigned to conduct a crash reconstruction, the CRU commander will be provided a copy of the subpoena, and notified of the final disposition of the case;
- g) Members of the CRU shall not, unless specific permission has been granted from the CRU lieutenant, take assignments on their own to conduct a reconstruction for a private or third party entity, or testify as an expert witness in a case, either criminal or civil, to which they have not been officially assigned;

- h) Witness fees that may be payable to a member of the CRU for expert witness testimony in a civil proceeding, subsequent to a criminal case for which the reconstruction was produced, will be handled in compliance with the Jury/Witness Fees Policy;
- i) All members of the CRU will consider potential conflicts of interest that may arise in reconstruction assignments. Such conflicts, or potential conflicts, will be brought to the attention of the CRU lieutenant for resolution;
- j) Crash re-constructionists shall meet the following proficiency standards to remain current in the field of crash reconstruction, within DASO's CRU:
  - (1) The reports shall be submitted for review to the CRU lieutenant.
  - (2) To maintain proficiency, CRU members shall complete both training and reconstruction missions, as assigned by the CRU lieutenant.

## **5. Uniforms**

Refer to the DASO Uniform Policy.

## **6. Equipment**

It is the goal of the team to keep equipment in a constant state of readiness, and to be accountable for all issued equipment.

## **7. CRU On-Call Schedule**

The CRU lieutenant shall develop an on call roster.

- a) The CRU members shall be placed on the schedule in a rotating fashion, and the schedule will be provided to all CRU members.
- b) CRU members will be required and expected to respond to call outs during their time on call.
- c) The CRU lieutenant will be authorized to call CRU members, who are not on the current on-call list, based on strategic or logistical needs.

## **C. FLEET CRASH/REVIEW**

### **1. Fleet Damage Reporting**

- a) The employee must immediately report any fleet damage, regardless of the extent, by the quickest means possible, to his/her supervisor. The supervisor will inform Fleet and Risk Management through the FleetCrash e-mail group. Failure to report fleet damage, regardless of fault, may subject the employee to discipline.
- b) The employee will immediately contact dispatch (via radio, telephone, or reliable messenger), and request that a supervisor be notified. A DASO traffic unit, if available, should complete an investigation of the damage. If a DASO traffic unit is not available, a DASO deputy can conduct the investigation, and a CAD number will be assigned. In the event a DASO deputy is not available, an investigation by another agency with jurisdiction will be requested.
- c) The employee will remain at the scene of the damaged vehicle (unless injuries prohibit it) until the on-scene investigation is complete, or the employee has been instructed to leave the scene by the supervisor or the investigating deputy.

## **2. Fleet Crash Procedures**

- a) At the discretion of the Sheriff, or his /her designee, the DASO CRU, or an outside agency, will conduct the fleet crash investigation, when the crash results in serious bodily injury or death of either the employee or another person.
- b) The integrity of the crash scene must be securely maintained until the reconstruction deputy has released it.
- c) Any fleet crash where the investigating deputy suspects, or has reason to believe, that alcohol or drugs were involved, shall immediately be reported up the chain of command.
- d) All employees operating a department vehicle, which was involved in a fleet crash, are required to submit to a drug and alcohol test per Doña Ana County HR Policy.
- e) The supervisor will ensure DASO command staff and the fleet manager are notified of the date, time, and unit number of the vehicle involved in a crash. The notification can be accomplished through email.
- f) In the event that an employee is injured, a First Notice of Injury must be completed.
- g) Any fleet crash that occurs during a training exercise will be reported and investigated, per the fleet crash procedures in this section of this policy.

#### h) Driver/Investigating Deputy Responsibilities

- (1) The following documentation must be submitted together, as a Fleet Crash Report Packet, by the driver and investigating deputy:

- (i) Driver Responsibilities:

1. Obtain three (3) estimates for the repair of the damage to the vehicle.
    2. Complete the Fleet Crash Report Form (narrative from driver shall include details of the incident).
    3. Report for post-accident testing.

- (ii) Investigating Deputy Responsibilities:

1. Complete a State of New Mexico Uniform Crash Report.
    2. Take photographs of the scene and damage to the vehicle(s).
  - (2) All photographs, Uniform Crash Report, three (3) estimates, and any other forms, are to be completed and turned in to the Fleet Crash box. The estimates are to be obtained within three working days from the crash.
  - (3) Once the Fleet Crash Report Packet is complete, it shall be reviewed by the Traffic Division lieutenant for classification, within thirty (30) calendar days.
  - (4) The Traffic Division lieutenant can convene a review panel, if the classification is questionable.
  - (5) If the driver is seriously injured in the crash and unable to fulfill his/her responsibilities, the driver's direct supervisor, or designee, will obtain the three (3) estimates, and complete the Fleet Crash Report Form.

### **3. Administrative Review**

#### a) Initial Assessment/Classification

- (1) The Traffic Division lieutenant is responsible for compiling all the data and creating the Fleet Crash file.
- (2) The Traffic Division lieutenant will review and classify the crash within 30 days of the Fleet Crash file being completed.
- (3) The Traffic Division lieutenant can convene a review panel, if the classification is questionable.



- (4) Once the crash has been classified, the Fleet Crash file will be forwarded through the administrative chain, by the end of shift.
- b) If the crash is classified as Preventable, the Discipline Review Board will review the crash and determine discipline.
- c) Final packets will be forwarded to the Professional Standards Division for review and retention.

#### **4. Professional Standards Division Review**

In the event of negligence, multiple incidents or ancillary issues, the Professional Standards Division, per Internal Investigations Policy, may investigate the fleet crash.

#### **5. Assessment/Classification Categories**

- a) Personnel will categorize all crashes into one (1) of two (2) categories:
  - (1) Non-Preventable – It is clear that no negligence existed on the part of the involved employee, or the circumstances were such that there was nothing the employee could have done to avoid a crash.
  - (2) Preventable – The employee is negligent to the slightest degree, or did not do everything possible to prevent becoming involved in a situation, which resulted in a crash.
- b) The classification sheet will list damage and injury classification, in accordance with the Uniform Crash Report.
- c) All findings will be forwarded to the Professional Standards Division for review and retention.

#### **6. Penalties and Appeals**

Discipline will be used in cases where an employee is determined to have contributed to the cause of a fleet crash, per the policy related to discipline.

- a) The employee's supervisor will implement the discipline decided on by the Discipline Review Board.
- b) The Sheriff shall review a deputy's entire fleet crash record in determining any further disciplinary action, up to and including termination.
- c) All appeals to any disciplinary action will be handled under CWA contract provisions, as related to the grievance procedures.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-016	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Special Circumstances in Traffic Enforcement

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to address all special processing requirements or procedures that apply to traffic law violations committed by nonresidents, juveniles, legislators, foreign diplomats, and military personnel.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to have written directives that address the procedural handling of traffic violators who are members of a classification of persons who, through legal and jurisdictional complexities, are entitled to special or altered processing of enforcement actions.

#### III. PROCEDURE

##### A. Non-Resident Violators

1. DASO does not distinguish between resident and non-resident violators of traffic laws as contained in the State of New Mexico Motor Vehicle Code.
2. Non-resident drivers may acknowledge guilt of offenses contained within the penalty assessment program and agree to pay the penalty. When choosing a court appearance, non-resident drivers may sign the citation and continue to their destination, except for those violations which require that the drivers be arrested.

## **B. Juveniles**

1. The procedure for handling juvenile traffic violators is governed by the Children's Code.
2. Juveniles charged with traffic violations not resulting in detention or arrest can be cited into the appropriate court.
3. Juveniles are afforded extra constitutional protections by New Mexico case law. Prior to any questioning of a juvenile regarding a criminal offense, including traffic violations, juvenile offenders, and suspected juvenile offenders, must be advised of their Miranda Rights for Juveniles, consistent with the DASO policy, Constitutional Requirements for Questioning by Law Enforcement Personnel.
4. Juveniles may acknowledge guilt of traffic offenses contained within the penalty assessment program and agree to pay the penalty.
5. A juvenile who is investigated for driving while impaired is given the same sobriety tests as an adult. Deputies may administer breath alcohol tests to juveniles or obtain a blood specimen at an appropriate medical facility;
6. Juveniles who are detained for traffic violations for which an adult would normally be arrested (i.e., DWI, reckless driving, or other misdemeanor traffic violations in conjunction with other criminal offenses) shall have their citations marked *On Demand* in the court appearance portion of the citation.

## **C. Legislators**

Legislators will be treated the same as other violators with one exception:

Legislators, traveling to, returning from, and traveling during any current legislative session, shall be granted immunity during these times as is covered under the New Mexico State Constitution Article IV, Section 13, as follows:

"Members of the Legislature shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and ongoing to and returning from the same. They shall not be questioned in any other place for any speech or debate or for any vote cast in either house."

## **D. Foreign Diplomats/Consular Officials**

DASO policy, (list title of the policy), discusses issues involving foreign diplomats and consular officials in greater detail and can be used as a reference for these procedures.

## 1. Moving Violations

- a. When a consular official is stopped for a moving violation, the officer on the scene, upon being advised by the driver that they are a consular official and ascertaining that they possess the proper credentials, should exercise discretion, based on the nature of the violation, and either dismiss the motorist with a warning of the danger of their actions, or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.
- b. Foreign diplomats, their families, their servants, and their employees, provided that they are not United States nationals or a permanent resident of the United States, are granted unlimited immunity from arrest, detention, or prosecution, with respect to any civil or criminal offense.

## 2. Driving While Intoxicated

The primary consideration in this type of incident should be to ensure that the foreign diplomat or consular official does not represent a continuing danger to themselves or the public. Based upon a determination of the circumstances, the following options are available:

- a. Take them to DASO, where they can recover sufficiently to drive safely;
- b. Contact a relative, friend, or other official of their government to take custody of them;
- c. Call a taxi for them.

## 3. Offenses Involving the Family Members of Consular Officials and Foreign Diplomats

- a. Family members of a consular official cannot claim immunity; however, in circumstances of traffic violations normally resulting in arrest, consideration should be given to obtaining positive identification of the violator and seeking enforcement through the issuance of a complaint.
- b. Family members of a foreign diplomat are granted unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

## **E. Military Personnel**

Military personnel will be treated in the same manner as other violators with the exceptions dealing specifically with driver's licenses. Military personnel are exempt from mandatory driver's license laws and ordinances when:

1. They possess a New Mexico driver's license which is not more than four years old and which expired while the person is in the military service of the United States.

2. They have been honorably discharged within 30 days of the contact.
3. They are in active military service stationed outside the state of New Mexico.
4. They are on leave from military service.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-017**

**CALEA STANDARD:  
61.4.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Vehicle Towing and Inventory

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide a the guidelines to be followed when there is a requirement for the inventory, towing, and storage of vehicles that come under the control of the Doña Ana County Sheriff's Office (DASO).

#### II. POLICY

It is the policy of DASO to conduct an inventory of all vehicles and associated personal property that comes under DASO custody following an arrest, crash investigation, or other authorized police action.

#### III. PROCEDURE

##### A. GUIDELINES

1. Any vehicle will be towed, if it meets criteria under the DASO policy, Authorization to Tow.
  - a. Deputies will not impound a vehicle when there is a reasonable alternative, such as the registered owner is on the scene or the deputy receives a request from the registered owner to release the vehicle to a responsible third party on scene and there is no law enforcement or public protection purpose served by towing or impounding the vehicle.
  - b. Under no circumstances will the authority to tow a vehicle be used as a punishment of the driver, owner, or any member of the public associated with the vehicle.
2. An inventory shall be conducted on all vehicles and associated personal property that comes under the control of DASO.

3. In those cases where a vehicle is towed at the request of the deputy, a Tow Authorization Form will be completed to include appropriate signatures from all involved parties, if possible.
  - a. The driver and registered owner will each be listed individually, to include an address, if applicable, on the Tow Authorization Form.
  - b. The deputy requesting towing the vehicle will indicate any damage and the general condition of the vehicle, in as much detail as possible, on the Tow Authorization Form.
4. The wrecker used to tow the vehicle will be requested by the deputy through dispatch and will be from an on-call roster maintained by Mesilla Valley Regional Dispatch Center.
5. Every towed vehicle will be checked through NCIC/NMLETS to confirm the license plate and Vehicle Identification Number (VIN) prior to releasing the vehicle to the wrecker.
6. When towing a vehicle, it is the requesting deputy's responsibility to ensure that all occupants, not taken into custody, are in a secure location, and the deputy will assist in communication to arrange for further transportation for those individuals.
7. When towing a vehicle, it is the requesting deputy's responsibility to ensure that any animal is taken to a place where the animal can be properly cared for.
8. Deputies shall indicate whether a hold status is being placed on the vehicle, and the reason for the hold status, such as search warrant or evidence.
  - a. All vehicles with a hold status will be towed to DASO's secured storage area, unless otherwise authorized by a supervisor.
  - b. Vehicles that do not have a hold status will be towed to a commercial storage facility and dealt with according to PRC Rules and Regulations.
  - c. A hold status will not be placed on a vehicle to compel suspects to turn themselves in, or to obtain identification.
  - d. As soon as a hold status can be removed, the vehicle shall be released, and the owner will be notified.
9. An owner's request to tow the vehicle does not require deputies to adhere to this policy as the owner of the vehicle is requesting the deputy to contact a wrecker on their behalf. The owner is permitted to request a specific wrecker or to have the deputy request the on-call wrecker.



10. Tows based on vehicle crashes should be considered at the owner's request unless the investigating deputy determines otherwise.

## **B. AUTHORIZATION TO TOW**

1. A deputy is authorized to tow a vehicle under the following conditions:
  - a. When the driver of the vehicle has been incapacitated, hospitalized, arrested, taken into custody and when the vehicle cannot be released to the registered owner.
  - b. When the vehicle has been reported stolen, and the owner is not available or cannot be located.
    - 1) If the vehicle has been reported stolen within Doña Ana County, the vehicle should be processed for evidence and released to the owner, if available.
    - 2) If a vehicle was reported from another agency within Doña Ana County, the original agency should be contacted to determine if the agency will process the vehicle or if such agency requests DASO to process for evidence.
    - 3) If the vehicle was reported stolen outside of Doña Ana County, the original agency should be contacted to determine if the vehicle should be processed for evidence or released to the owner.
  - c. When the driver does not have privileges to operate a motor vehicle, such as a suspended driver's license or no driver's license and there is no reasonable alternative to impounding the vehicle.
  - d. When the vehicle displays either the wrong registration plate or a stolen registration plate and ownership cannot be established.
  - e. When the Vehicle Identification Number (VIN) has been tampered with or is missing.
  - f. When the vehicle is subject to evidence processing due to a collision or other criminal investigation.
  - g. When circumstances exist where the vehicle was used in the commission of a felony crime, or pending the request for a search warrant or other court order.
  - h. When the vehicle is obstructing traffic or is unsafe for operation on a roadway, and the removal is to protect the public from harm.
    - 1) Upon contact with an abandoned vehicle on public roadways, or adjacent to the roadway or a right of way, the deputy may place a vehicle security

check sticker on the driver side window or the side of the vehicle facing the roadway.

- 2) After 24 hours, a deputy shall have the vehicle removed, in accordance with statute 66-7-350 NMSA 1978, using the on-call wrecker rotation. A deputy shall complete an offense incident report using the CAD number on the sticker.
2. Upon requesting the on-call wrecker, the deputy shall not cancel the wrecker without supervisor authorization.
3. Deputies will not drive the vehicle.
4. Deputies may decide to release a vehicle to a responsible third party under the following criteria:
  - a. The driver of the vehicle is the owner or is in legal possession of the vehicle, as verified by the registration, title, or NCIC inquiry or other reliable information available to the deputy.
  - b. The verified registered owner has requested the release, and the third party accepts responsibility for the vehicle.

### **C. INVENTORY**

1. All vehicles impounded, towed, or seized by DASO must be inventoried.
2. Whenever possible, an inventory shall be conducted prior to the vehicle being removed from the scene. If a search warrant will be obtained later, this will be indicated on the Tow Authorization Form. Upon executing a search warrant, the inventory will then be documented on the Tow Authorization Form.
3. Whenever practical, the property will remain with the vehicle.
4. An item, such as a weapon or highly valuable item, will be entered into evidence for safekeeping.
5. Items to be listed on the Tow Authorization Form and actions to be taken regarding inventory are as follows:
  - a. The deputy will list any item of value.
  - b. The deputy should categorized groups of items.
  - c. The contents of any closed or locked trunk, glove box, console, or containers located anywhere in the vehicle. (The deputy is authorized to open and inventory these unless it is not feasible or is inaccessible. If so, the deputy will note that fact on the inventory).

- d. The deputy will list any immediate dispositions of property that do not include a release to the tow truck operator, e.g., held for safekeeping, retained by the driver, held as evidence, etc.
  - e. The deputy will avoid retaining personal property if possible. Valuables will be secured in the trunk, whenever it is feasible to do so.
  - f. The deputy may estimate large cargos, similar to a bill of lading, etc.
  - g. The deputy requesting a vehicle be towed shall sign the inventory form when it is completed and will obtain the signature of the tow truck operator driver/owner.
  - h. Original forms shall be retained by DASO, a copy will be provided to the tow truck operator, and a copy will be provided to the driver or owner of the vehicle. Any paper original will be turned into the Records Department.
6. Deputies shall allow the vehicle keys to remain with the vehicle, unless the vehicle is being held for evidentiary purposes. Deputies should allow the driver/owner to retain all other keys in his/her possession, e.g., house keys, business keys, post office keys, etc.
  7. Deputies shall list any extra equipment and/or modifications on the vehicle.

#### **D. REPORTING**

1. When a vehicle is towed at the discretion of DASO, a written report is required. The report will reflect the time, date, location, requesting deputy, reason for removal or tow, the towing service or wrecking company used, the towed location of the vehicle, and the attempts made to contact the registered owner when the situation warrants. The report will serve as a record of the tow.
2. Exigent circumstances may exist which would prohibit notifying the owner of a vehicle as to the location of their vehicle. Those incidents will be handled on a case-by-case basis. In those situations, the assigned deputy or detective is responsible for notifying the owner, as soon as practical.
3. If a vehicle is deemed only disabled or it is involved in a crash and not involved in any crime, the owner is permitted to request a wrecker. If the case is deemed as a tow at an owner request, a report is not required.

#### **IV. WRECKER RESPONSIBILITY**

1. The wrecker company shall arrive on the scene within thirty (30) minutes of receipt of a request for service from DASO.

2. The wrecker company shall tow or carry vehicles and will not drive the vehicle to storage sites.
3. A vehicle shall not be towed outside of Doña Ana County unless requested by the vehicle owner or DASO. Any request shall be documented on the towing report.
4. The driver of the towing vehicle shall clean the accident area of any debris resulting from the accident in accordance with the Transportations and Highways Act for Towing Services.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**200-017a**

**CALEA STANDARD:**  
**61.4.3**

**EFFECTIVE DATE:**

**SUPERSEDES / RESCINDS POLICY No:**  
**All related directives.**

### Wrecker Rotation

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines within the wrecker rotation for the Dona Ana County Sheriff's Office.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to have a fair and impartial rotational process for the selection and use of wrecker companies.

#### III. PROCEDURE:

1. No towing service has any type of property right in being on rotation and serves the public at the discretion of the Sheriff of Doña Ana County. Nothing in this section shall be construed as creating vested exclusive rights of a towing list wrecker company to be called, or selected for towing services requested by an employee or official of the County of Doña Ana.
2. Requirement: Each company registered with in Doña Ana County shall continuously company with the following requirements.
  - a. The wrecker company shall be a legally organized business, having its principal place of business within Doña Ana County.
  - b. The wrecker company shall own and operate its own towing vehicles and shall supply to the Sheriff or designee of satisfactory evidence of such ownership, including vehicle registration, title and insurance.
  - c. The wrecker company shall maintain satisfactory and secure storage facilities within Doña Ana County.

- d. The wrecker company shall maintain public liability insurance, on-the-hook and garage keepers' liability insurance and any other insurance required by the New Mexico Public Regulation Commission. A copy of the certificate of insurance shall be submitted to the Doña Ana County Sheriff's Office. The intent of this section is that the minimum amount of insurance required shall at a minimum equal the limitation of damages as required by the New Mexico Public Regulations Commission.
- e. The wrecker company shall hold the County of Doña Ana harmless from all claims for damages to property and injuries to persons resulting from Wrecker Company's negligence in the towing of or storage of vehicles.
- f. The wrecker company shall agree to use the tariff schedule provided by the New Mexico Public Regulation Commission when called out by the Doña Ana County Sheriff's Office to tow privately owned vehicles impounded by the Doña Ana County Sheriff's Office.
- g. The wrecker company shall maintain such records as required by the Doña Ana County Sheriff's Office and shall permit inspection of such records during normal business hours. Among such records will be receipts for towing and storage of vehicles towed at the request of the Doña Ana County Sheriff's Department. All receipts shall indicate the place of vehicle storage and any damage sustained during or after the towing operation.
- h. The wrecker company shall permit the Sheriff or their designee to conduct inspections of each towing vehicle and of each storage area during normal business hours.
- i. The wrecker company shall arrive on the scene within thirty (30) minutes of receipt of a request for service from the Doña Ana County Sheriff's Office.
- j. The wrecker company shall tow or carry vehicles, not drive, to storage sites.
- k. A vehicle shall not be towed outside of Doña Ana County unless requested by the vehicle owner or Doña Ana County Sheriff's Office. Any request shall be documented on the towing report.
- l. The driver of the towing vehicle shall clean the accident area of any debris resulting from the accident, in accordance with the Transportations and Highways Act for Towing Services, 18.3.12.27.
- m. The wrecker company shall be available twenty-four (24) hours a day to respond to requests.
- n. Three (3) refusals to respond to a Doña Ana County Sheriff's Office request to remove a vehicle shall constitute elimination from the Rotations Program and will require the towing company to reapply to fill the vacant position on rotation.

- o. Each towing vehicle shall have equipment on board which would enable the removal of a vehicle regardless of the amount of damage sustained during or after the towing operation.
  - p. Each towing vehicle shall have flashing blue, amber or combination of both light(s), which are visible at three hundred sixty degrees (360°).
  - q. A wrecker company shall not respond to the scene of an accident or other emergency unless specifically called there by law enforcement or the person involved in the accident or emergency. A wrecker company owner, his agent, or employee shall not solicit towing contracts at the scene. However, nothing in this section shall be construed as prohibiting a towing service from privately contracting with any person.
3. Wrecker company selection process.
- a. A wrecker company that desires to be on the towing list shall complete an application form and shall submit required documents to the satisfaction of the Sheriff or designee.
  - b. Upon receiving a complete application packet with all required documents, the wrecking company will be inspected.
  - c. All wreckers regardless of classification will be inspected for the following safety equipment in requirements of New Mexico PRC.
    - i. flashing blue, amber or a combination of both colors of lights, front and rear, which shall be in operation whenever a towing service is standing on a roadway for the purpose of removing a motor vehicle and at all times while transporting a motor vehicle;
    - ii. stop , tail, and turn signals on any motor vehicle in tow that can be operated from the towing vehicle;
    - iii. spot lights that are capable of lighting the scene of disability after dark and additional spotlights or work lights positioned behind the cab of the towing service that can be used to illuminate the motor vehicle being serviced;
    - iv. one hand axe;
    - v. one wrecking bar at least four feet in length;
    - vi. at least one broom, one shovel, and one bag or container for removal of broken glass and debris from highway;

- vii. one 10 unit type first-aid kit;
  - viii. at least three triangle-type reflectors;
  - ix. at least six electronic fuses, 25 minute flares, or reflective cones;
  - x. at least four red signal flags (minimum dimensions - two feet by two feet (2' x 2')); and
  - xi. at least one charged fire extinguisher having a minimum capacity of 10 pounds of dry chemical capable of extinguishing class A, B and C fires.
  - xii. The vehicle in general will be inspected to ensure it is in safe operating condition.
- d. Upon satisfactorily meeting the registration requirements set forth in this section, the wrecker company and the county shall enter into an agreement for towing services. Thereafter, the wrecker company name and phone number shall be placed on the towing list. The towing list shall be used in all cases in which a vehicle is to be towed from a public way or public property or from any private property at the request or direction of the Doña Ana County Sheriff's Office. This excludes any tows paid for by the County of Doña Ana or the Doña Ana County Sheriff's Office.
- e. When a request for towing services is made by the Doña Ana County Sheriff's Office, the dispatcher or supervisor shall select the name of a wrecker company from the towing list. Companies shall be selected on a weekly rotating basis. Each service will be selected for a week period beginning Sunday at midnight and ending on Saturday at 11:59 pm. The Mesilla Valley Regional Dispatch Authority will maintain the rotation list.
- f. In the event that a wrecker company does not respond to a phone call from the Doña Ana County Sheriff's Office or if it does not respond to the scene in the prescribed thirty-minute (30) time span, the secondary name on the towing list shall be called and the non-responding wrecker company will have a violation of the agreement documented.
- g. Preference calls shall have no impact on the towing list. A preference call would be considered as a County vehicle, vehicle seized for evidence or an owner request of a specific company.
4. A towing service may be removed from rotation by the Sheriff or designee for any of the following reasons.
- a. The wrecker does not respond within a timely manner.



- b. The wrecker company does not answer the phone request from dispatch.
- c. The wrecker driver shows up on scene intoxicated or on drugs.
- d. The wrecker company refuses the call for any reason.
- e. The wrecker or equipment is unsafe and/or inoperable.
- f. The wrecker company does not abide by PRC tariffs.
- g. The driver argues at scenes or causes disruption.
- h. An inability to account for vehicles, accessories or contents in the vehicle or on the Towing Authorization Form.
- i. Releasing a vehicle which has a hold placed before the hold is removed.
- j. The Sheriff or designee is not satisfied with general services of the wrecker company or its employees or with the cooperation it has received when services are rendered.

5. Removal procedures

- a. First Offense: Traffic Division Commander will meet with the towing service owner to discuss the problem and reason. An agreement/resolution must be reached.
- b. Second Offense: Towing service removed from rotation for one month.
- c. Third Offense: Towing service removed from rotation for three month.
- d. Fourth Offense: Towing service removed from indefinitely from rotation.

REMOVAL IS AT THE DISCRETION OF THE SHERIFF OR DESIGNEE. A wrecker company may be removed permanently or suspended on the first offense if it is deemed serious enough to warrant severe sanctions.

**IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
 Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-018**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Deputy / Traffic Violator Relations

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for deputies during their contact with traffic violators and for the information provided to the motorists at the time of enforcement.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) that deputies make each violator contact an educational one, and attempt to leave the violator with adequate information necessary to correctly satisfy the legal requirements of the enforcement action in a timely manner. Deputies should also leave the violator with the impression that they have performed a necessary task in a professional manner.

#### III. PROCEDURE

Once the deputy has stopped the violator, the guidelines for deputy/violator relations are activated. The deputy will:

1. Be alert but not obviously apprehensive.
2. Be certain the observations of the traffic violation were accurate.
3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms immediately available.
5. Decide on an appropriate enforcement action, based upon the violator's driving behavior.
6. Greet the violator with the appropriate title in a courteous manner.

7. Inform the violator what traffic law they have violated and the intended enforcement action, minimizing any suspense and apprehension the violator may be experiencing.
8. Ask for the violator's driver's license, vehicle registration, and insurance card.
9. Obtain other documents of identification, if the driver has no driver's license.
10. Refrain from arguing, berating, belittling, or otherwise verbally abusing the violator.
11. Complete, in a timely manner, the required forms for the enforcement action taken or the administration of a verbal warning.
12. Explain to the violator exactly what their responsibility is, in response to the enforcement action taken, such as where and when to appear, if the enforcement action requires a court appearance. Explain any alternatives to the violator, but do not predict the action of the court.
13. Check for signs of physical impairment, emotional distress, and alcohol and/or drug use.
14. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated, or the violator may need to calm down before they resume driving.
15. Return all documents obtained from the violator, and provide a copy of the warning or citation.
16. Assist the violator in safely reentering the traffic flow.
17. When issuing a citation to the violator, the deputy will provide adequate information to the driver regarding the correct way to fulfill the legal obligations of the citation.
18. For those violations considered to be moving violations, (with the exception of seat belt violations, child restraint violations, careless driving violations, reckless driving violations, violations incurred by leaving the scene of an accident, and violations resulting in accidents involving great bodily harm or injury, all which require a court appearance), the deputy will provide the violator with the option of selecting the *Penalty Assessment* or the *Court Appearance*, according to the court affected by the violation.
19. The deputy will provide adequate information regarding the *Penalty Assessment* and *Court Appearance*, for the violator to make an educated decision as to which option best suits their individual needs and wishes.
20. For those violations which encompass drivers' licenses, the insurance, registration, and required equipment of vehicles, seat belts, child restraints,

careless driving, reckless driving, leaving the scene of an accident, and violations resulting in accidents involving great bodily harm or injury, the deputy shall provide the *Court Appearance* option only.

21. When a violator chooses the *Penalty Assessment* option, the deputy will inform the violator of the amount of the penalty assessment, the correct mailing address of the court, and the location on the citation where the address can be found. The deputy will provide the violator with a pre-addressed envelope of the court, if one is available. The deputy will verbally inform the violator that they have thirty days, from the date of the violation, to fulfill their obligation by the delivery of the required penalty amount to the affected court. Deputies will adequately explain the repercussions of failure to meet the required obligations in a timely manner, i.e., the suspension of driving privileges, and the issuance of arrest warrants.
22. When a violator chooses the *Court Appearance* option, the deputy will inform the violator of the address of the court and the location on the citation where the address can be found. The deputy will verbally explain to the violator, and document on the citation, that the violator must respond to the court after seven business days but not more than 31 calendar days following the date of the violation, during the hours of normal operation of the court. Deputies will adequately explain the repercussions of failure to meet the required obligations in a timely manner, i.e., the suspension of driving privileges, and the issuance of arrest warrants.
23. The deputy will inform the violator of their options regarding the court appearance, i.e., a plea of guilty, not guilty, or no contest), and will offer adequate explanation of each.

#### IV. APPROVAL



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-019**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Theft of Identity

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures for the investigation and handling of reported Theft of Identity, as defined by Section 30-16-24.1, NMSA 1978.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to thoroughly investigate Identity Crimes where either suspects or victims are identified in our jurisdiction, to accurately document cases of reported Identity Theft and to attempt to provide the citizens of Dona Ana County and the general public with information on how to safeguard against the consequences of identity theft.

#### III. PROCEDURE:

##### Identity Theft Investigation/Reporting

Identity crime is rapidly growing and the most serious economic crime in the country. Identity crime is the number one source of consumer fraud as reported to the Federal Trade Commission (FTC). Federal and New Mexico laws regarding this crime are as follows;

##### Legal Prohibitions

Identity Theft and Assumption Deterrence Act of 1998: Identity Crime is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law."

Fair and Accurate Credit Transactions Act (FACT Act or FACTA) of 2003: Establishes requirements for consumer reporting agencies, creditors, and others to help remedy damages resulting from identity crimes. The FACT Act requires local law enforcement

agencies including the Department of Public Safety and the New Mexico State Police to provide police reports to victims of identity theft.

Identity Theft Penalty Enhancement Act of 2004: Amends the Federal criminal code to establish penalties for the crime of "aggravated identity theft."

NMSA 1978 30-16-24.1 Theft of Identity: Theft of identity consists of willfully obtaining, recording or transferring personal identifying information of another person without the authorization or consent of that person and with the intent to defraud that person or another or with the intent to sell or distribute the information to another for an illegal purpose.

Identity theft, an element in identity crime, is a federal and state criminal act that is always a precursor to the commission of other crimes. Because of this, investigations into identity theft shall be conducted to the fullest extent possible.

The following procedures will be followed by a deputy/detective when taking an identity theft report:

1. An assessment of the facts, circumstances, and jurisdiction of the incident will be made by the initial investigating deputy. Relevant information includes, but is not limited to the following:
  - a. Obtain as much information that identifies the victim including date of birth, social security number, drivers' license number, other photo identification, current and prior addresses, telephone numbers, and email addresses;
  - b. Find out the nature of the identity crime committed in the victim's name such as when and how it was discovered, what information was used, how the victim information was obtained and what financial institutions or related entities are involved;
  - c. Document what types of personal identifying information may have been used such as social security number, drivers' license number, birth certificate, credit card numbers, etc. and whether any of these have been lost or stolen;
  - d. Find out if the victim has allowed anyone else to use his or her personal name and information and document the circumstances;
  - e. Find out whether the victim knows or thinks that a specific person(s) has used his/her identity to commit fraud or other crimes and obtain the suspects information;
  - f. Discuss with the victim if they are willing to assist in the prosecution of any suspect who may be identified in the investigation of the crime.
2. Find out if the victim has reported the crime with any other agency and if they

may have any other documentation supporting their claim of identity theft.

- a. If the determination is made that there is jurisdiction as well as sufficient facts and circumstances to warrant a criminal investigation, then one will be carried out.
- b. If the determination is made that a criminal investigation is not warranted or if the victim is simply requesting police documentation of the matter, the incident will be documented in an offense/incident report pursuant to County policy.
- c. If the case is referred to the Criminal investigation division by the Uniform Bureau, it will be screened by an IB supervisor utilizing the same criteria as listed on page 2; Section B. Felony Cases.

The CID supervisor will ensure that any identity theft investigations referred by the Uniform Bureau have been documented in an offense/incident report assessing the case.

Investigating deputy/agents shall coordinate their efforts with other agencies, as necessary, to share information and successfully resolve identity theft investigations. To do this the following procedures should be followed:

1. The investigating officer/agent assigned to the case shall first determine the original location of the crime, and then evaluate whether other federal or state agencies should be involved or included in the investigation.
2. Once this has been determined, the investigating officer/agent should then coordinate any required assistance from these or other agencies, as necessary.

Deputy/agents will also provide assistance, as requested or necessary, to other agencies similarly coordinating identity theft investigations encompassing Dona Ana County jurisdiction.

Investigating deputy/agents shall provide the victim with information on obtaining a copy of the report and information, as is available, to assist in bringing the incident to resolution. For further information on victim assistance, please refer to

**PRS: 28 Victim/Witness Assistance.**

31-26-15 Identity theft passport; database NMSA 1978 requires that selected victim information along with a copy of offense/incident reports regarding Identity Theft shall be provided to the office of the New Mexico Attorney General.

1. This information and report will be submitted by the Records Bureau to the Attorney General's Office who will maintain it in a database of identity theft victims to provide an Identity Theft Passport to victims. The passport will contain a picture of the person to whom it was issued and other information as deemed appropriate by the Attorney General. Deputy shall accept this passport

as evidence of identity.

2. Investigating deputy/agents shall properly indicate on the offense/incident report that the report involves Identity Theft.

The victim or any member of the public shall be directed to the New Mexico Attorney General website at <https://www.nmag.gov/identity-theft.aspx> to access information on identify theft and prevention and to obtain a copy of an Identity Theft Prevention and Repair Kit. Further information on the prevention of identity theft can be located on the Federal Trade Commission website located at [www.ftc.gov/bcp/edu/microsites/idtheft/](http://www.ftc.gov/bcp/edu/microsites/idtheft/).

Uniform deputies are encouraged to consult with the Investigative Services Division for investigative assistance relating to identity theft.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-020	
<b>CALEA STANDARD:</b> 1.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Diplomatic and Consular Officials

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and procedures concerning the issue of immunity of Diplomatic and Consular Officials.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to comply with the Vienna Convention on Diplomatic Relations enacted on December 13, 1972, concerning the enforcement actions of Diplomatic and Consular Officials.

#### III. PROCEDURE:

##### Enforcement Actions of Diplomatic and Consular Officials:

##### The law:

The Vienna Convention on Diplomatic Relations enacted on December 13, 1972, changes the immunity status of family members of diplomatic mission employees serving in foreign countries. As a result, the Office of the Chief of Protocol, U.S. Department of State, has revised the standing order to police officers on immunity of diplomatic personnel and their families. These new guidelines are set out here with the cooperation of the Department of State. They should be informational not only to those departments having official foreign missions in their territories, but to any police officer who could encounter diplomatic personnel and their families traveling throughout the United States.

##### Diplomatic Immunity:

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, and servants. Diplomatic officers should not be arrested or detained for any offense, and foreign career consular officers should not be arrested or detained

except for the commission of a grave crime (felony offense that would endanger the public safety).

Family members of diplomatic officers, their servants, and employees of a diplomatic mission are entitled to the same immunities under current U.S. law (22 U.S.C. 252), if they are not nationals of or permanently residing in the receiving state.

**Diplomatic Officers:**

Ambassadors and Ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attached. These officials are located either in Washington D.C. or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanently residing in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

**Consular Officers:**

Consular Officers are Consuls General, Deputy Consuls General, Consuls, and Vice Consuls. They are also official representatives of foreign governments. Consular Officers are required to be treated with due respect and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities as described below.

Under prevailing international law and agreement, a foreign career Consular Officer is not liable to arrest or detention pending trial except in the case of a grave crime and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.

**Offenses Involving Family Members of a Consular Officer:**

Family members of a Consular Officer cannot claim immunity, however, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the consular office is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent consular officer.

**Legislators:**

Diplomatic Immunity for New Mexico State Legislators is covered under Legislators in Policy, Special Circumstances in Traffic Enforcement.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-021**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Arrest of Foreign Nationals-Consular Notification

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and procedures regarding the arrest and detention of foreign nationals, the timely notification of their countries' consular officials regarding the arrest or detainment and access requirements for consular officials. This policy does not affect any diplomatic immunity rights or policies.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to comply with the Vienna Convention on Consular Relations by ensuring timely notification of designated foreign consular officials following the arrest or detainment of their foreign nationals.

A copy of the U.S. Department of State Consular Notification and Access publication will be maintained for reference in each location with the Policy and Procedure Manuals. The full text of the publication may also be downloaded from the Department of State website at <http://travel.state.gov/> (Consular Notification and Access of Arrested Foreign Nationals.).

#### III. PROCEDURE:

##### Consular Notification Requirements:

Article 36(1) (b) of the Vienna Convention of Consular Relations provides that a detained foreign national must be informed that consular officials of his/her country may be notified about the detention.

Law enforcement must provide consular rights warnings to arrested or detained foreign nationals.

These warnings require the arresting or detaining official to notify, without deliberate delay, the foreign national of the right to have the nearest consular officials notified of the arrest or detention.

If the detainee requests the consular officials be notified, they must be notified of the detention.

In some cases, (see Mandatory Notification Countries), the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes.

### **Access Requirements:**

Article 36(1) (c) provides for access to detainees by consular officials. Specifically, consular officers have the right to visit a national of the sending country who is in prison, custody, or detention, to converse and correspond with him/her and to arrange for his/her legal representation.

Consular officials have the right to visit and correspond with any arrested or detained foreign national. The Dona Ana County Adult Detention Center is responsible for allowing consular official access to persons under their care. Under circumstances where a consular official requests access to a person being detained during an investigation, but who has not been booked in the Dona Ana County Adult Detention Center, the on-duty Supervisor or the Detective Supervisor in charge of the investigation are responsible for arranging consular official access to the detained person.

### **Death Notification:**

When a government official becomes aware of the death of a foreign national, consular officials must be notified.

### **Consular Notification Procedures:**

Following the arrest or detainment of a foreign national, the arresting/detaining officer will make every attempt to do the following:

Determine the foreign national's country or origin. In the absence of other information, assume this is the country listed on the foreign national's passport or other travel document.

If the foreign national's country is NOT on the Mandatory Notification Countries and Jurisdictions of the U.S. DOJ Arrests of Foreign Nationals:

Advise, without delay, the individual's consular rights warnings and offer to notify the consular officials of his/her country of the arrest/detention. Use Statement 1 of the Suggested Statements to Arrested or Detained Foreign Nationals (page 7) of the U.S. DOJ publication. Translations of this statement are also available in Part 4 of this publication. These may be copied from the publication as needed.

If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national country without delay. Part 6 of the publication lists phone numbers and fax numbers for foreign embassies and consulates. The publication includes a fax cover sheet for use by deputies when making consular notifications.

Consular officials should be notified unless the arrest/detained person states that he/she does not wish that they be notified. When an individual remains silent upon advisement of their consular rights warning, consular officials should be notified.

If the foreign national's country is on the Mandatory Notification Countries and Jurisdictions:

Notify that countries nearest consular officials, without delay, of the arrest/detention. Phone and fax numbers are in Part 6 and you may use the suggested fax sheet for the notification.

Tell the foreign national that you are making this notification. Use Statement 2 of the Suggested Statements to Arrested or Detained Foreign Nationals (Page 7) of the U.S. DOJ Publication that is translated into selected languages. These translations are located in Part 4 of the publication.

A Supervisor may be contacted to assist with the notification process.

Document the arrest/detention and the advisement of the consular notification rights and any consular notification in your report.

**Mandatory Notification Countries/Jurisdictions:**

Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas	Nigeria
Barbados	Philippines
Belarus	Poland (non-permanent residents only)
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China (1)	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia

Hong Kong (2)	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe

(1) Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

(2) Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "SAR." Under paragraph 3(f) (2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports-- i.e., immediately, and in any event within four days of the arrest or detention. Kiribati U.S.S.R.4

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
 Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-022	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Visitors

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the handling of visitors to the Dona Ana County Sheriff's Office.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to ensure the safety of visitors and employees and to ensure operational security by tracking the arrival and departure of all visitors to the Dona Ana County Sheriff's Office.

#### III. PROCEDURE:

All employees of the Dona Ana County Sheriff's Office share jointly in the responsibility for ensuring their own safety and that of other county employees and the visiting public by adhering to the following procedures:

1. All visitors to DASO (including employees of other county departments) are required to enter and depart through the main doors to the lobby area.
2. All visitors are required to sign in and out at the reception desk and verify their identity with a government issued photo ID. The sign-in will be reviewed at the close of each business day to ensure that all visitors for that date have signed out.
3. If a visitor must remain after 5:00 pm, the employee responsible for their presence (i.e. the individual they are here to visit) is to ensure that they are escorted out of the building at the end of their visit and the responsible employee should return the visitor's badge to the Reception desk and indicate the time of departure. Each day's dated sign-in sheets will be filed in a binder at the reception desk. These sign-in sheets will be retained for at least one year.
4. All visitors will be assigned a numbered badge.

5. Non-County employee visitors must be escorted at all times by an employee.
6. All employees have a responsibility to ensure enforcement of these procedures and to be alert but courteous in responding to any breach.
7. Efforts should be made to recover any badges not returned to reception by the following morning (e.g. contact the employee who was visited, ask them to contact their visitor to remind them.) The numbers of any badges lost should be recorded and the log kept with the sign-in sheets. The badge system as a security measure is only as good as the degree of vigilance accorded to its enforcement.
8. Employees expecting a number of visitors for a meeting, etc., should notify the Reception Desk in advance of the meeting's start. Visitors arriving for meetings and trainings often do not know who their point of contact is, merely the name of the event. Reception must be advised whom to contact for an escort.
9. The arrival of large groups of people for a meeting or training can create a security "bottleneck" in the lobby. In that event, visitor passes can be issued at the reception desk, and a copy of the sign-in sheet passed around and ID verified (if participants are not already known to the DASO employee conducting the meeting) at the beginning of the meeting. It is then the responsibility of the DASO employee to ensure that all visitors are signed in, and that all badges are collected and all visitors escorted out at the conclusion of the meeting.
10. The employee is also responsible for recording the departure times and returning the sign-in sheet and visitor badges to Reception.
11. In the event of an emergency requiring evacuation of the building, the Receptionist is to collect that day's sign-in sheets prior to evacuating. In this way, the whereabouts and safety of all visitors in the building, at the time of the emergency, can be verified.

#### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**200-023**

**CALEA STANDARD:**  
**12.1.1a**

**EFFECTIVE**  
**DATE:**

**SUPERSEDES**  
**/RESCINDS**  
**POLICY No:**  
**All related**  
**directives.**

### Court Attendance and Associated Responsibilities

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide procedures that pertain to court attendances and the responsibilities associated with judicial proceedings.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to have clearly established, written directives that address the procedural handling of all events that surround judicial proceedings such as court, interviews, hearings, conferences, and dismissal requests.

#### III. PROCEDURE

##### A. Appearance at Court Proceedings

DASO personnel are not required to appear at arraignments in a magistrate or district court. The charging documents are used in lieu of the deputies' presence. Deputies must appear at all subsequent court proceedings, as required by subpoena service or other proper notifications. This includes, but is not limited to, court cases, prosecutor interviews, defense interviews, depositions, preliminary hearings, pretrial conferences, suppression hearings, Motor Vehicle Division hearings, notice of revocation hearings, or any other proceeding or hearing that the deputy is notified that their attendance is required.

All subpoenas shall be honored by the deputies listed on the subpoena for the date and time set by the court or attorneys, unless a confirmed continuance is granted by the court or attorney for the that date, or an exigent circumstance arises which would prevent the deputy from attending the proceeding.

If deputy fails to appear for court or a related judicial proceeding, they will be subject to progressive discipline. If a deputy misses a hearing, the court liaison

will receive a notice. The notice and results of the hearing will be scanned into the case file in LERMs. The Court Liaison will check the notification to see if the deputy attended or not. If the deputy missed the hearing, the Court Liaison will verify receipt of the subpoena by the deputy, and will notify the deputy's chain of command.

## **B. Vacation/Training Requests**

Deputies are responsible for any requests for continuances for vacation or training by contacting the courts, the DA's office, or individuals on the subpoena, as far in advance of the hearing as possible. This does not mean that the case is continued or otherwise rescheduled. It is incumbent upon the deputy to make sure their case is rescheduled BEFORE they leave for vacation or training.

## **C. Case Dismissals**

At no time shall a deputy dismiss case(s)/citation(s) to attend a training/school, vacation, or to avoid a confrontational defendant. This type of dismissal is unethical, and will result in discipline. Continuance of the case is the appropriate way to handle these situations, should they arise.

## **D. Attorney Assistance**

In cases where the deputy needs assistance with prosecuting a case, the deputy should give advance notice to the District Attorney's Office to request assistance in the court proceedings. In all felony cases, and some misdemeanors, attorneys will automatically be assigned to the case.

## **E. Reporting for Judicial Duty**

Employees shall report for judicial duty at the time and place required, and shall be physically and mentally fit to do their duties. Judicial processes require a deputy to be mentally and physically able to perform all tasks required of them.

## **F. Testifying for the Defendant and Civil Cases**

Any employee subpoenaed to testify for the defense in any trial or hearing, or against Doña Ana County, shall notify the Sheriff upon receipt of the subpoena. Employees, while representing themselves as members of DASO, shall not testify in civil cases, unless legally summoned or subpoenaed.

## **G. Court and Hearing Attire**

Detectives, deputies, and non-sworn employees will dress appropriately when attending any court or hearing.

Jury trials in federal, district, or magistrate courts require business formal attire (i.e. suit, pantsuit, etc.), or deputies may choose to wear a class "A" uniform, at their discretion.

Magistrate court, municipal court, Motor Vehicle Department (MVD what? Hearings?), bench trials, or hearings require business casual attire (i.e. collared shirt with slacks, etc. No jeans, no untucked shirts for men, no t-shirts, etc.) with appropriate footwear, or a class "B" uniform. Detectives, deputies, and non-sworn employees who are responding to court or a hearing from a specialized assignment or training session, who have not been adequately notified by the court, may appear in their current attire, as approved by the supervisor or training coordinator.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-024	
<b>CALEA STANDARD:</b> 31.2.1, 31.4.1, 31.5.1, 31.5.7	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Recruitment and Selection

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish a recruitment and selection program to attract applicants for actual or forecasted Doña Ana County Sheriff's Office (DASO) vacancies. that effectively competes with other employers for qualified applicants.

#### II. POLICY:

It is the policy of DASO to actively participate in a recruitment program. The Sheriff has the authority and responsibility for administering the operation and direction of the recruitment program in accordance with HR Policies and Procedures Manual, Section III. Employment Process.

#### III. PROCEDURE:

##### A. Recruitment Program - Qualifications

Those individuals assigned to recruitment activities shall be knowledgeable and trained in personnel matters, especially Equal Employment Opportunity, as it effects the management and operations of DASO.

All DASO personnel may be required to actively participate in recruitment activities, whenever possible.

DASO shall work with the Doña Ana County Human Resources Department and other appropriate agencies at the state, county, and/or local government level, to assist in the recruitment of law enforcement candidates.

All personnel shall maintain confidentiality throughout the recruiting and hiring process. If a conflict of interest exists, appears to exist, or the employee is unsure,

they shall notify their chain of command prior to any involvement.

## **B. Recruitment Plan**

DASO shall engage in positive recruitment efforts in an attempt to achieve the goal of diversity in the uniform ranks in approximate proportion to the makeup of the available workforce in the service community.

1. Objectives:
  - a) To increase minority interest in all positions, including sworn deputies, to achieve the goal of diversity including but not limited to ethnic, racial, and gender workforce composition in approximate proportion to the makeup of the available workforce in the community.
  - b) To involve minority and female members of DASO in recruitment efforts.
2. In seeking to employ qualified diverse applicants, DASO may conduct research, develop, and implement specialized minority and female recruitment methods. These methods may include, but not necessarily be limited to:
  - a) Application forms and related pre-employment inquiry forms that are in compliance with applicable federal, state, and local Equal Employment Opportunity (EEO) laws;
  - b) Job descriptions that are reviewed periodically to properly identify job-related job requirements;
  - c) Liaison with local community leaders to emphasize sincerity and encourage referrals of diverse applicants to DASO;
  - d) Engage in active cooperation and utilization of the media, as well as access to social media/Internet capabilities, in minority recruiting efforts;
  - e) Maintain periodic personal contact with the applicant from initial application to the final determination of employment;
  - f) Increase overall recruitment efforts with special attention to college campuses;
  - g) Conduct recruitment activities outside of DASO's jurisdiction;
  - h) Conduct periodic reviews of the entire selection process to ensure it is non-discriminatory, and that no standards are used which have the effect of eliminating from consideration a significantly higher percentage of applicants based upon protected class;
  - i) Utilize diverse DASO personnel including women or minorities in the

recruitment process;

- j) Utilize public relations materials that reflect the diversity of employees currently employed by the DASO;
  - k) Become involved with and provide recruitment notification to local minority organizations, women's organizations, community action groups, and community service programs;
  - l) Keep deputies within DASO informed of application and testing activities, so that each deputy can promote and encourage minority and female applicants during their day-to-day interaction with the community.
  - m) Encourage existing members of DASO to prepare for advancement within the organization and ensure that the promotional process does not have a disparate impact on diverse applicants.
3. The Special Services Captain will be responsible for the administration of DASO's Recruitment Plan.

### **C. Analysis of Recruitment Plan**

An Analysis of DASO's Recruitment Plan shall be performed annually in order to:

- 1. Determine the degree to which the objectives have been achieved;
- 2. Make any revisions needed to the plan.
- 3. Gather demographic data of DASO applicants.

### **D. Equal Employment Opportunity**

DASO is an equal opportunity employer. It is the policy of Doña Ana County and DASO to provide equal employment opportunity without regard to race, color, religion, sex, age, national origin, or other protected class.

Doña Ana County will provide equal employment opportunities to qualified persons having physical or mental disabilities. This policy extends to all areas of employment, including the hiring of new employees and any subsequent promotion, transfer, selection for training, wage and salary administration, and the application of Doña Ana County's benefit program.

Doña Ana County provides reasonable accommodation to applicants and employees with disabilities, when appropriate. Persons with disabilities requesting an accommodation should contact the Human Resources Department to request an accommodations during the application and selection process.

## **E. Employment Announcement Contents**

All DASO job vacancy announcements shall provide a description of the duties, responsibilities, requisite skills, educational level, and physical requirements for the position(s) to be filled.

All entry-level job vacancies shall be advertised to the community via electronic media, or other sources.

All DASO recruitment advertisements will advertise DASO as an equal opportunity employer.

Any official filing deadline shall be indicated on employment announcements.

## **F. Recruitment Assistance- Service Organizations**

DASO will integrate a community outreach effort shall be integrated into DASO's personnel recruitment program, to include, but not limited to, recruitment assistance, referrals, and advice from community organizations and leaders.

In order to achieve broader dissemination and greater exposure of recruitment information, the DASO Recruiting Coordinator in coordination with Human Resources shall disseminate job vacancy announcements for posting and circulation within community organizations that may be in contact with individuals who are prospective candidates for recruitment.

## **G. Contact with Applicant**

In collaboration with Human Resources, the DASO Recruiting Coordinator will maintain contact with applicants throughout the hiring process.

## **H. Selection Process Components**

DASO has written directives describing all elements and activities of the selection process for full-time personnel and part time employees. These directives are consistent with the applicable Human Resources policies and procedures and administered by the DASO Recruiting Coordinator. The Recruiting Coordinator may consult with the Human Resources Department as appropriate.

The selection process for DASO applicants is broken into 9 components: the application, written examination, physical assessment, Eyedetector examination, background investigation, structured panel interview, conditional offer of employment, psychological evaluation, medical evaluation, and probationary appointment.

## **I. Job Related Requirements**

All elements of the selection process for DASO applicants will be directly related to the responsibilities of the position as described within the Doña Ana County Job Description

#### **J. Selection Process Uniformity**

All elements of the selection process for personnel shall be administered, scored, evaluated, and interpreted in a uniform manner.

#### **K. Selection Process Information**

At the time of their formal application, candidates for positions shall be informed, in writing, by the DASO Recruiting Coordinator:

1. All elements of the selection process.
2. The expected duration of the selection process.
3. Doña Ana County's policy on reapplication.

#### **L. Selection Ineligibility Notification**

Candidates for positions who have been determined to be ineligible for appointment shall be informed of their status in writing.

#### **M. Ineligible Candidate Record Disposition**

All records of candidates not appointed to probationary status or selected for employment shall be maintained to ensure continuing research, independent evaluation, and defense against lawsuits, in accordance with federal, state, local law, and the Records Retention Schedule. At the conclusion of the selection process, all recruitment records will be sent to the Human Resources Department for retention in accordance with applicable laws and regulations.

1. Selection Materials:

When they are not being used, selection materials shall be stored in a secure area. Selection materials shall be disposed of in a manner that prevents disclosure of the information they contain, in accordance with the Records Retention Schedule.

2. Background Records:

Records of each candidate's background investigation shall be maintained by the Human Resources Department, in accordance with federal, state, local law, and the Records Retention Schedule.

3. Medical and Psychological Evaluation Files



Results of the medical examination, emotional stability and psychological fitness examinations shall be maintained by the Human Resources Department, in accordance with federal, state, local law and the Records Retention Schedule.

## **N. Background and Record Check**

DASO shall conduct a background investigation of each candidate for a position prior to appointment to probationary status, including, but not limited to:

1. verification of qualifying credentials;
2. criminal history report;
3. verification of personal and professional references;
4. education verification;
5. employment history; and
6. review of relevant national or state decertification resources, if available.

## **O. Background Personnel**

Personnel used to conduct background investigations shall be trained in the collection of required information.

## **P. Eyedetect Examinations**

1. The use of the Eyedetect is an element of the background investigation of a candidate used to assist with the following:
  - a) Increased disclosure of additional information that will be of interest to risk adjudicators and hiring professionals in the law enforcement and public service selection process;
  - b) Deterrence of unsuitable applicants from joining and/or remaining in the applicant pool, by increasing the likelihood that past transgressions and activities will become known to authorities;
  - c) Detection of applicants who attempt to withhold information that would be of interest to risk adjudicators and hiring authorities in the law enforcement selection process.
2. If an applicant fails the Eyedetect, they may choose the option of an issue-specific EyeDetect examination, if they desire to continue in the hiring process. If an applicant passes the issue-specific EyeDetect examination, the requirement has been met.

## **Q. Medical Examination**

A job-related medical examination will be conducted, prior to the appointment for a sworn position.

**R. Psychological Fitness Evaluation**

A psychological examination of each candidate for a sworn position shall be conducted and assessed by a qualified professional prior to appointment.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-025	
<b>CALEA STANDARD:</b> 42.1.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Habitual / Serious Offenders

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide general procedures concerning habitual/serious offenders.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to make every effort to identify persons arrested by DASO who can be classified as habitual offenders.

#### III. DEFINITIONS:

Habitual/Serious offender: Offenders who are repeatedly arrested for serious offenses such as:

Felonies, including charges later upgraded to felonies; Misdemeanor offenses that suggest patterns of a career criminal such as, but not limited to, shoplifting, theft, prostitution, etc.;

Habitual juvenile offenders;

Persons with two or more arrests involving the use of any narcotic or controlled substance.

#### IV. PROCEDURE:

Identifying Habitual/Serious Offenders:

Detectives/Deputies will attempt to identify habitual offenders as defined by NMSA 31-18-17, Habitual Offenders, through N.C.I.C., Inter-State Identification Index (III), and Records and Identification (R & I). When forwarding cases to the District Attorney's Office, Detectives/Deputies will notify the District Attorney's Office of the additional information.

In cases which involve other agencies, communication is of the utmost importance. Every effort should be made to assure all information is shared and all charges filed.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-026	
<b>CALEA STANDARD:</b> 46.2.8	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Event Deconfliction

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for participating in a Deconfliction Program.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to participate in a computerized, statewide information system that deconflicts with other agencies regarding high-risk investigations.

#### III. DEFINITIONS

**Deconfliction** is the coordination and information sharing among law enforcement agencies on multijurisdictional investigations to help ensure officer safety and the effective use of resources.

#### IV. PROCEDURE

##### A. Deconfliction

Deconfliction is the process or system used to determine whether multiple law enforcement agencies are investigating the same person or crime, and that provides notification to each agency involved of the shared interest in the case, as well as providing contact information. Deconfliction is an information and intelligence sharing process that is used to minimize conflicts between agencies and maximize the effectiveness of an investigation.

The following divisions will utilize deconfliction software:

1. Detectives;

2. METRO Narcotics Task Force;
3. The DASO Intelligence Unit.

**B. Use of Software**

Deconfliction software will be utilized during the following types of investigations:

1. Execution of high risk search warrants;
2. Controlled purchases of contraband;
3. Undercover operations;
4. High risk fugitive apprehension;
5. In any other situation in which the detective believes it would be appropriate.

**C. Deconfliction Software**

The deconfliction software that DASO utilizes will receive information from agencies, and will provide notifications in the event a conflict arises. The notification will include the name of the conflicting agency, name of the case detective of the conflicting event, and a contact phone number for the detective. In the event of a conflict, the detective will deconflict with the conflicting agency, prior to the operation.

**D. Authorized Users and Administrators**

Authorized users will be those Deputies/Detectives who are in an investigative position (i.e. detectives, METRO, Intelligence Unit). The supervisor for each division will act as an administrator for the deconfliction software. Prior to becoming an authorized user, the Deputy/Detective will receive training on the deconfliction software.

**E. System Failure/Outage**

If the deconfliction software is out of service, the case detective shall call other agencies, located within the jurisdiction where the high-risk operation will take place, and deconflict.

**V. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-027	
<b>CALEA STANDARD:</b> 43.1.1,43.1.2,43.1.3, 43.1.4,43.1.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Vice, Drugs, and Organized Crime

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for investigation of organized crime, vice, and drug offenses.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to use all available legitimate means to investigate and apprehend individuals or groups of individuals engaged in organized crime, vice, and drug activities.

#### III. DEFINITIONS

**ORGANIZED CRIME** Activities which involve violating criminal laws in the pursuit of illegal profits and power by a group or groups of individuals who operate in a hierarchal order based on authority or skills. Fear, force, or corruption is often used to supply illegal goods and services or supply goods or services illegally.

**VICE** Criminal activities relating to immoral conduct, gambling, and liquor law violations.

**DRUGS** Criminal activities relating to illegal possession, use, manufacture, or distribution of controlled substances.

## **IV. PROCEDURE**

### **A. Department Commitment**

DASO is committed to the suppression of organized crime, vice, and drug activities. It is the responsibility of all DASO members to take an active role in the identification, apprehension, and prosecution of individuals involved in organized crime, vice, or drug offenses.

### **B. Organized Crime, Vice and Drug Investigation Response**

1. The investigation of organized crime and the vice control function is under the supervision of the Investigation Services captain.
2. Drug investigations are under the supervision of the METRO Narcotic Enforcement Task Force supervisor. The Investigations Services captain may coordinate investigations in conjunction with other law enforcement agencies or internal departments.
3. Vice and drug control functions include, but are not limited to:
  - a. Gathering vice and organized crime related intelligence;
  - b. Prompt follow-up of intelligence information received from sources, both inside and outside of the DASO;
  - c. METRO Narcotics Task Force investigates dangerous drugs by following tips, utilizing informants, and self-initiated contacts.

### **C. Organized Crime Investigation Function**

1. The Investigations Services captain is responsible for coordinating and overseeing the organized crime control and enforcement efforts of DASO.
2. The function of DASO's organized crime efforts shall include identifying and investigating reports of organized criminal activity within Doña Ana County. These activities include:
  - a. Investigating organized crime operations;
  - b. Investigating organized crime figures, including individuals engaged in organized criminal activities, their associates, and the locations they frequent;
  - c. Utilizing federal agencies assistance, depending on the size and scope of the investigation.



#### **D. Receiving and Processing Complaints**

1. DASO is committed to investigating organized crime and vice complaints. When a deputy receives a complaint, they will conduct a thorough preliminary investigation, documenting all facts on an Offense Report. In those instances where an immediate follow-up investigation is indicated, the preliminary reporting deputy may request the services of the on-call detective or METRO Agent, with the authorization of the on-duty supervisor.
2. When immediate follow-up is not required, the preliminary reporting deputy will document the organized crime, vice, or drug complaint on an Offense Report. The report will be forwarded to the Detective Division or METRO for follow up investigation. A detective supervisor or METRO supervisor will review the report and determines the need and extent of follow-up investigation.
3. Deputies who receive information of any intelligence nature (e.g. anonymous tips, street rumors, etc.) will forward the information directly to the Detective Division by direct contact or other secure means.

#### **E. Organized Crime, Vice and Drug Investigations**

1. Officers receiving formal complaints of organized crime, vice, or drug activity will conduct a thorough preliminary investigation following procedures outlined in this policy.
2. Detectives or METRO agents assigned to an organized crime, vice, or drug case will conduct a follow-up investigation to attempt to substantiate the reported information. Once substantiated, the assigned investigator will notify their supervisor, who will determine the scope of the follow-up investigation. A determination will be made of whether the investigation is to be handled solely by DASO personnel, or if federal law enforcement assistance is necessary.

#### **F. Confidential Informant Files**

The procedures set forth in the Use of Criminal Investigations policy and procedure, pertaining to the management and control of informants, will be adhered to when recruiting informants who may supply information about organized crime, vice, and drug activities.

#### **G. Information Maintenance**

The Investigations Services captain or the METRO case support analyst will maintain files for all intelligence and relevant correspondence received pertaining to organized crime, vice, and drug activities, including that which is supplied by other agencies. The files will be used as a resource when evaluating DASO's efforts in the suppression of organized crime, vice, and drug activities within Doña Ana County. Criminal intelligence information will be handled pursuant to the Criminal Intelligence policy and procedure.

## **H. Confidential Funds**

DASO will maintain investigative funds allotted to support operational efforts in the areas of organized crime and vice investigations. Procedures for the use of this fund are delineated in the criminal investigations policy. METRO will maintain separate investigative funds allotted to support operational efforts in the area of drug investigations. Procedures for the use of this fund are delineated in the Criminal Investigations policy and procedure, and METRO's policy and procedure.

## **I. Control and Use of Surveillance and Undercover Equipment**

METRO will maintain surveillance and undercover equipment at their office. Authorization for the use of this equipment will be given by the METRO supervisor. In instances where the equipment is lent to another law enforcement agency, the METRO supervisor will ensure that it is signed for and when returned, it is in good operating condition. When electronic surveillance is used by any agent in a drug investigation, it will be authorized by the METRO supervisor.

## **J. Coordination of DASO Efforts**

When necessary to control and suppress organized crime, vice, and drug activities, the following procedures are followed:

1. The Investigations Services captain or METRO supervisor will brief the Sheriff concerning any ongoing investigations or significant intelligence information;
2. The Investigations Services captain or METRO supervisor will release timely, appropriate, relevant intelligence information to the Patrol Division through the normal Patrol Briefing channel formats, as necessary;
3. DASO deputies are encouraged to develop intelligence information and forward the information to the Detective Division or METRO, as outlined in this policy.

## **K. Evaluating Complaints**

Investigations of organized crime, vice, and drug complaints often require considerable expenditures of time, money and effort. Therefore, it is imperative that complaints be evaluated as to their accuracy and credibility. Efforts will be made to determine the scope and relative importance of the complaints received. To aid in determining the scope of effort made toward the investigation of organized crime, vice and drug complaints, the following criteria will be considered:

1. Validity of the information, based on source and content reliability;
2. Criminal nature of the problem;
3. Sufficiency of investigative leads;

4. Investigative techniques that can be utilized;
5. Sufficiency of resources to investigate the complaint;
6. Jurisdictional responsibility.

#### **L. Organized Crime and Vice Surveillance**

Organized crime or vice surveillance shall not be initiated without the approval of the Investigations Services captain or his/her designee. No organized crime or vice surveillance will be initiated unless there is reasonable suspicion that the person or location placed under observation is engaged in criminal activity. Prior to initiating a surveillance operation, the Investigations Services captain or his/her designee should:

1. Analyze all available intelligence information pertaining to the operation, including the crime, victims, and suspects;
2. Identify and analyze probable offenders, their habits, associates, vehicles, methods of operation, and all pertinent information;
3. Familiarize assigned deputies, detectives, and agents with targeted areas for surveillance;
4. Establish operational procedures for surveillance and effecting the arrest;
5. Provide expense funds for surveillance teams (cover charges, etc.);
6. Establish a means of communication (e.g. car radio, portable radio, cellular phone, etc.);
7. Select needed specialized equipment or vehicles;
8. Provide adequate relief for surveillance team;
9. Contact the Doña Ana County District Attorney's office for technical legal advice, when appropriate.

#### **M. Covert and Undercover Operations**

1. Covert undercover operations should be approved and supervised by the Investigations Services captain or his/her designee.
2. The Investigations Services captain or his/her designee will be responsible for briefing the on-duty Patrol Division supervisor concerning the operation, prior to its initiation, as needed.
3. The Detective supervisor or METRO supervisor is responsible for addressing the following concerns prior to initiating any covert or undercover operation:

- a. Analysis of suspect(s) and their identity;
- b. Provisions for initiating contact with suspect;
- c. Analysis of the neighborhood surrounding the target area;
- d. Obtaining appropriate credentials for false identities for surveillance deputies, if applicable;
- e. Maintenance of false identities confidentiality;
- f. Providing expense funds;
- g. Securing necessary equipment to carry out the operations;
- h. Determination of communication channels or other appropriate communication methods, especially emergency communications;
- i. Determination of legal ramifications of the operations, and seeking advice from the Doña Ana County District Attorney's office, when appropriate;
- j. Developing plans and guidelines should an arrest result;
- k. Ensuring adequate police personnel are available for the safety of undercover personnel;
- l. Ensuring close supervision is provided throughout the operation.

#### **N. Executing Search and Arrest Warrants**

1. Warrants served on organized crime, vice, and drug targets should only be conducted pursuant to a warrant and with legal and judicial probable cause. A warrant will only be initiated with the approval of the Detective supervisor or METRO supervisor.
2. All warrants will be conducted in a legally justifiable manner and will be supervised by a Detective supervisor or METRO supervisor. Before executing any warrant, the following provisions should be met:
  - a. Establish a plan regarding securing persons or potential suspects who may be present when warrant is executed;
  - b. Establish strategies and tactics for approaching, entering, securing, and leaving the target location;
  - c. Establish plans for searching and seizing evidence or contraband;
  - d. Select and secure any specialized equipment needed to carry out the warrant;

- e. Arrange for assistance from specialized support units, issue appropriate radio communication call numbers and operation assignments;
- f. Arrange for the processing of arrested suspects;
- g. Require all relevant activities to be documented in reports;

**O. Activity Reporting**

The METRO special agent in charge will submit monthly and quarterly activity reports to the Sheriff. These reports will keep the Sheriff informed of METRO activities by reporting case particulars, demographics, drug seizures, drug purchases, and other data.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-028	
<b>CALEA STANDARD:</b> 44.1.1, 44.2.1, 44.2.2, 44.2.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### JUVENILE ENFORCEMENT AND CUSTODY

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for sworn law enforcement deputies of the Doña Ana Sheriff's Office (DASO) when dealing with juveniles in enforcement and custody situations.

#### II. POLICY

It is the policy of DASO to provide its sworn law enforcement deputies with guidance regarding enforcement and custody situations relating to juveniles and to ensure that the overriding concern is the health, safety, and welfare of the child. DASO is committed to the development, implementation, and continuation of programs designed to prevent and control juvenile delinquency within the County of Doña Ana.

#### III. APPLICABILITY:

This policy is applicable to all sworn law enforcement deputies of DASO.

#### IV. REFERENCES:

Chapter 14 Article 2, NMSA 1978, Inspection of Public Records Act; Chapter 29 Article 10, NMSA 1978, Arrest Record Information Act; Chapter 31, NMSA 1978, Criminal Procedure; Chapter 32A, NMSA 1978, Children's Code; CALEA Chapter 44 - Juvenile Operations

#### V. DEFINITIONS:

**Child/Juvenile** – A person who is less than 18 years of age.

**Children's Code** –Chapter 32A, Article 1-23, NMSA 1978.

**CYFD** – The New Mexico Children, Youth, and Families Department.

**Delinquent Act** – An act committed by a child that would be designated as a crime under the law if committed by an adult as defined in section 32A-2-3 (NMSA 1978).

**Interstate Identification Index (III)** - National index of criminal histories in the United States maintained by the FBI.

**JPO** – Juvenile Probation Officer, who works for the Youth and Family Services Division of CYFD.

**Non-Secure Custody** – a condition under which a juvenile's freedom of movement is controlled by members of DASO and, during such time, the juvenile:

- A. Is held in an unlocked, multi-purpose area that is in no way designed for residential use, such as a report writing room or an office;
- B. Is at no time handcuffed to any stationary object;
- C. Is held only long enough to complete identification, investigation and processing, then released to a responsible adult or transferred to a juvenile facility or court, and is under continuous visual supervision until released.

**Responsible Adult** – a person who, in absence of a juvenile's parents or legal guardian, is responsible for the physical custody of a juvenile, or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian, or next of kin can assume that responsibility.

**Secure Custody** – a condition in which a juvenile is physically detained or confined in a locked room, set of rooms, or cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody, or when the juvenile is physically secured to a cuffing rail or other stationary object.

**Status Offense** – An act or omission committed by a child that would not constitute a crime if committed by an adult (i.e., truancy, curfew violation, etc.)

**Sworn** – Those positions that in the performance of their duties carry a firearm, have arrest power, and have a badge.

**State Central Intake (SCI)** - Reporting agency for CYFD that documents telephonic reports to be sent to CYFD and Law Enforcement.

## **VI. PROCEDURE:**

### **A. JUVENILE OPERATIONS FUNCTION**

1. All DASO employees are responsible for participating with and supporting juvenile operations. This includes any juvenile investigations that may involve the following:
  - a. Protection of the public, including juveniles.
  - b. Investigation of crimes involving juvenile offenders and/or victims.
  - c. Using appropriate officer discretion in the adjudication of the incident.
  - d. Determining if the juvenile has been harmed or is in any type of danger.
  - e. Deterring future criminal acts by educating juveniles on the consequences of their actions.
2. Deputies shall issue Juvenile Class III citations or summons, if at all possible, rather than taking juveniles into custody, when feasible and depending on the circumstances of the incident.
3. All DASO employees are encouraged to be involved with the youth of their communities. This includes DASO sponsored events and programs such as Community Liaison, School Resource Deputy, youth academies and school seminars.
4. DASO encourages interaction with other agencies in the juvenile justice system in order to develop better policies and procedures as they relate to juveniles.

### **B. CUSTODY OF DELINQUENT CHILDREN, GENERALLY**

1. State statute provides specific and strict guidelines for DASO personnel when a child is placed in custody by an authorized person. The options are limited and time sensitive, and all personnel shall become familiar with the statutory requirements. The deputy's options are limited to the following:
  - a. Release the child to the child's parent or guardian or an adult authorized by the child's parent, guardian or custodian and issue verbal counsel or warning(s) as may be appropriate.
  - b. Release the child to the child's parent or guardian or an adult authorized by the child's parent, guardian, or custodian upon their written promise to bring the child before the proper court, when requested on a Juvenile Class III referral or citation.
  - c. Deliver the child to a place of detention after approval from the JPO.



- d. Deliver the child to a medical facility, if required or deemed necessary.
  - e. Deliver the child to an evaluation facility, if required or deemed necessary.
2. Certified personnel and supervisors are encouraged to exercise the utmost discretion in attempting to determine the appropriate action to be taken, including the factors of age, mental capacity, past history, and family support/structure.
  3. Permission must be obtained from a Juvenile Probation Officer before a juvenile may be incarcerated.
  4. When detention for a juvenile/child is required, the following guidelines shall be followed;
    - a. Status offenders shall not be placed in secure settings such as holding cells, locked rooms, or handcuffed to a stationary object and shall be kept in regular sight supervision. In this circumstance, the "Secure Juvenile Holding Log" shall not be filled out, as they are not in a secured setting. Adult detainees/arrestees may not be in the area of the juvenile.
    - b. In the event a juvenile is required to be handcuffed to a stationary object or is required to be placed in an adult holding area, such as being handcuffed to a bench in a holding cell, the "Secure Juvenile Holding Log" must be filled out. DASO deputies will ensure every block of the form is filled in and not left blank for the juvenile entry. DASO Staff shall collect the "Secure Juvenile Holding Log" from the Anthony and Las Cruces stations, and then submit the forms to the New Mexico Compliance Coordinator on a monthly basis. The log does not need to be filled out if the juvenile is handcuffed and placed in the back of a patrol unit. Juveniles will only be handcuffed to a stationary object when combative or a threat to themselves or others.
    - c. A child who has been arrested for a delinquent act may be held in an adult facility or lockup for no longer than six hours for processing purposes.
    - d. While in DASO custody, delinquent juveniles/children shall be secured, transported, interviewed, and/or interrogated separately from adult offenders. An adult detainee/arrestee may not be present around the juvenile in custody. The secure setting shall be a physical separation by sight and sound from adult offenders. Adults and juveniles may not be placed in separate but adjacent holding cells. Adults and juveniles in custody may not be held in the same area of a building. If there is no alternative to transporting a juvenile in the same vehicle as an adult, they shall be separated as soon as feasible.

- e. In the event a juvenile is detained and placed in a holding cell, and an adult is detainee/arrestee is inadvertently allowed into the booking area, an email must be sent to the Patrol Division Commander documenting that an adult detainee was allowed in the area where a juvenile detainee was being held.
- f. If a situation exists where deputies have multiple arrests/detentions of adults and juveniles, deputies will coordinate with their supervisors to ensure the juveniles are not present near the area where the adults are being secured.
- g. When a deputy is transporting any juvenile, the deputy will notify the Mesilla Valley Regional Dispatch Authority of the deputy's location, starting mileage, the deputy's destination, and the ending mileage upon arriving at the destination.
- h. The arresting deputy shall be responsible for notifying the parents or guardian of the juvenile that the juvenile is being detained.
  - (1) If the arresting deputy is unable to contact a parent/guardian at the time of arrest or Juvenile Class III citation, after all attempts have been exhausted, the deputy will document this circumstance in the offense/incident report. The deputy will follow-up with contacting the juvenile's parent/guardian as soon as possible.
  - (2) If the arresting deputy is unable to make contact with the parent/guardian, the juvenile may be released to another responsible adult who agrees to take custody of the juvenile. Prior to releasing the child to a non-parent or non-guardian, the deputy shall run an Interstate Identification Index (III) on the subject and contact CYFD utilizing the Statewide Central Intake (SCI) reporting system phone number. The responsible adult and their contact information should be listed on the offense/incident report.

*In all instances of a juvenile custodial arrest (as defined by current statute, constitutional law, case law, and DASO policy) the completion of an offense/incident report is mandatory. Nothing in this policy prohibits a supervisor from requiring an offense/incident report from a deputy handling any type of juvenile action or incident.*

### **C. CUSTODY OF DELINQUENT CHILDREN – FELONY CRIMES, VIOLENT CRIMES, AND D.W.I.**

- 1. DASO personnel taking children into custody for crime(s) amounting to a felony, a D.W.I., or a full misdemeanor violent crime (i.e. Domestic Battery), for which taking the child into custody is necessary to protect the public interest and safety, shall follow these procedures:

- a. DASO personnel shall notify the JPO of the custodial arrest. Other than arrest warrants and court orders, the authority to incarcerate a juvenile/child rests with a JPO.
- b. In the event a JPO is unavailable, DASO personnel shall contact the State Central Intake for CYFD.
- c. DASO personnel are encouraged to notify JPO of aggravating or mitigating circumstances when notifying the JPO of the custodial arrest.
- d. When a juvenile offender is ordered detained/incarcerated by the JPO for a felony, the arresting deputy shall notify the district attorney's office within 24 hours or the next business day.

The name of the accused and the offense charged, at a minimum, shall be provided to the district attorney's office within the time frame specified. Nothing in this policy supersedes established protocols for district attorney notification as long as the said protocol is in compliance with state statute.

- (2) The appropriate complaint and supporting documentation shall be forwarded or transmitted to the Juvenile Probation Office of the CYFD and the District Attorney's Office, 32A-2-13(A).1 within 48 hours of the arrest/incarceration.
- e. If the juvenile offender is ordered detained/incarcerated, the arresting officer shall make reasonable attempt(s) to notify the child's parent or guardian of the arrest, place of detention, and charge(s) pending.
  - (1) The deputy shall notify his/her supervisor of the parental notification, or lack thereof.
  - (2) The arresting deputy shall document in the offense/incident report the date/time of the parental notification, or in the alternative, the steps taken to attempt to notify the parent or guardian of the child.
- f. Arresting deputies are encouraged to gather information and be cognizant of the juvenile's family/support situation. If the deputy identifies a *family in need of services* or a *family in need of court ordered services*, as defined in the Children's Code, the arresting deputy will document the information in their offense/incident report or in the complaint, and forward the report or complaint to the JPO and/or notify CYFD Statewide Central Intake (SCI) for disposition.

## D. CUSTODY OF DELINQUENT CHILDREN – ALCOHOL CRIMES

1. The correlation between alcohol use/abuse, juvenile crime, and juvenile injury/death are well established in Doña Ana County. As such, DASO personnel shall take enforcement action on children found to be in violation of New Mexico liquor law(s) as follows:
  - a. Children in violation of liquor law(s) will be issued a Juvenile Class III citation and released to their parent or guardian or an adult authorized by the child's parent, guardian or custodian after the parent or guardian or an adult authorized by the child's parent, guardian or custodian signs a promise to bring the child before the proper court on the Juvenile Class III Citation.
    - (1) In this instance, if the arresting deputy is unable to make contact with the parent/guardian, the juvenile may be released to another responsible adult who agrees to take custody of the juvenile. Prior to releasing the child to a non-parent or non-guardian, the deputy shall run an Interstate Identification Index (III) on the subject and contact CYFD utilizing the Statewide Central Intake (SCI) reporting system phone number. The responsible adult and their contact information should be listed on the offense/incident report.
      - (2) The deputy shall forward the citation and necessary complaint/supporting documentation to the JPO for disposition.
  - b. Arresting deputies are encouraged to gather information and evidence, and be cognizant of source violations, i.e., where the alcohol came from. Any evidence gathered in reference to this sub-section should be forwarded to the Criminal Investigations Division of DASO for follow-up investigation.
  - c. Arresting deputies are encouraged to gather information and be cognizant of the juvenile's family/support situation. If the deputy identifies a *family in need of services* or a *family in need of court ordered services*, as defined in the Children's Code, the arresting deputy will document the information in an offense/incident report or in the complaint, and forward the report or complaint to the JPO and notify the CYFD Statewide Central Intake for disposition.
  - d. Nothing in this Section prohibits the incarceration of an alcohol offense juvenile upon the approval of the JPO, and in accordance with the Children's Code and state statute.

## **E. CUSTODY OF DELINQUENT CHILDREN – NON-VIOLENT MISDEMEANORS AND PETTY MISDEMEANORS**

1. Deputies are encouraged to weigh the seriousness of the offense, aggravating and/or mitigating circumstances, past history, age, mental capacity, education, and social/economic situation in determining enforcement action.
2. Deputies are encouraged to collaborate with and seek the counsel of a supervisor in determining the appropriate enforcement action for non-violent misdemeanors and petty misdemeanors. The arresting/enforcing deputy may:
  - (1) Release the child to a parent or guardian or an adult authorized by the child's parent, guardian, or custodian and provide counsel, warning, and/or referral to appropriate social services, as deemed necessary and appropriate. In these instances, deputies shall document the incident in an offense/incident report.
  - (2) Release the child to a parent or guardian, or an adult authorized by the child's parent, guardian, or custodian, after the parent or guardian or an adult authorized by the child's parent, guardian, or custodian signs a promise to bring the child before the proper court. In these instances, a Juvenile Class III Citation accompanied by the required documentation/report, will be forwarded to the Juvenile Probation Office for disposition.
  - (3) If the deputy is unable to make contact with the parent/guardian, the juvenile may be released to another responsible adult who agrees to take custody of the juvenile. Prior to releasing the child to a non-parent or non-guardian, the deputy shall run an Interstate Identification Index (III) on the subject and contact CYFD utilizing the Statewide Central Intake (SCI) reporting system phone number. The responsible adult and their contact information should be listed on the offense/incident report.
  - (4) Incarcerate the child upon approval/authorization from the JPO.
3. Nothing in this Section prohibits the incarceration of a non-violent misdemeanor or petty misdemeanor juvenile upon the approval of the JPO.

## **F. CUSTODY OF CHILDREN – MOTOR VEHICLE CODE**

1. Violations of the New Mexico Motor Vehicle Code traffic violations that meet the criteria of a Penalty Assessment Misdemeanor committed by children shall be referred to the magistrate court of statutory authority. The juvenile will be charged with the violation on a Uniform Traffic Citation, but the penalty assessment option shall not be offered to children by DASO. Once the juvenile indicates that they understand the court summons, the deputy shall ask the juvenile to sign the citation in the designated area. The deputy shall provide the juvenile with the following information.
  - a. The violation they are charged with.
  - b. The court they are to appear in.
  - c. Court appearance date or time frame to appear.
  - d. How to contact the respective court clerk's office.
  - e. Requirement for legal guardian to appear in court with them.
2. Violations that mandate a court appearance and do not have a penalty assessment option will be handled in the same manner for juveniles as adults.
3. The citing deputy does not have to notify the juvenile's parent and/or guardian of any juvenile cited for any minor traffic offense.
4. For any traffic offense where a juvenile driver would be arrested, the uniform traffic citation shall be generated as well as a juvenile Class III citation to accompany and cited into District Court.
5. Felony and D.W.I. Motor Vehicle Code/Motor Carrier violations shall be handled in accordance with Section 6.3 of this policy.

## **G. CUSTODY OF CHILDREN – STATUS OFFENSE(S)**

1. DASO personnel encountering a child in violation of a status offense (runaway, incorrigible child, etc.) should handle the violation consistent with section B of this policy while weighing the factors of age, past history, probation/parole status, mental capacity, education, social/economic situation, etc.
2. Nothing in this Section prohibits the incarceration of a status offense juvenile upon the approval of the JPO.

## **H. CUSTODY OF CHILDREN – PROTECTIVE CUSTODY**

1. DASO personnel shall take a child into protective custody when:
  - a. There are reasonable grounds to believe that the child has run away from the child's parents, guardian, or other custodian.
  - b. When there are reasonable grounds to believe child is without parental supervision AND the child is suffering from illness or injury; whereas the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
  - c. When there are reasonable grounds to believe the child has been abandoned.
  - d. When there are reasonable grounds to believe that the child is in immediate danger from the child's surroundings, and removal from the surroundings is necessary to prevent immediate or threatened physical or emotional harm to the child.
  - e. When there are reasonable grounds to believe the conduct, conditions, or surrounding of the child are endangering the health, welfare, and safety of the child.
2. If a deputy takes a child into protective custody, the deputy shall, in accordance with state statute:
  - a. Inform the child of the reason(s) for the protective custody, AND
  - b. Immediately contact CYFD Protective Services.
  - c. Notify the parent, guardian, or custodian of the child taken into protective custody.
3. If at all possible, the deputy taking the child into protective custody shall arrange for the transport of the child in a non-police vehicle.
4. Any child taken into protective custody by DASO personnel shall not be transported in the same vehicle that contains an adult placed under arrest, unless circumstances surrounding the child's safety, welfare, or health determine otherwise. If circumstances warrant the transport of a protective custody child in the same vehicle as an adult arrestee, the circumstances shall be documented in the deputy's offense/incident report.
5. No child taken into protective custody by DASO personnel shall be placed in a jail or other detention facility.

## **I. CUSTODY OF CHILDREN – ABUSE AND NEGLECT**

1. A certified DASO employee may take a child into custody under the provisions of the Children's Code with respect to a report of abuse and/or neglect. In accordance with the Children's Code, the deputy shall with all reasonable speed:
  - a. Take the child into custody when there are reasonable grounds to believe that a parent, guardian, custodian, or other household member has abused or neglected another child in the same household, and the child is in danger of immediate or threatened physical or emotional harm.
  - b. Release the child to the child's parent or guardian, and issue verbal counsel or warning as deemed appropriate, after consulting with CID and CYFD.
  - c. Deliver the child to the CYFD Protective Services, a shelter-care facility, or medical facility.
    - (1) If the child is delivered to a shelter-care or health care facility, the deputy shall notify the CYFD Protective Services immediately.
    - (2) Every certified DASO employee has a duty and obligation to report to the CYFD, any instance of abuse, neglect, abandonment, or other exposure to danger/harm, as defined in the Children's Code.
    - (3) Any certified DASO employee, who receives a report of abuse or neglect, as defined in state statute, shall immediately, by telephone, transmit the facts of the report to the CYFD.
      - (a) The basic facts of the report, in writing, shall be transmitted to CYFD within 48 hours.
      - (b) Any certified DASO employee who receives a report of abuse or neglect shall ensure that immediate steps are taken to ensure prompt investigation of the report. Reports of criminal sexual penetration, abuse resulting in injury, exploitation, or child pornography shall immediately be referred to the Criminal Investigations Division for investigation.

## **J. CUSTODY OF CHILDREN – INTERSTATE COMPACT**

1. DASO personnel may take children into custody from other states of the United States in compliance with the Children's Code.
2. Out-of-state runaways may only be detained with authorization of the Juvenile Probation Office (JPO).



- a. In cases of a fugitive from justice, the District Attorney and Juvenile Probation having jurisdiction over the case will be notified.
- b. Deputies shall immediately contact the Juvenile Probation Officer on-call to obtain permission to detain a juvenile out-of-state runaway, if the juvenile is not under arrest. An official notification, via N.C.I.C. that the juvenile is, in fact, a runaway must be received, or the deputy must verify the fact personally.


## **K. INTERROGATIONS**

1. Deputies shall advise juvenile offenders of their constitutional rights and shall provide the Miranda warning prior to custodial interrogation. Deputies will document in the offense/incident report that the Miranda warning was given in the event a juvenile offender is interrogated.
2. Deputies will contact the parent or guardian of the juvenile, prior to questioning, when the juvenile in custody is 13 years of age or younger.
3. Deputies are not required to contact the parents or guardian of the juvenile prior to questioning, when the juvenile in custody is 14-17 years of age, unless the juvenile requests it.
4. For further guidance when questioning juveniles, visit policy 100-027 (Compliance with Constitutional Requirements).

## **VII. ATTACHMENTS:**

- A. New Mexico Secure Holding Log

## **VIII. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

**New Mexico Children, Youth and Families Department  
Juvenile Justice and Delinquency Prevention Act  
Secure Juvenile Holding Log**

Agency Name and Location: \_\_\_\_\_ Dates This Log Covers: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Instructions: (Please print clearly and record in military time)**

- Status offenders shall not be placed in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object. A status offense is a runaway, incorrigible child, curfew violator, or habitual truant.
- Delinquents may only be held for up to six (6) hours for processing purposes. Sight and sound separated from adult offenders.
- Record juveniles who are held in a secure setting using the log below.
- New Mexico Secure Juvenile Holding Log shall be submitted **monthly** to the New Mexico Compliance Coordinator. In accordance with New Mexico § 32A-2-4.1.

Name	Age	Race	Gender	Most Serious Charge (No status offenses) <i>Please write out charge</i>	Case #	Secure Setting Information				Officer	Released To
						Date In	Time In	Date Out	Time Out		

Email or Fax completed form to Samantha Lucas, Compliance Coordinator  
 Email: [Samantha.lucas@state.nm.us](mailto:Samantha.lucas@state.nm.us) Fax: (505) 841-6601  
 Questions? Call (505) 490-1067

Electronic forms can be found at: <https://cyfd.org/jjs-special-programs/state-and-federal-compliance/compliance-monitoring>



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-029	
<b>CALEA STANDARD:</b> 41.2.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Missing Person (Adults)

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide responsibilities and guidelines for the Doña Ana County Sheriff's Office's (DASO) response to reports of missing persons, pursuant to the "Missing Persons Information and Reporting Act". [29-15-1 to 29-15-12 NMSA 1978].

#### II. POLICY

It is the policy of DASO that missing person reports shall be taken without delay or exception and appropriately investigated in accordance with New Mexico state statute.

#### III. DEFINITIONS

**Alert System:** – The notice to law enforcement agencies, the news media, and the public alerting them to a missing person who meets a certain criteria within the New Mexico state statute. (Reference New Mexico state statute for guidelines).

**Amber Alert** – The alert that broadcasts notice about the abduction of a child and provides appropriate information to assist in the location and recovery of the child, who is in danger of serious bodily harm or death.

**Silver Alert** –The alert that broadcasts notice of missing person who is fifty years or older, and about whom there is a clear indication that the individual has an irreversible deterioration of intellectual faculties, such as suffering from dementia or other cognitive impairment.

**Britney Alert** –The alert that broadcasts notice of a missing person who likely has a developmental disability, as defined in Subsection A of Section 28-16A-6 NMSA 1978, and that the person's health or safety is at risk.

## **IV. PROCEDURE**

There is no waiting period for reporting a missing person. Missing person reports may be taken in-person, by telephone, electronic media, or by any other indirect method of communication. DASO shall immediately start an appropriate investigation to determine the present location of the missing person and to determine whether the missing person is an endangered person.

If the person resides in a different jurisdiction, the investigation includes communicating with the proper agency and involving them in the investigation. Requirements for entry into NCIC remain the same and Detectives will liaise with the agency in the different jurisdiction.

Reports of missing children should be handled in accordance with the department's Missing Children Policy

### **A. Missing Person/Classification:**

A missing person is a person whose whereabouts are unknown to the person's custodian, spouse, nearest relative, or close personal friend, and the circumstances indicate that:

1. The person did not leave voluntarily,
2. The person left voluntarily without the custodian's consent and without intent to return,
3. The person became unaccounted for during a natural disaster or mass casualty incident, and/or
4. The person is unaccounted for, and the circumstances do not match their normal behavior patterns or routines.

### **B. Endangered Person Definition/Classification:**

An endangered person is a missing person who:

1. Is in imminent danger of causing harm to themselves, or
2. Is in imminent danger of causing harm to another, or
3. Is in imminent danger of being harmed by another or who has been harmed by another, or
4. Has Alzheimer's disease, dementia, autism, Down syndrome, other brain disorder or brain injury, or mental health disorder that may threaten, or greatly reduce their ability to make sound reasonable decisions and/or may diminish their ability to survive without assistance,

5. Foul play is suspected based on reasonable suspicion,
6. Due to age, either very young or elderly, the person is unable to properly care for him or herself,
7. The person is a patient in a secure treatment or medical facility or institution, or,
8. The person has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A 3.1,
9. The person is or was protected by an order of protection pursuant to the Family Violence Protection Act in Chapter 40, Article 13, or
10. The person may have been boating or last seen near a body of water immediately prior to the report.

**C. Initial Responding Deputy Responsibilities/Investigation:**

1. The initial responding deputy must gather as much pertinent information as is reasonably possible in order to properly classify a missing person and initiate a proper response, to include:
  - a. Full name and sex of the individual
  - b. Ethnicity
  - c. Age and date of birth
  - d. Height and weight
  - e. Hair and eye color
  - f. Scars, marks, or tattoos
  - g. Clothing description, to include jewelry or other items
  - h. Vehicle description
  - i. Possession of electronic devices (cell phones, laptops, etc.)
  - j. Current photograph
  - k. Relationship of the reporting party to the missing person, and the extent of any search for the person
  - l. Time and place of last known location, and the identity of anyone accompanying the subject
  - m. Determine if the person has been missing on prior occasions

- n. Any involvement in recent domestic incidents and obtain the identity of domestic partners
  - o. Any history of having suffered emotional trauma, a life changing event, or has demonstrated unusual, uncharacteristic or bizarre behavior
  - p. History of drug or alcohol abuse
  - q. The current physical condition of the subject and whether the person is currently on prescription medication
  - r. Determine if the person suffers from Alzheimer's disease, autism, Down syndrome or other degenerative brain disorder/injury, mental illness, or medical condition. If they do, follow-up questions include:
    - 1) Is the person verbal or nonverbal, and will they be able to respond to searchers?
    - 2) Are they sensitive to sound? (If so, yelling their name or utilizing search dogs or helicopters may drive them farther away.)
    - 3) How will the person react to searchers? Will they hide or run?
    - 4) Does he or she need life sustaining medication?
    - 5) Are they attracted to specific things or areas? (Due to the potential for drowning, officers should immediately search nearby bodies of water and attempt to contain the person in a specific area.)
2. The responding deputy should also initiate the following actions:
- a. Investigate the location at which the missing person was last seen even if the premises have been previously searched by family members or others
  - b. Conduct interviews to determine if the person may be at risk of injury or death, if the flight was voluntary, or if foul play is suspected
  - c. Contact area hospitals and detention centers
3. Upon verification of a missing person and gathering of the above information the initial reporting deputy shall:
- a. Issue an *Attempt to Locate* broadcast to all surrounding law enforcement agencies;
  - b. Notify the shift supervisor and on-call detective, and forward a copy of your narrative to the missing persons detective;
  - c. Make appropriate entries into the National Crime Information Center (NCIC) and New Mexico Crime Information Center (NMCIC) within two (2) hours of

receiving the report;

- d. Forward a completed NMDPS Missing Persons Clearing House Report Form, a current photograph, and any justification for an endangered classification to the New Mexico Department of Public Safety (DPS) Missing Persons Information Clearinghouse, no later than two (2) hours after receiving the information. The NMDPS will then make an independent determination to activate an *Endangered Person Advisory*;
  - e. Provide all pertinent information to the DASO PIO for dissemination to media.
4. Information, not immediately available during the initial report, shall be obtained as soon as possible and, no later than two (2) hours after receipt of the information, entered into the Missing Persons Information Clearinghouse and the NCIC file, as a supplement to the original entry.
  5. Any deputy who receives additional information, not available during the initial report, shall complete a supplemental report and notify the on-call detective of the information, including the return or possible location of the missing person.

#### **D. Detective Responsibilities/Investigation**

Detectives conducting continuing investigations of missing persons should include, but not be limited to, the following actions and activities:

1. Contact and re-interview the reporting party twenty-four hours following the initial report;
2. Identify the dentist or physician for the missing person, and provide the completed NMDPS Dental Records Release Form to them. The dental records will then be forwarded to the Missing Persons Information Clearinghouse;
3. Obtain available fingerprints and any other applicable records that would aid in the search of the missing person;
4. Re-contact area hospitals and detention centers;
5. Contact the Missing Persons Information Clearinghouse and/or the Office of the Medical Investigator (OMI) for reports of unidentified human remains matching the description of the missing person;
6. Submit duplicate copies of fingerprint cards, dental records, and family reference samples (DNA) to NamUs (National Missing and Unidentified Persons System, a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States);
7. If stranger-to-stranger abduction is suspected, notify the FBI resident agency;

8. Maintain contact with the missing person's closest relative concerning progress of the investigation;
9. Additional information, gathered by the detective, that was not part of the original report, will be forwarded to the Missing Persons Information Clearinghouse and be entered into the NCIC file, as a supplement to the original entry.

#### **E. Recovery of Missing Persons and Case Closure:**

1. Missing or endangered persons shall not be removed from NCIC until their identity is verified in person by a law enforcement officer.
2. Competent adults, having left home for personal reasons, cannot be forced to return home. Deputies or detectives locating such individuals shall:
  - a. Advise them that they are the subject of a missing person investigation;
  - b. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts;
  - c. Provide this information to the reporting party or next-of-kin, if permitted to do so by the missing person
3. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
4. If possible, officers should try to establish the circumstances surrounding the person's disappearance and whether criminal activity was involved.
5. Upon location of a missing person, all agencies and information systems, previously contacted for assistance, will be notified or updated.
6. The missing person shall be removed from NCIC/NMCIC prior to the end of shift.
7. A supplemental report documenting the above information will be completed and the case status will be changed to *cleared*.
8. Deputies who are dispatched to located missing persons shall notify the on-call detective.

#### **F. Unidentified Human Remains**

1. Upon receiving a report of unidentified human remains, deputies shall notify their shift supervisor and on-call detective.
2. If remains are not immediately identifiable as human, detectives should



consider utilizing other resources such as anthropologists (available by contacting OMI) or medical professionals.

3. All New Mexico law enforcement agencies are required to enter information about all unidentified human remains, that are found in their jurisdiction, into the Missing Persons Information Clearinghouse and the National Crime Information Center unidentified person file. This information should include all available identifying features of the human remains, and a description of the clothing found on the human remains.

## V. APPROVAL



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-030	
<b>CALEA STANDARD:</b> 41.2.6	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Missing Children

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide responsibilities and guidelines for the department's response to reports of missing, abducted, runaway, and abandoned children.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to expeditiously respond to, and thoroughly investigate, all reports of missing, abducted, runaway, and abandoned children. A child who is missing under unusual circumstances shall be considered at risk until enough information to the contrary is confirmed.

#### III. DEFINITIONS

**Missing Child:** A person, who is seventeen years of age or younger, whose whereabouts are unknown to the child's parents, guardian or responsible party, and who is missing under circumstances that are uncustomary for the child or that would cause reasonable concern.

**Abandoned Child:** A person, who is seventeen years of age or younger, whose primary caretaker has deserted the child without any regard to the child's health, physical safety, or welfare, or whose primary caretaker has failed to provide necessary care for a child living in their household.

**Runaway:** A person, who is seventeen years of age or younger, whose whereabouts are unknown to the person's primary caretaker, and the circumstance of the person's absence indicate that the person voluntarily left the care and control of the primary caretaker with the primary caretaker's consent, without the intention to return.

**Unusual Circumstances:** For purposes of this policy, the term unusual circumstances

refer to a missing child who is seventeen years of age or younger, and whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk. Those circumstances may include the child being:

- a. Out of the zone of safety for his or her age and/or developmental stage;
- b. Mentally incapacitated (e.g., developmentally disabled or emotionally disturbed);
- c. Medically dependent (e.g., insulin dependent);
- d. Drug use or involvement;
- e. A potential victim of foul play or sexual exploitation;
- f. In a life-threatening situation;
- g. Reported to the police as missing, after a delay on the part of the parents, guardians, or other responsible person;
- h. Believed to be with adults or older juveniles who could endanger the child's welfare; and/or;
- i. Absent under circumstances inconsistent with established patterns of behavior.

**Zone of Safety:** The distance a child could travel from the location where last seen, before the child would most likely be at risk of injury or exploitation, based on the child's age, developmental stage, and/or related matters.

**Critical Missing Person:** A critical missing person can be defined by numerous factors, including any of the following:

- a. All juveniles thirteen years of age and younger, regardless of the circumstances
- b. Any missing person who has mental health, intellectual, or behavioral disabilities
- c. Any missing person who is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life threatening
- d. A patient from a hospital who presents an imminent danger to him/herself or others
- e. Any missing person believed to be in a life-threatening situation
- f. Any missing person believed to be in the presence of someone who could endanger the missing person's welfare

- g. Any instance where there is a real or suspected danger of foul play
- h. Other unusual circumstances where the on-duty supervisor concludes that the person should be considered critically missing or "at-risk"

## **IV. PROCEDURE**

### **A. Responsibilities of the First Responder**

The deputy assigned as a first responder for a call concerning a missing child or runaway should prioritize and perform, as appropriate, the following tasks:

1. Unless acting in direct response to the child's safety, respond directly and promptly to the individual who made the initial report;
2. Irrespective of any search that may have been conducted previously by parents or others, verify that the child is missing by conducting a consensual search of the house and grounds to include places where the child could be hiding, trapped or asleep;
3. Conduct interviews with the parent(s) or other person who made the initial report in order to gain insight into the circumstances surrounding the disappearance, and gather other information needed to conduct an initial assessment of the case;
4. Obtain a detailed description of the missing child, along with recent photographs and/or videotapes of the child, when possible;
5. Confirm the child's custody status, whether a custody dispute or similar problem exists between the parents, whether a restraining order is in effect, or if the child has expressed an interest in living with the non-custodial parent;
6. Determine when, where, and by whom the child was last seen; interview those who last saw the child, and treat the location as a crime scene;
7. Secure and safeguard the incident scene as a potential crime scene. When possible, take photographs and/or videotape of the incident scene, and ensure that personnel do not tamper with potential evidence;
8. Identify any areas of the incident scene or the home that have been disrupted since the child's disappearance. In particular, the child's bedroom, bed clothing, and related areas and items should be secured and protected until evidence and identification material, such as hair, fingerprints, or bite marks, can be collected. Also determine the child's accessibility to computers and/or the internet, and ensure appropriate personnel examine any computers accessed by the child prior to disappearance;
9. Identify the zone of safety for the child's age and developmental stage;

10. Based on available information, make an initial determination of the type of case, the need for additional resources, and whether the incident should be initially classified as unusual as defined in this policy. When a child is missing under unusual circumstances, a supervisor will be notified;
11. If the child was abducted, obtain a description of the abductors, if available, the mode of travel, vehicle description, and related information, and transmit to the communications center. If the abductor is a family member, obtain photographs of the suspect, when possible;
12. In the event of a child abduction, determine the appropriateness of issuing an Amber Alert (see Amber Alert policy);
13. Determine the correct NCIC Missing Person File category (disability, endangered, involuntary, juvenile, or catastrophe) and request that the communications center or other authorized personnel promptly enter this into the NCIC file. Family abductions are normally entered as involuntary, and non-family abductions are entered as endangered;
14. Fully identify and separately interview anyone at the scene of the disappearance;
15. A thorough home search should be conducted, even if the child's disappearance occurred elsewhere. Obtain written or audio taped permission to conduct the search, and, with the assistance of additional personnel, search the residence, any out-buildings, and other structures, vehicles, and related property;
16. Prepare a chronological account of actions taken and information obtained from point of contact to relief.

The deputy assigned as a first responder for a call concerning a found/abandoned child should perform the following tasks:

1. Attempt to obtain as much information from the child about the child's home address, school, and primary caretaker information;
2. Attempt to identify and contact the child's primary caretaker;
3. Determine if the primary caretaker is capable of caring for the child.
4. If the deputy is unable to identify or contact the primary caretaker, or it is determined that the primary caretaker is unable to properly care for the child, the deputy will then attempt to identify and contact another adult family member of the child who is capable and willing to care for the child. Prior to releasing the child to anyone other than the primary caretaker, the deputy shall contact Children, Youth, and Families Division's Statewide Central Intake (SCI) and complete a background check on that person. If there are any previous child, domestic violence, or sexual related crimes, that person will be disqualified as a potential caretaker for the child.

5. If the deputy is unable to locate any person willing and able to care for the child, the deputy will contact Childhaven, in order to place the child. The deputy will notify the on duty supervisor and inform them of the situation and its resolution.
6. In all cases of an abandoned child, the deputy will file a report with CYFD through SCI.

### **B. Responsibilities of the Supervisor:**

When a child is missing under unusual circumstances, a supervisor will ensure that the following measures are taken:

1. Obtain a briefing from the first responder and other agency personnel at the scene that provides sufficient information to determine the scope and complexity of the case, and develop an appropriate response. Conduct the briefing away from family, friends, and other involved individuals;
2. Ensure that first responder responsibilities, as outlined in this policy, have been fully and properly carried out;
3. Determine if additional personnel and resources are needed to assist in the investigation, to include activation of inter-agency response protocols;
4. If necessary, establish a command post (away from the child's residence) to assist in field management of the search and investigation;
5. Appoint a search operations coordinator to organize any search efforts. Determine whether tracking dogs are available, and if they are appropriate for use under the immediate circumstances;
6. Appoint a media liaison, if one is not yet on hand, to deal with media inquiries and, if deemed appropriate, solicit media assistance in locating the missing child;
7. Ensure that all required notifications have been made, to include, when appropriate, deputies and investigative units of the department, other law enforcement agencies, and available community resources;
8. Establish a liaison person with the child's family who can explain police efforts and work with the family to uncover any information useful to the investigation;
9. Assess the need for additional services and, when deemed appropriate, contact the National Center for Missing and Exploited Children (1-800-843-5678) to determine what services, if any, can be provided.

### **C. Responsibilities of the Detective:**

When a case involves unusual circumstances, as defined in this policy, the assigned detective shall ensure that the following measures are taken:

1. Obtain a briefing from DASO personnel already familiar with the incident;
2. Verify the accuracy of all descriptive information concerning the child, being alert to facts or statements that may conflict with those obtained by the first responder or supervisor;
3. Canvas the neighborhood as soon as possible to identify and interview residents and others within the abduction zone. Identify all vehicles parked within the neighborhood;
4. Obtain a general history of recent family dynamics from family members, neighbors, classmates, teachers, school counselors, or any other persons who may have had close personal interaction with the child and/or family;
5. Conduct in-depth fact-finding interviews with all witnesses and relevant friends, relatives, teachers, classmates, etc. of the missing child, who knew and/or routinely interacted with the child, placing emphasis on identifying any conflicting information offered by these or other individuals;
6. Review any pertinent records generated about the family or child from the police agency, social services agencies, schools, and related organizations or agencies;
7. Reassess the need for additional resources and specialized services, to include search and rescue operations, the New Mexico State Missing Children's Clearinghouse, and federal agencies such as the FBI and the National Center for Missing and Exploited Children;
8. If the case is not resolved promptly, update descriptive records and those in state and federal missing persons databases, to include dental characteristics, scars, marks and tattoos, fingerprints, and additional articles of clothing, jewelry, or possessions not previously itemized;
9. Monitor media relations to include a review of all agency releases to the media to ensure that information is not released that will compromise the investigation;
10. Provide the child's family with whatever support is possible and appropriate (i.e., referral to the National Center for Missing and Exploited Children for a copy of the Family Survival Guide prepared by the Office of Juvenile Justice and Delinquency Prevention.)

#### **D. Unidentified Children:**

A deputy who is assigned to the report of an unidentified person who appears to be a child, whether living or deceased, is responsible for completion of the following tasks, among other responsibilities:

1. Obtain a complete description of the individual;

2. Enter the child's description into the NCIC Unidentified Person File;
3. Utilize available resources to identify the child, to include:
  - a. The National Center for Missing and Exploited Children;
  - b. State missing and exploited children clearinghouses; and
  - c. State medical examiner's offices and organizations.
4. Once identification has been made, cancel all notifications.

#### **E. Recovery and/or Case Closure:**

Missing Children shall not be removed from NCIC until their identity is verified in person by law enforcement. A deputy assigned to the recovery or return of a missing child shall complete the following tasks, among other responsibilities:

1. Verify the identity of the returned child as the missing child, while assessing the child's safety and gathering available information about possible predators;
2. During the verification process, determine whether intervention services are needed to ensure that the child can safely remain in the home and ensure that arrangements are made for delivery of these services. These include, but are not limited to, mental health and/or physical health examinations and arrangements for family counseling;
3. Complete appropriate supplemental reports and cancel all outstanding notifications, to include any NCIC Missing Person File entry and the state clearinghouse. Supplemental reports should describe the child's activities while missing, and the circumstances of the recovery/return.

#### **F. Critical Missing Person/Command Post Operations**

The supervisor will:

1. Determine if additional deputies should be dispatched to the scene in order to conduct a physical search.
2. Determine if other personnel, special equipment, or other agencies are needed for assistance in conducting the search.
3. Until relieved, be responsible for the search operation and the coordination of all personnel and agencies involved.
4. If the person is located during the search, the locating deputy will transport the individual to the missing person's home, to a medical facility, or to the Sheriff's Office, depending upon the circumstances surrounding the situation. If medical attention is necessary, Emergency Medical Personnel should be notified, and



the person may be transported to a medical facility.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 1/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-031	
<b>CALEA STANDARD:</b> 46.1.8, 46.2.2, 46.2.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Special Response Team Selection/Equipment

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the selection and equipment of the Special Response Team (SRT).

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide a tactical response to high-risk incidents which require special equipment and/or training.

#### III. PROCEDURE:

The purpose of this section is to guide the selection process for the initial and ongoing SRT membership. In order for the SRT to operate, the elements within the team must be staffed with qualified deputies. Deputies must apply and tryout in order to be selected. Membership on SRT is on a volunteer basis.

##### Initial Membership

1. Qualifications:
  - a. When the SRT position(s) are posted, applications may be accepted depending on the content of the application and requirements listed therein.
2. Posting requirements: (County and DASO requirements will be followed)
  - a. List of current vacancies
  - b. Posting emailed along with the DASO SRT Application to the Law Enforcement group

- c. Dates from opening to closing
3. Try out requirements:
- a. SRT posting will contain the following requirements for try outs
  - b. Must be off of probation
  - c. Cannot be on a performance improvement plan
  - d. Completed ICS 100, 200, 700 courses prior to submitting letter of interest
  - e. Must have recently scored a 90% or better on DPS qualification
  - f. Submit Letter of Interest & completed DASO SRT Application before the closing date
  - g. 70% or better on oral board & timed PT assessments
  - h. Additional limited PSD Background Investigations
  - i. Entry Try Out - Weighted obstacle course within 7:30 minutes
  - j. Sniper (LRO) Try Out - Weighted road march w/ AR-15 1hr 25min, low crawl 15min & sprint 20sec
  - k. Firearms qualifications: SRT Rifle Day/Low-light and SRT Shield/Long Rifle/DPS 90% or better
4. Candidates must possess and be willing to complete the following if accepted:
- a. Must attend at least 75% of collateral training days in the two six-month period
  - b. Must participate in training activities
  - c. Probationary Period of at least one year and attendance of required SWAT Schools
  - d. Both positions require physical assessments for their team element twice annually within the specified times
  - e. Must attend a Heavy Emergency Vehicle Driver's Certification course
  - f. Support SRT at training and calls: vehicles and equipment
  - g. Excellent teamwork skills
  - h. "On-call" status required (for qualifying classified deputies)

## 5. PT/Oral Board & Overall Scoring:

- a. If the application is fully completed, and all requirements and deadlines are met, the candidates will be notified about the location and time for the oral board.
- b. The board is comprised of one SRT Team Leader and two non SRT supervisors. If the panel needs additional days, an alternate board member may be used, but only on a different day.
- c. Oral Board Interviews and/or assessment process plans must be pre-approved by the team commander. The forms that are currently used by the Office shall be used. (Also refer to Forms and Records Section).
- d. A file folder that contains the application will be created for each candidate. The folder will be provided to the Board and the testing instrument will be included at the conclusion of the testing.
- e. The candidate must obtain a score of 70% or better to pass
- f. A document listing the last four of the candidates' Social Security Number will be listed in ranking order according to scores. See Forms Section

## 6. Background Check

- a. Eligibility for Rejoining SRT for examples that could disqualify any candidate.**
- b. PA team supervisor will meet with the Professional Standards Division to check Guardian Use of Force investigations and scanned-in pre-employment background investigations.
- c. Previous agencies - If the candidate previously worked for any law enforcement agencies and a need arises, a supervisor that has working knowledge of the candidate should be contacted. Otherwise, our PSD already has pre-employment background investigation documents scanned into the deputy's file.
- d. Previous tactical teams - If the candidate was part of any other tactical team, a supervisor from those teams should be contacted and should ascertain any use of force issues, teamwork, tactical decision-making issues, care of equipment, etc.
- e. Release authorization - If the agency representative indicates that the team should not consider the candidate, then an option would be to use the release authorization from the candidate so more information can be gathered before making a determination.
- f. A follow up interview with the candidate by a team supervisor may be

considered.

7. Administrative approval:

- a. The team commander must approve each candidate being referred to the Sheriff for approval.
- b. The document will be provided to the Sheriff for final approval of the deputy to be offered a probationary position on the team.

8. Initial Orientation:

- a. Once offered a probationary position, the new probationary SRT members need to go through an orientation. This should likely occur during their first training day prior to the Basic SWAT School when their initial equipment is issued. See Equipment Management Section for what is issued during this process.

9. Forms to be issued at this time and will be signed for by members, then copies placed in their working binders and for their SRT personnel folder.

- a. Care and Maintenance and Equipment Issuance Form
- b. SRT Evaluation
- c. SRT Inspection
- d. SRT Policy Manual (referenced in SRT folder)

10. Discussion:

- a. Team composition and history and how important it is to maintain family life and primary position duties; how they can help the team by being a productive member at training and operations as a Support Element Probationary Member; how they will become successful in completing the probationary period and how they can try out for the other elements.

### **Selection of Leadership**

1. Commander/ Assistant Commander:

- a. One SRT member, who has Operator experience, shall be designated the SRT Commander. The Assistant Commander will be selected by the SRT Commander. Selection is based on a system similar to the promotion process within the Office and is the responsibility of the current commander.

2. Minimum Qualifications and Experience:

- a. Element Team Leader combined with ATL for two years,

- b. If minimum is not represented, it can be reduced to one year of Element TL, then next to ATL for one year. Operator is final minimum, if there is no other interest.
- c. Memorandum of Interest with Resume (optional),
- d. Supervisor recommendation: Mandatory, with indication on Memo or attached
  - i. Each level of Office rank is worth one point

3. Written Exam:

- a. Must pass with 75%, in order to move on
- b. Created by current Commander, based on DASO Basic and Advanced Schools, NTOA Leadership courses, and SRT Standard Operation manual.

4. Oral Board or Assessment Center

- a. Must pass with 75%, in order to move on
- b. Created by current Commander, based on DASO Basic and Advanced Schools, NTOA Leadership courses, and SRT Standard Operation manual.

5. Standards:

- a. Cannot be on a Performance Improvement Plan.
- b. File Review
  - i. County file: Evaluations, Commendations, Negative Discipline
  - ii. SRT file: Evaluations, Commendations, Negative Discipline
- c. Professional Standards Division: See Selection and Separation Sections for disqualifiers
- d. Anybody involuntarily demoted or suspended, on team or office, within the last 12 months is ineligible to apply
- e. Administrative approval (Assistant Commander and Commander only). The Sheriff shall approve of the process and has the final decision of who the top candidate is.
- f. If the Assistant Commander position is not already filled, the next candidate shall fill that position.

6. Scoring

Weighted Score Value	Points
Written Exam	30%
Oral or Assessment	70%
Office Rank, per level	1
Files Review = up to	3
Entry or LRO Operator	1
Full continuous TL yrs	.50
Full continuous SRT yrs	.25

7. Team Leaders are selected from ATLs in respective elements with memo of interest.

- a. Selection of Assistant Team leaders is done as described in the Commander Selection above and is preferred that the TL is already an Operator. Assistant Team leaders attend a SWAT Leadership course within one year of filling the position. Minimum score for exams = 70%.

8. Equipment:

- a. SRT members are issued and maintain special equipment that is needed to provide tactical personnel with proper protection and to facilitate successful resolution of tactical operations. The equipment may be issued to personnel for storage at home, in agency vehicles or in some other accessible location. Such equipment may include special uniforms, body armor, communications equipment and weapons. Refer to the SRT SOP manual for specific weapons and maintenance of issued equipment.

9. SRT is responsible for:

- a. Serial numbers of issued equipment of tracked items. Each member is instructed on proper use and maintenance of issued equipment.
- b. Track all equipment issued to members and vehicles (by using Skills Manager) and additional tracking sheets.
- c. Maintain all SRT equipment.

- d. Prepare inventory list of replacement of outdated / inoperative equipment.
- e. Coordinate price quote, purchase order requisition, and ordering of replacement equipment and firearms.
- f. Coordinate receipt of new order equipment, inventory, and disposal of old equipment and firearms.

10. Equipment Inspection:

- a. SRT will complete a documented quarterly inspection for operational readiness of equipment designated for use in support of its critical incident plans.
- b. This inspection is to ensure the readiness of equipment to be used in support of emergency operations, critical incident plans and should show the numbers and types of equipment and supplies needed for various emergencies.
- c. Once completed, the inspection forms will be turned into the CALEA manager.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES AND PROCEDURES



<b>Policy Number:</b> 200-032	
<b>CALEA STANDARD:</b> 33.4.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> II-12.07; All related directives

### Field Training Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish and standardize the field training of newly sworn personnel, to establish guidelines for appropriate and competent Field Training Officers, and to establish a re-orientation program for deputies in special units who find themselves back on patrol after a prolonged period of time.

#### II. POLICY

The Dona Ana County Sheriff's Office (DASO) has established and maintains a Field Training and Evaluation Program (FTEP) for all newly-appointed, sworn personnel. This program is an extension of the selection process that provides a valid, post-basic training and evaluation of recruit law enforcement performance. Certified Field Training Officers serve as role models to trainees in the development of the skills, knowledge, and abilities necessary for the provision of effective and efficient law enforcement.

#### III. PROCEDURES

The FTEP is comprised of a complete set of rules and procedures that can be accessed by contacting the Patrol Division Commander or Field Training Officer Coordinator (FTO Coordinator). The following guidelines are a condensed version, and all personnel involved in the program are responsible for compliance of all rules and procedures.

##### A. FIELD TRAINING OFFICER RESPONSIBILITIES

1. The Field Training Officer (FTO) shall be a sworn deputy who has met and maintained all posted qualifications for the FTEP.
2. The FTO shall be responsible for the training and evaluation of the trainee assigned by the FTO Command staff.
3. The FTO is the essential means by which goals of the program are achieved, specifically the production of a law enforcement officer capable of working in a solo

assignment in a safe, skillful, productive, and professional manner.

4. The FTO has two primary duties-that of a deputy assuming full district responsibility, and that of a trainer and evaluator of the assigned trainee.

5. The FTO shall submit daily observation reports, and will discuss the observation report with the trainee daily. This will develop strengths and correct deficiencies.

6. The FTO will be responsible for observing any training problems or deficiencies with trainee performance, and make every effort to correct these deficiencies.

7. The FTO's personal and professional appearance and behavior shall be in compliance with DASO's Code of Ethics.

8. The FTO may be removed from this program for documented performance deficiencies or at the discretion of the FTO Coordinator.

## **B. TRAINEE/RECRUIT RESPONSIBILITIES**

1. The trainee will be responsible for applying the skills and knowledge learned in the basic academy to actual field situations.

2. The trainee will follow the orders of the FTO and supervisors.

3. The trainee will discuss with FTO personnel any problems, personal or professional, that have an effect on job performance.

4. The trainee will accept all methods of training that are geared toward improving standards and performance.

## **C. OPERATIONAL PLAN**

The FTEP shall be divided into four phases. The following documentation will be required for each of the phases:

a) The FTO will submit daily observation reports (DOR)

b) The FTO will complete a bi-weekly evaluation.

c) An FTO sergeant will complete a supervisor's bi-weekly report.

d) The FTO will complete an end-of-phase evaluation.

e) The trainee will complete an FTO critique form.

### **1. Phase One**

During Phase One, the trainee is expected to be active in learning the duties and responsibilities of a deputy, and should be starting to perform a portion of the less demanding tasks, at the direction of the FTO. The evaluation of the trainee's driving skills will begin.

During this period, the FTO shall make evaluations of the trainee, and identify goals or weaknesses that need to be addressed within the training cycle.

The Field Training Sergeant should meet with the FTO and trainee to ensure progress is being made in training. Any deficiencies shall be identified and recorded in the

DOR. Recommendations from the FTO and Field Training Sergeant shall be made to the FTO Coordinator for performance improvement plans or extensions, when necessary.

The FTO shall complete all applicable sections of the trainee guide during this time period. The Field Training Sergeant will meet with the FTO to ensure that the guide is being completed in a timely manner.

## **2. Phase Two**

During Phase Two, the trainee is expected to assume a larger portion of the workload, with continued guidance from the FTO. The FTO will be expected to organize their patrol time to ensure that the trainee is exposed to a maximum number of calls/incidents.

The trainee will be expected to drive the patrol vehicle a larger percentage of the time. As in Phase One, the FTO must identify goals and weaknesses which they observe, to ensure that they are addressed in a timely manner.

Performance Improvement Plans and extensions will be arranged and placed into effect, if necessary. At the end of Phase Two, the trainee should be performing a majority of the workload. The Field Training Manual should be more than 50% percent completed.

The Field Training Sergeant will meet the FTO to ensure that the above requirements are being achieved.

## **3. Phase Three**

The trainee will assume the majority of the workload with the guidance from the FTO. This will increase in proportion during this phase, so that by the end of the fourth week, the trainee is performing all of the workload with input from the FTO only on an as-needed basis.

Accordingly, the trainee must be driving the patrol vehicle the majority of the time. The guidebook must be completed by the end of this phase, and the Field Training Sergeant must meet with the FTO and trainee to ensure the requirements are completed.

## **4. Phase Four (Shadow)**

The trainee shall act in a solo capacity; the FTO, in plain clothes, shall ride with the trainee and intervene only when necessary.

Daily Observation Reports will be submitted by the FTO.

The FTO will prepare a final evaluation report, and submit it through the Field Training chain of command.

## **5. Release from Field Training Program**

At the end of Phase Four, the FTO will either recommend that the trainee be released for solo duty, or will prepare a memorandum recommending an extension to address

deficiencies exhibited by the trainee. In order to be released from training, the entire training manual shall be completed and signed off by an Field Training Sergeant.

The trainee will be released from the FTEP.

Following the trainee's release from the FTEP, the shift supervisor, where the deputy is assigned, will complete a six-month evaluation and an annual evaluation for the completion of the probationary period.

#### **D. DEPUTY RE-ORIENTATION PROGRAM**

The purpose of the re-orientation program is to ensure that deputies are informed of changes in policies and procedures, and to serve as a transition time. The length of time necessary to transition to the Field Services Division will depend on the length of time the individual was absent.

The following training times will be instituted, as indicated for the different categories of time an individual has been absent from the Field Services Division.

##### **1. Deputies Returning to Field Services in a Patrol Function**

a) Deputies returning from an assignment of less than 364 days will not be required to participate in the re-orientation program. Deputies falling into this category will be expected to familiarize themselves with any policies and procedures that have been implemented or revised.

b) Deputies returning from a break in service of between 364 days and 2 years will be required to complete a training period for a minimum of one work week. The deputy will have an option for an additional work week of training, at the deputy's request and/or the shift sergeant's request.

c) Deputies returning from a break in service after two (2) or more years shall be required to complete a training period of a minimum of two weeks. The deputy will have an option for two more weeks of training, at the deputy's request and/or the shift sergeant's request.

d) FTOs for these deputies meeting the criteria in paragraphs A, B, or C above will rotate at the discretion of the shift supervisor, and upon concurrence with the FTO Program Coordinator. A checklist of what shall be covered by the FTO(s) will be prepared by the FTO Program Coordinator in conjunction with the Division Commander. At the conclusion of the program, the FTO shall forward a memorandum to the Division Commander, indicating the deputy is recommending for solo duty. For the purpose of fulfilling the requirements of the Deputy Re-Orientation Program only, the FTO shall have the responsibility of administrative oversight of the deputy during this process, regardless of the deputy's seniority status.

e) All other matters concerning the deputy will be conducted according to the present FTEP guidelines.

## 2. INSTRUCTION FOR USE OF THE CHECKLIST

- a) The checklist covers areas related to equipment, communications, orientation and response, policies/rules/procedures, and officer safety. Each category contains general topics that must be reviewed. After review of each category the FTO and the deputy must sign on the appropriate signature line.
- b) At the bottom of the checklist is an area where unusual issues that may arise, that are not addressed in any of the categories, can be documented.
- c) The completed checklist must accompany the memorandum from the FTO to the Division Commander.
- d) Categories that require updates should be brought to the attention of the FTO Coordinator so that the updates can be incorporated into the checklist.

## IV. APPLICABILITY

This policy shall be applicable to all staff within the DASO Field Training Program. Any newly appointed sworn personnel shall be subject to field training within this program. Likewise, it will be applicable to all FTOs and any supervisor tasked with extra duties within the FTEP.

## V. REFERENCES

New Mexico Law Enforcement Accreditation Program Manual  
Dona Ana County Policy 11-12.07

## VI. DEFINITIONS

**Field Training and Evaluation Program (FTEP)**-refers to a training program utilized by DASO in which a trainee is assigned to a Field Training Officer for training and evaluation.

**Field Training Officer (FTO)**- refers to a certified deputy selected by the Field Training Officer Coordinator who is trained to mentor and counsel trainees.

**Field Training Officer Coordinator**- refers to the head of the Field Training Evaluation Program who has administrative oversight of FTEP.

**Trainee**- refers to newly certified or newly hired lateral officers who have not completed the DASO Field Training and Evaluation Program.

## VII. APPROVAL:



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-033**

**CALEA STANDARD:  
46.2.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Special Response Team Deployment

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for handling Special Response Team (SRT) deployment.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to utilize SRT in exceptional circumstances when other than standard procedures and weapons are required.

#### III. PROCEDURE:

##### **SRT may be utilized in the following situations:**

1. Hostage situations
2. Barricaded subjects
3. Sniper situations
4. High-risk warrant service or high-risk apprehension operations
5. High-risk security/dignitary protection operations
6. Terrorism response operations
7. Riot or crowd control situations
8. Active Armed Subject
9. Dignity Protection

10. Surveillance, Stakeout, Decoy Ops
11. To supplement patrol personnel when requested.
12. Other situations deemed appropriate by the Sheriff or Special Services Captain.
13. SRT may be utilized for pre-planned operations or during in-progress calls.

**Pre-planned Operations:**

1. SRT may be deployed for certain pre-planned operations. Any DASO member who intends to conduct a planned search or arrest warrant service shall use the Warrant Matrix to determine the need for SRT response and/or consultation.
2. Should SRT response or consultation be needed, the responsible supervisor shall contact an SRT team leader or Team Commander.
3. The SRT Commander will be responsible for contacting the Special Services Captain for deployment approval. The Special Services Captain will notify the Sheriff of the deployment.
4. If approved, the SRT Commander or designee will activate the SRT utilizing the SRT SOP procedures and will direct responding personnel to the appropriate location for deployment.
5. The Special Services Captain shall ensure the Bomb Squad and/or Investigations Services Division are notified of the deployment.

**In-progress calls:**

1. Supervisors should use the warrant matrix to help determine the necessity of SRT response or consultation during in-progress calls. Certain situations may not fall within the scope of the warrant matrix, but the on-scene supervisor might determine SRT response may be needed. In these situations, the supervisor may contact the SRT Team Commander or designee to determine the necessity of SRT deployment.
2. The SRT Team Commander member shall notify the Special Services Captain of the possible deployment. The Special Services Captain will notify the Sheriff of the approved deployment.

**Initial Responsibilities of the First Patrol Deputies at the Scene (in-progress calls):**

1. Notify dispatch of the incident and request assistance to include a supervisor;
2. Secure the radio channel for emergency radio traffic.
3. Identify the danger zone.

4. Isolate and contain the scene by establishing inner and outer perimeters.
5. Notify the supervisor if evacuation is needed. If evacuation is needed, deputies should attempt to record the names and location of each person that was evacuated. As additional deputies respond, they should either establish a deployment team or be deployed to observe the possible exit or escape routes. Deputies should be assigned to maintain pedestrian and vehicle traffic control in the area. The Dispatch Center will be informed of deployment, suspects, and hostages as necessary.
6. Persons who have pertinent information regarding the suspects, hostages and locations should be secured at the staging area for questioning by members of SRT.
7. Complete situation report(s) will be given to the responding supervisor, to include all actions taken. As much information as possible should be gathered for SRT members.

**Responsibility of Assisting Deputies (in-progress calls):**

1. Unless otherwise directed, deputies shall report to the Command Post and deploy as directed by the deputy in charge at the scene;
2. Deployed deputies must maintain absolute control of their assigned area to assure the safety of innocent persons and to guard against the escape of the suspect;
3. Deployed deputies shall not act individually or without informing the deputy in charge of any intended actions;
4. When relieved by SRT members, assisting deputies will provide support as requested. If not requested for support, assisting deputies will report to the command post for further assignment.

**Responsibility of Shift Supervisors (in-progress calls):**

1. Obtain a situation report from the deputy in charge and evaluate the incident.
2. Ensure the danger zone has been identified.
  - a. ID in/out routes
  - b. ID buildings/area specifics
  - c. ID # of people in area
  - d. Any descriptions of people/area pertinent
3. Determine if inner and outer perimeters have been established and are adequate.



- a. Restrict in/out movement
  - b. Adapt to scene conditions, modify perimeter if needed
  - c. ID and establish boundaries for crowds/on-lookers/media
  - d. ID areas for additional and stand-by resources
4. Set up the command post.
    - a. Area closure, centrally located, but out of the danger zone
    - b. Prepare for communications needs (phones, computers, radios)
    - c. Keep the command post away from media
  5. Establish the staging area.
    - a. Outside of the inner perimeter and within the outer perimeter
  6. Identify and request additional resources
  7. Determine the degree of danger to the following:
    - a. Hostages;
    - b. Deputies at the scene;
    - c. Bystanders.

Once the need for SRT has been determined and has been requested, the shift supervisor shall notify Dispatch Center, and initiate the notification process.

**Additional SRT options:**

1. SRT may at times be needed to augment patrol.
2. Deployment of the SRT may also include response to unusual occurrences such as natural or manmade disasters, civil disturbances and civil defense.
3. In cases where the team is responding to disasters or civil defense situations, they are used as DASO's first line of response in augmenting services already in place. Further information on this type of response can be found in the "Crowd Control Response policy".

**Information that will aid in the deployment of SRT:**

1. Gather intelligence information on the subject(s), the hostages(s), and their locations.

2. Information about the subject(s) should include, but not be limited to, the following:
  - a. Location (floor, roof, room etc.);
  - b. Names and Physical description;
  - c. Phone numbers;
  - d. Type of weapons in their possession, if any;
  - e. Criminal history;
  - f. Probation/parole status;
  - g. Mental and physical condition to include drug or alcohol use;
  - h. Specialized training (prior military, law enforcement, martial arts, etc.)
  - i. Known associates;
  - j. Vehicle descriptions;
  - k. Subject's purpose.
3. Information to be collected about the hostages should include, but not be limited to, the following:
  - a. Number and location;
  - b. Physical description;
  - c. Mental and physical condition;
  - d. Clothing description.
4. Information about the location (scene) itself should include the following:
  - a. Interior and exterior description;
  - b. Floorplans;
  - c. Location of all possible escape routes;
  - d. Location of service connections (water, gas, electricity);
  - e. General construction of the structure (brick, wood frame, types of doors and windows, etc.);
  - f. Geographic barriers (Shrubbery, trees, ditches, pools, etc.);

- g. Fortifications;
  - h. Children, elderly, or handicapped present;
  - i. Animals;
  - j. Area threats;
5. Determination of rooms in which telephones are located and the telephone numbers(s) for each.

### **Operations of the Special Response Team:**

1. Upon approval for the deployment of SRT by the Special Services Captain, the SRT Commander or Assistant SRT Commander will activate team members and notify the Bomb Squad of the deployment. The Bomb Squad, at a minimum shall deploy a bomb tech to assist the SRT call-out. The activation will include information regarding the call-out to include specific response location and safe routes of travel, as necessary. Team members assigned to the team come from various full time positions throughout DASO and are on an on-call status. Any SRT members who is the primary detective on call will be responsible to operate in the capacity of their primary duty while on scene.

### **SRT Commander Responsibilities:**

1. Upon receiving the call, the SRT Commander or his designee calls the on-scene incident commander or Communications center to ascertain the nature of the situation or to receive instructions. The Commander or his designee ascertains the location of the Command Post and a safe route to its location.
2. The Commander or his designee may make requests for additional notification, or call specialized members of the team to modify their response for any given situation.
3. The Commander or his designee may either respond to a staging area with the team or directly to the Command Post to assist the on-scene commander.
4. Upon the arrival of the SRT Commander or designee, they coordinate with the incident commander to provide tactical and negotiation options for resolution of the incident. The SRT Commander or designee will be responsible for tactical operations. The Commander or designee may also make additional requests if they have not already been done by the Shift Supervisor.
5. The Commander briefs the SRT members with the facts of the situation. The Commander, along with Team Leaders, makes assignments to the inner perimeter to replace on-scene deputies with Team personnel when possible.
6. The Commander, in consultation with the assigned Negotiator and SRT Team Leaders, develops recommendations for the Sheriff or Special Services Captain.

### **Team Leaders Responsibilities:**

1. Team Leaders are primarily responsible for the tactical operations planning for the team. Additional Team Leader responsibilities during deployment are listed below:
  - a. Upon receiving a call for service they shall respond as directed;
  - b. They shall account for the remainder of their team's arrival to the situation and that they are properly equipped for their assignment;
  - c. They make team assignments to the inner perimeter preferably after a briefing has been done with the team;
  - d. Team Leaders along with the SRT Commander or his designee develop a tactical plan of action for the situation. They work in conjunction with the Negotiation personnel to come to a peaceful resolution if possible;
  - e. Team Leaders are responsible for post situation activities such as accounting for SRT equipment and personnel. They also assist in making out reports for the situation and conducting a debriefing of personnel.

### **Duties of other Special Response Team Personnel:**

1. They respond as directed; when notified;
2. The team personnel work in conjunction with the negotiators towards a resolution of the situation;
3. Team snipers position themselves as to provide offensive capabilities from a distance, thus removing the need for other team personnel to be exposed to undue risk.

### **Crisis Negotiation Team:**

1. Members of the Dona Ana County Sheriff's Office that have been trained in Hostage Negotiation and are not attached to the SRT. The SRT Commander is responsible to notify the CIT/HNT commander and request them to respond as needed.

### **Post Call-Out Process:**

1. After the conclusion of a situation, it is SRT's responsibility to preserve the location as a crime scene. The commander and team leaders are directly responsible for post incident operations which may include some or all of the following processes:
  - a. Provide security until relieved by other sworn personnel;

- b. Secure the location or turn the location over to a responsible party, as necessary;
  - c. Account for all SRT equipment and personnel used;
  - d. Gather all necessary information to complete the SRT After Action Report, including diagrams, names of involved parties, etc.;
  - e. Make sure other Department related forms are completed;
  - f. Arrangements are made to provide a location for a debriefing of SRT.
2. During the debriefing, all team personnel participate in creating a written log and a critique of the event. The primary responsibility of SRT is to resolve the high-risk incident. The SRT Commander is responsible for coordination with the Sheriff or Special Services Captain for tactical and negotiation solutions to the incident and for directing the tactical operations.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**200-034**  
**CALEA STANDARD:**  
**33-6-2**

<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <b>All Related directices.</b>
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### Special Response Team Training Program

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#### I PURPOSE

The purpose of this section is to describe what and when training/proficiencies and qualifications shall be performed by members on the various elements of the Special Response Team (SRT).

#### II POLICY

DASO-SRT personnel are required to participate in specific training determined by the Team's Leadership.

#### III APPLICABILITY

This policy shall be applicable to the members of the Special Response Team.

#### IV DEFINITIONS

- A. **Competency** – having the ability/qualifications to perform an important special role
- B. **Skills** – the learned ability to carry out a task
- C. **Proficiency** – fluent, practiced skill
- D. **Practicum** – supervised physical practices to provide a student knowledge
- E. **Standards** – approved level of quality and the desired models

#### V REFERENCES

SRT SOP Manual 2014

## **VI MISSION CAPABLE**

- A. The SRT leadership is responsible for insuring that the team is mission capable at all times in ALL of the following areas: hostage rescue, barricaded gunman, sniper operations, high-risk warrant service and high-risk apprehension, dignitary protection support, terrorism response, special assignments and other incidents which exceed the capability and/or capacity of an agency's first responders and/or investigative units. Leadership does this by evaluating the overall status during and after training.
- B. Individual Mission Capability. Being a member of the SRT requires that each individual meets the standards that are set. The importance of this is operators should strive to have excellent skills in various categories because they are part of a team that is called up to resolve extraordinary events where there is a significant chance some of those skills are going to be needed. Being a member also requires that they are proficient with other tools, tactics, techniques and procedures that are not typically used by other law enforcement personnel. This section describes how those skills are trained and tested through proficiencies and qualifications.
- C. Specialty assignments: Critical skill training such as long rifle, tactical emergency medical support, explosive breaching, etc., should be in addition to the above listed hours.

## **VII TRAINING DOCUMENTS**

- A. Created and utilized for managing team training, including Training Calendar, Training Plans, Training Reports and Instructions.
- B. Training Calendar SRT will develop an annual training plan based on a training needs assessment. The annual training plan helps identify and prioritize training needs and schedule accordingly.
  - 1. Shall consist of meeting several of the requirements listed below but shall be done so in a method that allows enough time for the topic to be covered appropriately, according to complexities, lessons, practicum, qualifications and tests.
  - 2. Topics should be selected and scheduled by priority of high-risk operations that the team is realistically going to respond to: Stronghold hostage situation vs. Aircraft, High risk vehicle stop vs. Vessel, Rappelling. Care should be given so entire days or multiple days are not spent on one particular area, such as firearms skills and building clearing.
- C. Training Plan. A plan shall be developed by the primary instructor for that event and then approved by the team leader prior to the collateral training day. This document contains: Course of Training, Instructor(s), Safety Officer, Safety

Equipment, Checklists, Topic Synopsis, Topic Objectives, Proficiencies and Qualifications.

1. Training Competencies. After topic selection(s), the competencies that are to be learned and/or demonstrated by the team members need to be listed on the plan in an organized fashion to maximize the effectiveness of the collateral training day. It should also be presented by using methods that work for adult learners.
2. Training Report. Documentation will be done after all training events. This can be added to the Training Plan.
  - a. Members present and the times that they come and go
  - b. Proficiencies completed, Qualification scores-pass/fail
  - c. Problems encountered, Corrective actions taken, Positives

## **VIII TRAINING SAFETY**

A. At all SRT training events, safety of all will be the priority for the day and will not be compromised for any sake, if possible.

1. The responsibility of everyone's safety is that of the most senior ranking member at any training event. Safety responsibilities may be delegated, but the responsibility is that of the most senior ranking SRT member present.
2. A Safety Officer shall be designated at all training events.
  - a. Safety Officer will conduct "safety checks" of areas where training is likely to occur, for any safety concerns before the training activities move into them.
  - b. Safety Officer continually analyzes the training environment for any safety concerns and stops the training when necessary to make adjustments to ensure safety to all persons.

B. Tactical Team Safety Rules

1. Universal Firearms Safety Rules will be adhered to, even when the device is simulated, "cold", a marking cartridge or less-lethal weapon.
2. When in doubt don't pull the trigger

C. All Law Enforcement Missions

1. Account for every round
2. Don't move faster than you can think or accurately shoot
3. Use your front sight



4. Correct each other on the spot

D. Safe Training Exercises

- A. Check Yourself
- B. Your Buddy (Assistant Safety Officer)
- C. Your Team Leader (Safety Officer)
- D. DASO Instructor
- E. Thorough safety checks of all participants at training area
- F. Safety devices on Cold weapons or NLT
- G. No live ammo in training area
- H. No visitors with weapons
- I. After thorough inspections of all persons, yellow tape on boot will designate checked
- J. Recheck officers after leaving and returning to training area or use buddy system
- K. When in doubt, check it again
- L. EVERYONE should have a SAFETY OFFICER mentality
- M. When safety checks are being done, the person searching needs to have the mentality of searching for the purpose of finding and not just going through the motions.

E. Marking Ammunition Safety

- 1. Eye protection
- 2. Throat protection
- 3. Groin protection
- 4. Gloves
- 5. Long sleeve shirts
- 6. No shots within three meters
- 7. Call cease fire if someone in area without eye protection or any other safety equipment o Treat them as if they were real weapons

F. Range or Shoot-house Safety

- 1. Eyes and Ears Protection
- 2. Body Armor
- 3. Designated Weapon Clearing Area
- 4. No movement behind targets

G. Corrective training or negative discipline for DASO events and SWAT schools

- 1. Minor offenses
  - a. First offense –Verbal / Written Counsel / Extra Duty
  - b. Second offense- Written / Extra Duty
  - c. Final offense – Out of Course / Referral for Discipline
- 2. First offense might be final offense

## IX TRAINING AMOUNT

- A. SRT Collateral Training Sessions are to be conducted for 10 hours on the first and third Wednesday of every month. One of the monthly sessions will be included in both Basic and Advanced DASO SWAT Schools.
- B. Attendance: Each member will ultimately have an important part of the operational plan. It is important to attend as much training as possible so that all of the required proficiencies are performed when they are topics of the collateral training days. It is also very important that the team trains together so they work as a team during the operations and have intimate knowledge of each other's skills and abilities.
  1. In a six-month period, it is required to have no more than the percentage set for respective elements of unexcused absence from regular monthly team collateral training.
    - a. If the deputy does not attend the amount of training that is required, corrective action will occur ranging from a probationary period to removal from the element and/or team.
    - b. Deputies should not be scheduled for their primary duties during the collateral training days until the primary duty supervisor exhausts other means to fill positions as SRT is the primary duty for the SRT member during collateral days.
  2. Leave management. The time that members who are absent from training and from the team needs to be managed for individual and team effectiveness. During annual evaluation team members must attend 70%.
    - a. **Duty Related Injuries** - Excused per FMLA (See FMLA below)
    - b. **Modified Duty** - Members who cannot meet the standards of Entry or LRO can be a Scribe at operations and training.
    - c. **Sick Leave** - an excused absence
    - d. **Military Leave** - Members who go to military training during SRT collateral days will be excused. Because fitness for duty on this unit is paramount, if military leave exceeds 8 weeks, member must pass element physical assessment and firearms qualifications before returning to the same position.
    - e. **Leave of Absence** - Other than for FMLA or Military Leave, if absent more than 25%, but less than 50%, of training time in the six-month rating period, the member will be assigned a mentor for evaluation and coaching for a period of at least three months. The member must also pass the physical assessment and firearms qualifications before returning to the same position. Members who are absent more than 50% of training in the six-month rating period will be placed on a six-month probation period, Physical Assessment and Quals. For a leave of absence longer than 13 weeks, the

member will be removed from the team and must wait for the next tryout process to rejoin.

f. **Bereavement** that is DAC qualifying is excused.

g. **FMLA** - Excused, but because of the importance of fitness for duty on this unit, if combined FMLA leave exceeds 8 weeks, member must pass element physical assessment and firearms qualifications before returning to the same position.

h. **Court Time** - All court appearances are excused.

i. **Training** – Non-“tactical” related training is not excused; “Tactically” related training that is occurring on the same day as SRT training (hour for hour) is excused.

j. **Vacation Leave** - An excused absence.

3. SWAT Schools (DASO): Yearly, all team members should participate or instruct at least twenty hours of both Basic and Advanced DASO SWAT Schools, so the team remains in compliance with the NTOA Standard of “Training attended by all members to address consistency in tactics and procedures, that may consist of lecture, drills and exercises lasting up to 40 hours.”

## **X PHYSICAL FITNESS ASSESSMENTS**

A. Team members who are completing one of the two annual physical tests will have one opportunity to successfully pass the test. Team members who fail to complete the test in the required time will have an opportunity to retry the test by the next collateral training after the initial failure. More than two consecutive failures in a twelve month period may be grounds for dismissal from Entry or LRO for six months.

1. Team members who have a valid medical excuse for an illness (i.e. physicians note, obvious physical illness, etc.) as determined by the Team Leader, will be granted an excuse from performing the physical test. The team member who has been granted an excuse from performing the test will be required to successfully pass within the next collateral training after release or recovery from the medical problem. Extensions to this two week requirement may be granted by the Team Leader based on the type of injury or length of illness (i.e. broken bone, severe prolonged illness, etc.) that may require a longer recovery time to return to a proper level of physical conditioning. This determination will be made by the Team Leader.

B. Other physical Assessments

1. As Determined by Team Leadership with Department approval

## **XI GENERAL FIREARMS SKILLS**

A. A pattern of poor shooting skills is subject to indefinite suspension from the team.

Continued failures will lead to permanent removal from team.

1. At the direction of SRT Firearms Instructors, DPS (Department) Firearms Quals may be conducted during collateral training which will be documented appropriately, thus, the SRT members will not be required to qualify when the Department does.
- B. Firearms skills are conducted at collateral training often to maintain the advanced level.

## **XII ELEMENTS PROFICIENCIES**

### A. Entry Element Standards: Obstacle Course, Qualifications

1. Must attend at least 75 percent of collateral training days in the two six-month periods.
  - a. If unexcused more than 50 percent in a six-month period, shall be suspended from Entry for six months.
2. Firearms. Entry deputies will qualify on the SRT Rifle and Handgun Day/Night Qualifications: Must attain 125 (83%) out of possible 150 bi-yearly.
  4. Entry operators who show a pattern of poor shooting skills, such as needing remedial training twice in any period or fails their first attempt more often than not, are subject to be placed on a Performance Improvement Plan or suspended from the Entry position. Continued failures will lead to permanent removal from Entry.
  5. The actual performance drills and skills training provided to a deputy(s) assigned to Remedial Retraining sessions are at the discretion of the attending instructor. Such training will conform to current accepted firearms curriculum/methods established by the Department Firearms Coordinator and serve to help correct the particular deficiencies of the deputy as observed by the attending instructor.
  6. For all SRT Entry Firearms Qualifications courses, the Oak Brook FIAT SWAT-Q Target is used and the scoring system is: 3 pts for the inner-medium zones and head square, 2 pts for outer square zone and 0 pts outside of squares. Head shots must be in designated square, while torso shots include a non-printed zone of lines that continue down from the diagonal lines of the head zone.
  7. For scoring purposes, rounds fired must be within the identified score zone to be counted. Any round striking the line of the score zone must clearly break the line with the body of the projectile to count. Any questions regarding the final scoring of a target will be resolved by the Range master.

<b><u>Step</u></b>	<b><u>Event</u></b>	<b><u>Number of Attempts</u></b>	<b><u>Attempts must Pass</u></b>	<b><u>Time Frame</u></b> <b>(Attempts must be completed at scheduled session.)</b>
<b>1</b>	<b><u>Declared Qualification</u></b>	<b>2</b>	<b>1</b>	Deputy remains on, Entry if passes qualification or;  Failure to qualify results in Remedial training.
<b>2</b>	<b><u>Third Attempt</u></b>	<b>1</b>	<b>1</b>	Deputy returns to Entry if passes qualification, or;  Failure to qualify results in remaining on Support and moves to Step 3 before return to Entry.
<b>3</b>	<b><u>Remedial Session</u></b>  Mandated 4 hrs firearms training and qualification attempts.	<b>2</b>	<b>2</b>	Deputy returns to Entry if passes qualification, or;  Failure to qualify results in Suspension from Entry for six months.  One remedial session in 2 year period for Entry position

8. Physical assessment for the Entry Element is the Job Task Simulated Obstacle Course within a time of 7:30 minutes before completion of probationary period and bi-yearly thereafter. Deputies who do not pass the physical assessment shall be retested at the next training day. See above for additional procedures for failed attempts.

### **XIII PROFICIENCIES FOR ALL TEAM MEMBERS**

A. Planning. All SRT members will be trained and should demonstrate proficiency in operational planning concepts.

1. Operational planning concepts will include procedures for responding to ongoing or evolving incidents, including the development of SOPs relating to rapid responses to emergent situations.

B. The following competencies are instructed then demonstrated to students, then are practiced by the students during DASO SWAT Schools: Basic = \*, Advanced = \*\*. Most are also covered throughout the year during regularly scheduled collateral training days.

1. These competencies are selected for our team to be able to conduct hostage rescue

operations:

- a. Threat assessment \* \*\*
- b. Intelligence gathering techniques\* \*\*
- c. Reconnaissance techniques \*
- c. Technology support (robotics, electronic surveillance) \*
- d. Tactical planning (timing and transition of crisis, deliberate, contingency phases) \* \*\*
- e. Adherence to priority of life matrix \* \*\*
- f. Breach point analysis (mechanical, explosive, thermal, ballistic) \* \*\*
- g. Tactical communication techniques \* \*\*
- h. Containment \* \*\*
- i. Pre raid surveillance \*
- j. Sniper support roles \* \*\* (Most collateral days)
- k. Use of APC and other specialized vehicles (Frequent)
- l. Failed breach tactics \* \*\*
- m. Diversionary device tactics \* \*\* (twice yr)
- n. Less lethal applications \* (twice yr)
- o. Window porting \*
- p. Compromise procedures \* \*\*
- q. Communication procedures \* \*\*
- r. Integration of negotiators \* \*\*
- s. Medical threat assessment \* \*\*
- t. Post Incident documentation \* \*\*
- u. Floor plans, photographs \* \*\*
- v. Unusual incidents (damage, use-of-force, injuries) \* \*\*
- w. Arrest and control procedures \* \*\*
- x. Entry Tactics \* \*\*
- y. Open air/stronghold \* \*\*
  - Vehicle, aircraft (twice yr, excluding aircraft)
- z. Long gun support (infrequent)
  - Canine support (quarterly) \*

2. These additional competencies are covered in order for our team to conduct barricaded gunman operations:
  - a. Mission analysis\* \*\*
  - b. Determination of criminal offense \*
  - c. Determination of mental illness \* \*\*
  - d. Consideration of local requirements for search warrant prior to entry \* \*\*
  - e. EOD/entry integration \* \*\*
  
3. These additional competencies are covered in order for our team to conduct high-risk warrant service and high-risk apprehension operations:
  - a. High-risk warrant service\*
  - b. Briefing techniques \*
  - c. Announcement procedures \*
  - d. Post-raid documentation \*
  - e. Dynamic search techniques \*\*
  - f. Deliberate search techniques \*
  - g. Transitional tactics \* \*\*
  - h. Surround and Call-out \* \*\*
  - i. Aggressive animal mitigation\*
  - j. High-risk apprehensions\*
  - k. Stronghold assaults (see above HRWS)\* \*\*
  - l. Open air assaults \*\*
  - m. Vehicle assaults \*\*
  - n. Containment/vehicle blocking (twice yr) \*\*
  - o. Rear assaults\*\*
  - p. Frontal assaults\*\*
  - q. Side assaults\*\*
  
4. These additional competencies are covered in order for our Long Rifle Element to conduct sniper operations:
  - a. Firearm nomenclature and capabilities
  - b. Environmental influences on shot placement
  - c. Shooting through mediums, *i.e.*, glass, lexan, and wood
  - d. Concealment and camouflage techniques
  - e. Data books and record keeping
  - f. Urban versus rural operations
  - g. Surveillance and communication
  
5. In order for our team to conduct terrorism response operations, we should train our personnel on the following competencies. Training is conducted twice per year in this category.

- a. Tactical operations in a contaminated environment
- b. Personal Protective Equipment (PPE) selection, use, nomenclature, donning, doffing and decontamination procedures.
- c. Familiarization of OSHA 1910.132 and 1910.120 (or State equivalent), as well as NFPA 472 Standard for *Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents*.
- d. Familiarization of the NIOSH Emergency Response Resource Guides (<http://www.cdc.gov/niosh/topics/emres/ppe.html>)
- e. Incident Command System and multi-level integration of line level supervisors and managers into a larger command structure. (NIMS ICS Courses)
- f. Tactical operations integrating SWAT and bomb squad\*
- g. Improvised Explosive Device component and HME (Homemade Explosive) identification and chemical precursor recognition\*
- h. Destructive capabilities and scene consequences of tactically deployed IED's
- i. IED Threat Stream planning and intervention/response tactics to include suicide bombers and VBIED'S
- j. Overview of bomb squad deployment, RSP (render safe procedures) and operational capabilities
- k. Suicide bomber planning and response tactics

#### C. Competency Trained Frequency

1. HR Movement once a quarter, 5 hours
2. Deliberate Clearing twice a quarter, 5 hours
3. Use of Force Lecture once in two years, 2 hours: offered once a year, not including Schools
4. SWAT Case Law once in two years, 2 hours: offered once a year, not including Schools
5. Chemical Munitions
  - a. Lecture and test offered twice a year
  - b. only required to attend and test once a year
  - c. qualification once a year
6. Breaching Shotgun - qualify once a year
7. Breaching Tools - practice once a year
8. Extended Range Impact Device and Pepper Ball
  - a. Lecture and test offered twice a year
  - b. only required to attend and test once a year
  - c. qualification once a year



9. NFDD, same as ERID

10. Shield Tactics

- a. Same qualifications as weapons
- b. Practicum at most related training

11. First Aid offered twice a year, proficient once a year

12. Throw Phone proficient once a year

13. Hostage Rescue Open Air Intervention proficient once a year

14. Vehicle Intervention twice a year, proficient once a year

15. Immediate Action Drills twice a year, and often during regular training

16. SCBA Operations twice a year

17. Open Air Search twice a year, proficient once a year

D. Decision making training. All elements must conduct firearms training on a regular basis; the firearms training must reflect the environment that officers are likely to face, i.e. moving targets, moving officers, low-light conditions and residential areas. Training must involve decision making with respect to when to use deadly force. Annual or semi-annual qualification courses are insufficient.

#### **XIV LONG RIFLE OBSERVERS**

- A. Must attend at least 75 percent of collateral training days in the two, six-month periods.
  1. If unexcused more than 50 percent in a six-month period, shall be suspended from LRO element for six months.
- B. The training is broken into seven basic sniper categories, not including the additional competencies listed below in paragraph "D". Below is the list of categories and a brief description of each:
  1. Use of force - this can include review of department policy, reviewing case law, reviewing lawful engagements from other departments and also other lethal force encounters.
  2. Basic shooting drills - this will include any of the basic shooting elements derived from the qualification course, in any combination or form.
  3. Advanced shooting skills - this will include all other shooting skills not covered by the basic shooting skills such as long range shooting, weak side shooting, shooting through glass, command fire, use of barricades and a variety of other drills.

4. Basic and Advanced movements - this will include stalking, low crawl/high crawl, stalking/observing or stalking and shooting or any combination of these disciplines.
5. Scenarios - this may include mock missions, small scale drills to approximate actual shooting problems, Intel gathering missions.
6. Qualifications - the shooting of the team qualification course.
7. PT-Test -performing the team's physical test.

#### C. Firearms Qualifications

1. Day and a night qualification course at least once every other month. Each team member is required to score at least a 90% on both the day and night course. If at any time the team member fails to shoot a qualifying score they will be given another opportunity to shoot the course immediately afterwards if time permits, if not, it will be shot at the next available time.
2. If the team member fails a subsequent time, they will be allotted one week to practice on their own and then attempt to qualify. If the team member again fails to qualify, they will be required to attend an 8-hour remedial training. At the end of the training, they will be required to qualify. If the team member is still unable to qualify, they will be removed as an active Tactical Long Riflemen/Observer and a meeting will be scheduled between the Team Leader and the SRT Commander to discuss the dismissal of the team member from the team permanently, or to see if further considerations should be made.
  - a. The same standards apply to applicants and members on probationary status.
  - b. LRO's have a higher (90%) standard due to the inherent duty of making precision shots. For the same reason, the process for qualification and remedial training differs from the other elements' processes.

#### D. Physical Assessment

Members who are assigned to the Tactical Precision Long Rifle Team/Observers of the Special Response Team are required to pass the physical test twice annually within the specified times. Passing times for the three different elements, regardless of age or gender, are as follows:

1. 5.2 Mile Road March with 30lbs and Rifle - 1 hr & 25 mins
2. Low Crawl - 235 yards 15 minutes
3. 100-yard Sprint - 20 seconds

4. Failure to complete any elements on the physical test is considered unsatisfactory and will result in a failing mark for the test.
5. The same standards apply to applicants and members on probationary status\*

E. Other LRO Proficiencies and Qualifications

Scheduling should be collaborated between elements for common proficiencies for training time efficiency.

1. Chemical Munitions - offered twice a year, but only required to take written test once, practicum twice a year
2. NFDD, ERID and Pepperball - twice a year
3. Shields - once a year
4. Breaching tools - once a year
5. First Aid - twice a year
6. Use of Force - Lecture once a year 4 hours
7. LROs will train with both the Tactical Long riflemen's primary and secondary weapons. Because team members are used as perimeter security with the possibility of going entry; trainings should implement secondary weapons and hand guns as much as possible.

## **XV COMMANDER**

- A. Must attend at least 60 percent of collateral training days in the two six-month periods.
  1. Participate in collateral training day activities regularly to have personal knowledge of team capabilities in all elements.
  2. Time shall be spent during collateral training days to team management activities.
- B. Yearly, all team members should participate or instruct at least twenty hours of both Basic and Advanced DASO SWAT Schools so the team remains in compliance with the NTOA Standard of "Training attended by all members to address consistency in tactics and procedures, that may consist of lecture, drills and exercises lasting up to 40 hours."

## **XVI DASO SWAT SCHOOLS**

- A. Typically, each year, SRT conducts a Basic and an Advanced SWAT School. When necessary, SRT also conducts Tactical Leadership and Basic Sniper Schools. All SRT schools are state accredited and are built using the guidance of the NTOA. The

general purpose for conducting the schools is to provide a structured system to introduce the duties of a SWAT team to incoming members. All new members are required to attend the Basic and Advanced schools.

1. Members must attend both schools after being inactive from SRT for longer than two years.

#### B. Basic SWAT School Purpose

The course is designed primarily for the novice law enforcement tactical member. It is required for all new DASO SRT probationary members to attend and other tactical members from outside agencies are invited. Throughout the course, students will be introduced to new industry standards and different tactical philosophies. The main situations that instruction is provided towards are Barricaded and High-Risk Warrants. It is NMLEA accredited. The course covers the topics below, to which some are qualifications and certifications:

Equipment Needs		Tactical Philosophy, Tactical Ops. SOP's
Intel. Gathering		Operations Plans, Barricade Situations
CIM for SWAT		Throw Phone Deployment, Breaching Concepts
Clearing Concepts		Immediate Action Drills Team Structure
SWAT Case Law		Less Lethal Systems (other) High Risk Warrants
Shield Use		N-F-Diversionsary-Devices, Chemical Munitions

COURSE LENGTH:	<u>50 Hours</u>	<u>5 Days</u>
	20 Hours	Classroom
	30 Hours	Practical

#### C. Advanced SWAT School Purpose

The Hostage Recovery Tactics course is designed to expose tactical personnel to intermediate and advanced skills needed to resolve a hostage situation. Topics include hostage rescue concepts, rapid deployment and emergency entry tactics, tactical operations center concepts, crisis negotiations concepts and hostage rescue force options including marksman-long rifle operations, stronghold assaults and open air and mobile vehicle interventions. It is NMLEA accredited and is required for all new DASO SRT probationary members to attend. Other tactical members from outside agencies are invited. Practical movement using a combination of covert and dynamic techniques will be emphasized.

#### INSTRUCTIONAL GOALS

1. The different options for intervention in a hostage situation.
2. The proper individual and team movement inside a stronghold.
3. The proper individual and team movement during mobile intervention.

4. The proper individual and team movement during open air intervention.
5. The current trends in hostage situations.

COURSE LENGTH:	50 Hours	5 Days
	10 Hours	Classroom
	40 Hours	Practical

D. Requirements for attending schools (to include outside agencies).

The DASO SWAT Schools Application (page 2) has the following requirements:

1. DASO Basic SWAT School

- a. Completed, signed and dated Application submitted, prior to attendance.
  - o Agency must receive final invitation prior to attendance.
  - o Attend NM DPS Police, Federal, or Corrections approved Handgun course (minimum 20 hours).
  - o Passing score on NM DPS Police or Federal Handgun Qualification within last 12 months.
  - o Attended NM DPS Police, Federal or Corrections approved Rifle course (minimum 20 hours).
  - o Passing score on NM DPS Police or Federal Rifle Qualification within last 12 months.
  - o Outside Police, Sheriff, and Federal Agencies
  - o Must be a current member within agency tactical team, or other specialized unit.
- b. Corrections Agencies
  - o Must be a current member within agency tactical team for a minimum of one year
  - o Have previously attended approved SERT School or equivalent
- c. Recommendations
  - o 2 miles within 20 minutes, at a minimum standard for fitness
  - o Completion of ICS 100, 200 and 700 courses
- d. Requirements for Completion (otherwise receive cert of attendance)
  - o Appropriate participation in all activities
  - o 90 percent attendance
  - o Passing score on written exam

2. DASO Advanced SWAT School

- a. Must have completed DASO Basic SWAT School
- b. Recommendations

- 5 miles within 50 minutes, at a minimum standard for fitness
- Firearms skills at an advanced level
- c. Requirements for Completion (otherwise receive cert of attendance)
  - Appropriate participation in all activities
  - 90 percent attendance
  - Obstacle Course within 7:30 min (two attempts)
  - Passing score on written exam

3. Both Schools: Physical Assessment. During the first half of Day One of both schools, students must complete the Obstacle Course within 9:30 minutes in order to continue participation.

#### E. Tactical Leadership

This course is designed to develop experienced tactical team members into team leaders. Throughout the course, students will be introduced to basic contemporary law enforcement supervision, leadership principles and procedures and tactical team leadership concepts. This course has NMLEA accreditation for 50 hours. The first portion of the week is classroom instruction guided towards tactical team leadership. Portions of the training days and week are spent with the Basic or Advanced SWAT School, which is running concurrent.

#### INSTRUCTIONAL GOALS

Law Enforcement Supervision and Leadership	Member Selection
Tactical Team Leadership	Operations Plans
Leadership Counseling	Selection and training
Tactical Philosophies	Tactical Ops. SOP's
High Risk Warrant Service, Barricade Situations, Hostage Situations	Chemical Munitions
Team Organization SWAT Case Law	N.F.D.D.'s
Shield Use	Full Scale Practical Exercise
Training and Instructing Philosophies	Tactical Decision Making
Less Lethal Systems (other)	ERID's

#### F. Tactical Long Rifle Precision Course Purpose

The course is designed primarily for the novice law enforcement tactical member. It is required for all new DASO SRT probationary members assigned to the Long Rifle Observer section and other tactical members from outside agencies are invited. This course will train fundamentals in becoming a well-rounded Police Marksmen. Training will be focused on mastering the basics of a shoulder fired weapon. It is a NMLEA accredited. The course covers the topics below, to which some are qualifications and certifications:

Rifle and Gear setup	Weapon Manipulation	Fundamentals of rifle
Marksmanship	Immediate Action Drills	Distance Shooting
Hide Site Construction	Decisional Shooting	Wind calling
Attaining and Maintaining sub-minutes of angle zeros		

COURSE LENGTH:	50	Hours	5 Days
	20	Hours	Classroom
	30	Hours	Practical

**METHOD OF INSTRUCTION:** Students will receive a hand out for PowerPoint lecture, Established Safety Guidelines, FBI Qualification, LAPD Standards Drill, Dona Ana County Sniper Qualifications and Mock Missions.

**PHYSICAL REQUIREMENTS:** Some brisk movement and activity will be required. Short Hikes and Climbs or a slow Jog (3-4minutes). Expect temperature extremes and sun exposure.

## **XVII NTOA CONFERENCE**

- A. Each year, if feasible, at least one operator attends the conference to ensure the standards and current practices are being maintained and updated by this team.
- B. There are policy requirements for advancing to leadership positions within the team that involve attending certain courses that the NTOA offers.
- C. Members are selected in order of seniority, at least three years on team, needs of leadership or other positions, last time the operator attended, team/department standing, written justification and desire to attend.
  1. When the member attends, at least one mission de-brief and/or legal update track will be attended.
  2. The material will be shared with the team leadership upon arrival, so it can be deciphered for any modifications to current DASO curriculum and TTP's. This is especially important for legal update.

## **XVIII APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
 Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-035	
<b>CALEA STANDARD:</b> 46.2.2a	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Bombs/Explosive Devices

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for response to incidents involving actual or threatened use of bombs/explosive devices.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to respond to reports of actual or threatened use of bombs/explosive devices to reduce the risk to persons and property to the greatest extent possible.

#### III. DEFINITIONS

**Bomb Threat-** A bomb threat condition exists when a suspected bomb/explosive device has been reported but not located.

**Bomb Emergency-** A bomb emergency exists when a suspected or actual bomb/explosive device has been located or when an explosion occurs.

#### IV. PROCEDURE

##### A. Communications/Receiving/Reporting Bomb Threats

The Mesilla Valley Regional Dispatch Authority (MRVDA) (Communication Center) and DASO personnel who receive bomb threat information will attempt to obtain all information available, and will respond according to the following procedures:

1. Keep the reporting party on the line and determine, if possible, the reason for suspicion that an explosive device may be present;
2. Dispatch a patrol unit immediately;



3. Notify a supervisor of the situation;
4. Dispatch the Fire Department to stage in a safe area.

## **B. Responding Deputies Responsibilities**

1. All responding units will cease radio and cellular telephone transmissions within a 300 feet area of the bomb threat location or device. Electromagnetic energy emitted by the radios or phones may activate the device.
2. Deputies will make contact with the person in charge of the premises and, if possible, the person who reported the threat.
3. Responding deputies should obtain any information that has not yet been obtained, including, but not limited to, the following:
  - a. Any previous threats that have been received and the outcome of those threats. The exact wording of the threat will assist in identifying the person if he/she has made previous calls;
  - b. Any possible motives;
  - c. The reported location of the device. This information may help in the location of the device or the planning of an evacuation;
  - d. The reported detonation time of the device;
  - e. Vulnerability of equipment and/or personnel;
  - f. The type of bomb, i.e. A dynamite, pipe bomb, etc.;
  - g. A description of the device;
  - h. A description of the voice of the caller, including speech, rate, style, slang, profanity, characteristics, and impediments, etc.;
  - i. Familiarity of the voice?
  - j. A description of the background noise;
  - k. The date and time of the call;
  - l. The length of the call;
  - m. Availability of a recording of the call?
  - n. Any other information which might assist the deputy in determining the probability of an explosive device being on site.
4. When the probability of an explosive device has been established, telephone

contact with the Communications Center is established, and subsequent notification of the incident is made to the Special Services captain, Uniform Services captain, and Investigative Services captain. The supervisor on scene advises the Communications Center regarding deployment of Fire/Rescue equipment.

5. Deputies will assist with the evacuation of persons who are in the vicinity of the device. It is not possible to know, prior to an explosion, how large an area must be evacuated. Thus, deputies must rely upon common sense judgment in advising evacuated persons where to relocate. The location of a safe area should take into consideration the possibility of a secondary device. A search of that area should be conducted to mitigate the possibility of a secondary device, prior to occupying that area.

### **C. Search Procedures**

1. Searches will be conducted at the discretion of the on scene supervisor, after he/she considers the existing circumstances. Searches involve a representative of, or someone familiar with, the location whenever possible. In general, police searches should be organized with at least two deputies to a team. In some instances, a search may be conducted without performing an evacuation of the location.
2. When a deputy has probable cause to believe that a bomb threat exists, and probable cause to believe that the safety of the public is in danger, a deputy may search the area with or without the consent of the responsible party.
3. The areas to be searched, and the extent of the search, will depend on the following factors:
  - a. The type of establishment;
  - b. The possible motivation of the bomber/caller;
  - c. The accessibility of the building.
4. An attempt should be made to utilize personnel familiar with the areas to be searched when assigning searchers.
5. Managers, custodians, and employees of the business are likely to be more familiar with their work areas and better able to recognize items that are suspicious, or out of place. All searchers should be volunteers.
6. Persons involved in the search will be informed to not to pick up, touch, or move any object found, which is not familiar to them.
7. When a search fails to turn up any explosive or suspected explosive devices, deputies should state only that a device was not found.

8. The search is discontinued when:
  - a. Directed by a supervisor;
  - b. Directed by Bomb Squad unit personnel;
  - c. The supervisor is satisfied that the probability of finding a device by further search is minimal.

#### **D. Evacuation**

1. Evacuation as a response to a bomb threat is the decision of the person responsible for the threat location. If any suspicious device has been seen, deputies can recommend evacuation. Deputies assist, to the extent possible, with the evacuation of affected persons.
2. Deputies will not forcibly remove persons who appear to be mentally competent. In order to accomplish or assist with evacuations, deputies will report resistance to evacuation attempts to their immediate supervisors. Supervisors will attempt to persuade those persons to evacuate.
3. A supervisor will establish communications with a Fire Department on-scene supervisor as soon as possible.

#### **E. Bomb Emergency**

1. When a call is received by DASO personnel regarding a suspected bomb/explosive device or military ordnance which has been found, the person receiving the call will attempt to obtain the following information:
  - a. Description or type of device;
  - b. Location of device;
  - c. Quantity and characteristics of device.
2. The person receiving the call will notify the Communication Center of the call and information received.

#### **F. Mesilla Valley Regional Dispatch Center Responsibilities**

When a call is received by MRVDA personnel regarding a suspected bomb/explosive device or military ordnance which has been found, the person receiving the call will:

1. Advise the reporting person to evacuate the concerned area immediately and take all available precautions;
2. Dispatch units, as necessary, for evacuation and establishing a perimeter;

3. Notify the Fire Department for dispatch of appropriate emergency equipment;
4. Inform the Patrol supervisor of existing circumstances.

### **G. Dispatched Deputies and Supervisors Responsibilities**

1. Dispatched deputies and supervisors have the following responsibilities:
  - a. Upon discovery of a device or suspected device, a supervisor will be present at the incident location, if not already present;
  - b. Upon discovery of a device or suspected device, the shift supervisor will notify the Bomb Squad commander, Patrol Services captain and Investigative Services captain;
  - c. Upon discovery of a device or suspected device, when some evidence might indicate the presence of an explosive device, or after an explosion of a device, the Bomb Squad will be notified and will respond;
  - d. All responding units will cease voice radio and cellular phone transmissions within at least a 300-foot radius of the suspected or known device, unless a car or vehicle borne device is suspected; the cordon would then be a minimum of 500 feet;
  - e. The dispatched deputy will ensure the evacuation of all occupants from the immediate area (300 feet or more), and will attempt to view the area of the suspected device from a location that provides maximum protection;
  - f. Deputies will be responsible for perimeter security in the immediate area surrounding a suspect or known device.
2. Under no circumstances will a deputy, other than Bomb Squad personnel, push, touch, pick up, or in any way, handle a suspected or known explosive device. When a suspected device is located, the dispatched deputy will be responsible for obtaining complete preliminary information (witness, calling party, persons present, information, etc.) and relaying this information to Bomb Squad personnel, as soon as possible.
3. The Fire Department has primary responsibility in the event a fire occurs, or if emergency medical treatment is required. Bomb disposal and investigation remain the primary responsibility of DASO.

### **H. Delivered Explosive Ordnance**

When an explosive device or military ordnance is delivered to DASO, any substation, or any other police facility, personnel will:

1. Attempt to detain the person who delivered the item;
2. Notify the patrol supervisor and inform her or him of the situation and location

of the device;

3. Await instructions from the supervisor concerning action to be taken.

## **I. Detonated Devices**

1. When a bomb/explosive device has exploded, MRVDA personnel will:
  - a. Dispatch an adequate number of patrol units to the location. An attempt will be made to keep the reporting party on the phone, while deputies are responding. Dispatched units should be kept updated on incoming information;
  - b. Notify the patrol supervisor of the call and situation;
  - c. Attempt to obtain as much information as possible from the reporting party concerning the location of the explosion, injuries and/or fire;
  - d. Notify Fire Department and ambulance for response;
  - e. Notify Bomb Squad commander and other bomb squad personnel to respond.
2. Dispatched deputies will be responsible for establishing a security perimeter in the immediate area surrounding the explosion. The immediate area of any explosion should not be entered, until the threat of further explosion has been reduced, and the scene is secured by qualified personnel.
3. When the danger to personnel and citizens has been reduced, the location of an explosion should be treated as a crime scene and processed for evidence.
4. A detective may respond to assist in the initial investigation and follow-up efforts.

## **J. Call-out Criteria for Bomb Squad Personnel**

Bomb Squad actions and operations require a minimum of two bomb technicians. In some instances, a primary technician may respond to the scene and make the determination of whether the call-out of a second technician is required, according to the following criteria:

1. When a suspected or actual explosive device has been located, or when assistance is needed in conducting a search for a device;
2. When the detonation of an explosive device has occurred (post blast);
3. When explosives have been found or are reported to the DASO as part of an amnesty program;
4. When military ordnance has been found;

5. When assistance is requested or deemed necessary by a supervisor.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**200-036**

**CALEA STANDARD:**  
**46.2.7**

**EFFECTIVE**  
**DATE:**

**SUPERSEDES**  
**/RESCINDS**  
**POLICY No:**  
**All related**  
**directives.**

### Special Events

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for the handling of special events.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to develop and implement plans for the handling of special events within Doña Ana County.

#### III. PROCEDURE

- A. The responsibility for coordinating and supervising special events shall be assigned to a single person, normally the Special Services captain, who will plan and coordinate the activities associated with the special event and determine the type of assistance necessary to handle the event.

If the assistance required is minimal, the Special Services captain may, at his or her discretion, designate or relinquish coordination of the event to a supervisor, depending on the nature of the special event.

As soon as possible after notification that a specific event is planned, the Special Services captain, or designee, shall contact the organizers of the event and determine:

1. The nature of the event;
2. The date, time, and expected duration of the event;
3. The location, including specific routes involved;
4. The number of participants;
5. Anticipated problems; and
6. Special permits required, if any.

For larger events or demonstrations where there is a potential for violence, there may be a need for special considerations such as:

1. The need to block off traffic, streets, or sidewalks to ensure the safety of the participants;
2. The number of personnel needed to handle the event;
3. The need for specialized personnel;
4. The need to notify other affected agencies and personnel;
5. The need for additional radio channels, communication equipment, and coordination with communications personnel;
6. The need to gather intelligence from various sources on the groups who are planning activities which may involve violence.

The Special Services captain, or designee, shall provide a written plan for the handling of the special event to include:

1. Personnel needs, scheduling, and assignments (to include a supervisor);
2. Crowd control requirements;
3. Traffic rerouting and control requirements; and
4. Other pertinent information.

A copy of the plan shall be forwarded to the Sheriff and any other unit affected by the operation. The assigned supervisor shall be responsible for ensuring coordination with other units and divisions within DASO and with outside assisting agencies.

**B. Assignment of Special Response Team Personnel:**

The Special Response Team is available and may be utilized during any special event, either as an augmentation to assigned staffing, or as a specialized unit to handle projected problems associated with the event.

**C. After Action Reports:**

The Special Services captain, or designee, will be responsible for conducting a debriefing of the event, and for providing an after-action report. The report should be a critique of DASO's role in the event, and should include recommendations, if any, to be used in planning for future events.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-037	
<b>CALEA STANDARD:</b> 46.2.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Search and Rescue

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for the Doña Ana County Sheriff's Office's (DASO) response to incidents involving the search and rescue of lost persons, or persons in need of organized rescue efforts.

#### II. POLICY

It is the policy of DASO to respond to incidents which require searches for missing persons, or any type of rescue operation in which organized rescue efforts are required.

#### III. PROCEDURE

Pursuant to NMSA 24-15A-3, the New Mexico State Police are responsible for all search and rescue missions in the state of New Mexico. DASO's involvement in such an operation is to provide a support function only.

#### Search and Rescue Operations

1. Upon receiving a search and rescue call, dispatch will send the first available patrol deputy to the scene;
2. Dispatch will notify the on-duty supervisor of the situation;
3. The first responding deputy shall conduct a thorough search of the area with assisting deputies, if necessary, or evaluate the situation so other emergency personnel can be directed effectively;
4. Once the supervisor is at the scene, the supervisor may relieve the first responding deputy of the scene command;

5. The supervisor is responsible for setting up a command post to direct emergency activities, if necessary. This includes gathering information from involved parties and requesting assistance from outside agencies;
6. Once a preliminary search has proven unsuccessful, the supervisor shall contact the coordinator of the Search and Rescue unit (SAR) of the New Mexico State Police for assistance. When the New Mexico State Police SAR coordinator arrives at the scene, all search efforts will be coordinated through them;
7. Upon contacting the New Mexico State Police SAR coordinator, the supervisor shall also notify the Sheriff, via the chain of command, pursuant to policy;
8. The supervisor shall monitor the situation, until relieved by another supervisor, the New Mexico State Police, or until a successful resolution of the mission has been accomplished;
9. It shall be the responsibility of the on-scene deputies to provide crowd control to facilitate the rescue effort;
10. It will be the decision of the scene commander to terminate any search and rescue operation.

#### **IV. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-038	
<b>CALEA STANDARD:</b> 46.1.10	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Active Threats

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to provide guidelines and procedures governing the safe and effective management of active threat situations. These guidelines apply to active crime scenes and may take place in any geographical area or structure. The safety and effectiveness of the Doña Ana County Sheriff's Office (DASO) resources responding to these incidents depends on integration and coordination with the Doña Ana County Fire Department, American Medical Response (AMR), and other law enforcement agencies.

### II. POLICY

It is the policy of DASO to establish uniform procedures concerning active threat situations, in conjunction with Doña Ana County Fire Department, local hospitals, and AMR.

### III. DEFINITIONS

Level 1 Staging Area- The staging of apparatus near the scene which adds the potential for congestion, if not parked in a coordinated manner.

Level 2 Staging Area- The staging of apparatus at a location away from the scene to prevent added congestion or obstruction of roads near the incident. Level 2 staging recommends the use of a staging officer.

Staging Officer- A designated official who coordinates resources assigned to Level 2 staging. These units include those that are enroute and on-scene in staging.

Triage Officer-A designated official who coordinates resources assigned to the Casualty Collection Point (CCP).

Rescue Leader- A designated Fire Department official who works directly with the Security Leader for removal, triage, treatment, and transport of victims.

Rescue Team- A designated group for the removal, triage, treatment, and transport of victims.

Hot Zone- An area that is not safe to inhabit, where imminent death or injury may occur, or is very likely. This area requires law enforcement to mitigate the threat prior to Fire and AMR entering.

Warm Zone- An area that is deemed safe to inhabit under controlled conditions from law enforcement, but is still possible to be injured or killed in this zone, if conditions change rapidly. Fire and AMR personnel should proceed with extreme caution and with law enforcement coordination.

Cold Zone- An area that is safe to inhabit and free the danger of injury or death, under normal conditions, and does not require the presence of law enforcement to keep the area safe.

Casualty Collection Point- The location within an incident site that is used for the assembly, triage, treatment, and subsequent transport of patients.

Unified Command- An authority structure in which the role of incident commander is shared by two or more individuals, each already having authority in a different responding agency, to jointly establish goals and objectives for the mitigation of the incident.

Unified Command Post- The area/location where law enforcement, Fire, and AMR meet to establish unified command during an incident.

Contact Team – One or more law enforcement officers who enter the Hot Zone of an active killing incident, with the purpose of locating, pressuring, eliminating, or seizing the criminal suspects(s) who are in the process of actively killing, or attempting to kill, other persons.

Contact Leader – A law enforcement officer, who is a member of the Contact Team, and whose responsibility is to direct the operations of the Contact Team within the Hot Zone, communicate with the Incident Command, and coordinate efforts with other team leaders, whose teams are operating within the active crime scene.

Security Team – Two or more law enforcement officers who enter the Hot Zone of an active killing incident, after the Contact Team enters, with the purpose to search, clear, secure, and designate an area as a Warm Zone, in which Rescue Teams can operate.

Security Leader – A law enforcement officer, who is a member of the Security Team, whose responsibility is to direct the operations of the Security Team within the Hot Zone, communicate with Incident Command, and coordinate efforts with the other team leaders whose teams are operating within the active crime scene. The Security Team Leader is ultimately responsible for changing the designation of an area from 'Hot' to 'Warm' in preparation for rescue efforts to begin.

## **IV. PROCEDURE**

In an active shooter incident, the following objectives listed in order of importance, should govern all actions which supervisors and deputies on the scene decide to take:

1. End the threat with an objectively reasonable amount of force.
2. Rescue and protect victims in the proximity of the threat.
3. Protect lives and ensure the safety of persons in the area of the occurrence.
4. Ensure the safety of other law enforcement officers and emergency responders.
5. Ensure containment (lock down) of the incident scene.
6. When the threat has ended, implement the Incident Command System.

### **B. Guidelines**

1. DASO personnel will adhere to the following guidelines, when responding to incidents that may involve an active shooter/violence, or when it is expected that the shooter is still in the area.
2. An active shooter is an armed person who is engaged in the process of killing or attempting to harm, while having unrestricted access to additional victims. Those responding can reasonably assume the suspect will continue to kill or harm, until physically stopped.
3. The first patrol deputy on scene have the following responsibilities, listed in order of importance:
  - a. Notify dispatch of the situation, secure communications, and request assistance, to include a supervisor;
  - b. The first deputy on scene will, based on the limited and sometimes conflicting information available, decide whether he or she wants to attempt to locate the suspect(s) and engage with the appropriate tactic and the amount of force required, before additional resources arrive on scene. The deputy should consider the following when deciding to engage or to wait for additional officers:
    - 1) Number of suspects, if known.
    - 2) Active killing or harm to civilians/others.
    - 3) Location of suspect, if known.

- 4) Weapons the suspect is armed with.
  - 5) Explosive devices present.
  - 6) Time delay of additional officers to the scene.
  - 7) Visibly injured victims with exigent medical need.
4. Form Contact Team(s).
  5. Form Rescue Team(s).
  6. Designate a perimeter and secure the scene.
  7. Establish a means to evacuate bystanders to a collection point and injured persons to a casualty collection point.
  8. Establish communications with other agencies, as necessary.
  9. Establish Incident Command System.
  10. Any additional responding law enforcement personnel shall report to the staging area of an active threat incident or shall respond to a location as directed by the Incident Commander. In order to maintain command and control, and unity of effort and economy of resources, all activities will be coordinated through the Command Post.

### **C. Supervisor Responsibilities**

1. Choose a safe staging area for arriving personnel.
2. Ensure Dispatch has initiated the emergency notification procedure.
3. Coordinate staging of officers from DASO and other law enforcement agencies.
4. Form additional contact and rescue teams as needed.
5. Assign a deputy to direct media to a safe location for briefings. News media, for obvious safety reasons, will not be allowed at the initial scene.
6. Arrange safe staging area for medical units and treatment of injured.
7. Post additional deputies to guard crime scene.

## **D. Contact Team**

1. The first arriving deputy will establish a Contact Team consisting of one or more deputies. Due to the unpredictability and rapidly changing dynamics of active killing incidents, the Contact Team will evaluate the situation and determine the next course of action.
2. If the team has reason to believe active killing or attempted active killing is occurring, they are strongly encouraged to enter the Hot Zone.
3. The purpose of entering the Hot Zone is to locate, pressure, seize the criminal suspects(s), and/or eliminate those who are in the process of actively killing, or attempting to kill, other people.
4. If the Contact Team has limited information regarding the current status of the incident or location of the criminal suspect(s), the team may determine it is appropriate to conduct a deliberate search of the area for the suspect(s), and/or establish a perimeter around the area to contain the situation, prior to law enforcement personnel entering the Hot Zone.
5. To assist other responding deputies, and ensure operational integrity, Contact Teams of two or more law enforcement personnel will designate a Contact Leader. The Contact Leader is responsible for directing the operations of the Contact Team within the Hot Zone, communicating with Incident Command, and coordinating efforts with other team leaders, whose teams are operating within the active crime scene.
6. If the Contact Team elects to enter the Hot Zone in pursuit of the criminal suspect(s), the Contact Leader will, at a minimum, notify Dispatch that he/she is the Contact Leader, relay the number of officers comprising the Contact Team, and identify the entrance (i.e. south side, main lobby door) or location where the team will enter the Hot Zone.
7. The primary role of Contact Teams is threat elimination. Contact Team personnel will not provide first aid or rescue until their initial assignment has been completed, and the immediate threat has been secured, barricaded, or otherwise neutralized.

## **E. Supervisor**

The on-duty shift supervisor of the jurisdiction where the incident occurs shall assume the role of Incident Commander and initiate Critical Incident Management protocols. The Incident Commander will maintain the role until relieved.

## **F. Security Team**

Once adequate resources have arrived on scene, and Critical Incident Management has been initiated, Security Teams will be organized, consisting of two or more law enforcement personnel. Under the direction of the Incident Command, the Security Team will enter the Hot Zone with the purpose to search, clear, secure, and designate an area as a Warm Zone in which Rescue Teams can operate.

Once a Warm Zone has been secured by the Security Team, the Security Leader will contact the Rescue Leader and escort the Rescue Team into the Warm Zone to begin rescue operations.

## **G. Responsibilities/Guidelines of First Responding Fire Company**

1. While enroute, the first responding Fire Company will determine if law enforcement has established an on-scene command. If law enforcement has established command and has identified the Command Post (CP) location, the first arriving Fire representative will report directly to the CP. Once there, the Fire representative will establish or assume a unified command on their respective radio channel, while DASO maintains command on their radio channel. The first company will also ensure on-scene arrival is announced over the fire radio and will direct incoming Fire and AMR personnel. If law enforcement on-scene status is not confirmed, the first due company will go to Level 1 staging.
2. Note: Surviving injuries that are often associated with an active shooter event can be dependent on the immediate availability of medical care. Since all on-scene operations are coordinated with the law enforcement and fire agencies, the urgency of establishing face-to-face communication between the law enforcement on-scene commander/supervisor and the fire on-scene commander/supervisor cannot be overstressed.
3. The fire units in Level 1 staging will stage in a coordinated manner to allow for proper entry and exit of the incident location. The AMR staging area should be adjacent to the Fire staging. First arriving fire apparatus should assist with perimeter control, secure entry and exit routes, and deny scene access to the public and non-essential personnel. Level 2 staging may be implemented for incidents with high casualties or long durations. A Staging Officer from the fire department should be assigned, if Level 2 staging is implemented.
4. To prevent a gridlock of emergency vehicles, later arriving fire companies may leave their apparatus at the staging area, and transport crew to the scene by foot or ambulance. If practical, to maximize safety, Fire and AMR can walk from the staging area to the scene, using a Fire or AMR apparatus for concealment.
5. Contact Teams will pass through specific areas, as they move quickly and directly toward the threat. The segments initially covered by Contact Teams will be considered *clear, but not secure*. Security Team operations are intended to



secure an area for Rescue Teams. Rescue Teams will move victims from hazard areas to these secure areas. The Security Leader should work with the Security Team and Rescue Leader to coordinate efforts and maintain safety of all personnel.

6. Note: An active shooter incident can transition into a barricaded suspect or hostage situation, depending on the actions of the suspect. In these cases, deputies or law enforcement personnel will attempt to contain the suspect(s) to a single room or area within the active crime scene. Areas no longer accessible to the suspect and/or out of the suspect's line-of-site will be considered *clear, but not secure*. Rescue operations may begin in these areas at the direction and coordination of the Security and Rescue Team Leaders.
7. Constant face-to-face communication will be maintained between DASO and the Fire Department throughout the incident. Once all the victims are removed, the Security Team and Rescue Team will move to a forward staging area, with all equipment in preparation for victim removal of the next segment of the building.
8. Note: Keep mind that it is an active crime scene and considered a Warm Zone during rescue operations. All Fire and AMR operations during this time will be under armed security by DASO/law enforcement personnel. Law enforcement officers assigned to the Security Team must maintain security and protection over their assigned areas, and should not assist with the physical removal of casualties.
9. Fire and AMR crew will evacuate casualties to the established Casualty Collection Point (CCP). To maintain situational awareness, the Rescue Team should continuously extricate victims to the CCP, until a work/rest cycle has been established or the situation has been brought to a satisfactory conclusion.

#### **H. Casualty Collection Point (CCP)**

1. The CCP should be contiguous with the transport area, allowing for ambulances to enter and exit. If it is within a Hot Zone, the transport area may not be contiguous, if no other way to exit. Additionally, for active and violent situations, consideration for cover/concealment and security must also be included in criteria for site selection. Law enforcement will provide armed security, as reasonably available, for the CCP. If necessary, an area of refuge should be established for non-injured civilians. Natural or artificial barriers should be used to maximize safety. If the safety of the CCP is compromised, a new CCP may need to be established to provide for the safety of all personnel on scene.
2. A safe area should be established for secondary triage of victims. The primary purpose for this area is for the transport of injured personnel to the appropriate hospital. Utilizing priority transport, injured law enforcement and fire personnel will be evacuated first, followed by the most seriously injured citizens (START triage). [Comment: The previous sentence sounds as if any law enforcement or fire personnel injuries, regardless of how minor, would warrant a priority

evacuation before the most seriously injured citizen. Is this REALLY what you want to say?] This safe area will have limited lifesaving capabilities. Time in the Warm Zone must be limited, as all personnel operating in these areas are exposed and at risk. Necessary equipment should be used for the rapid extrication of casualties. Victims are considered in immediate danger until they are removed from the Warm Zone. When assignments have been completed, crews should report back for reassignment. It is critical that crews do not move to other areas to assist, unless assigned through the chain of command.

## **I. American Medical Response (AMR) Operations**

The AMR agency will provide a liaison in the Unified Command Post to coordinate with law enforcement and Fire Department operations. Transport units will stage to allow face-to-face communication and access to equipment. The Rescue Leader will call for crews when the Warm Zone / CCP has been identified by the Security Team Leader. Crews will coordinate their efforts to maximize efficiency and prevent duplication of effort.

## **J. Notifications**

In order to facilitate public awareness and public safety during an active threat, a public notification will be made to ensure the safety of the public. Basic information will be provided to the public, so the areas or location of the threat may be avoided. Overly specific details should not be released, due to the incident being ongoing and to ensure the integrity of any investigation, following the termination of the incident.

## **K. Sheltering**

If, during the ongoing incident, the need for public sheltering is required, safe locations and areas will be determined by the Incident Commander. Examples of appropriate locations which may be considered are large Doña Ana County owned buildings or local high school gymnasiums. Information about areas which are unsafe, or locations which are to be used for sheltering, will be relayed to the public via Emergency Broadcast, Reverse 911, social media, local television and radio, press releases, and the public address system from individual patrol cars.

## **L. Notification of Law Enforcement Agencies and Additional Resources**

In the event of an active threat, notification to local agencies beyond the jurisdictional boundaries of DASO should be made in a timely manner. These notifications may include requests for assistance and resources, or solely for informational purposes. Examples of agencies that may be contacted (in no order of priority) are:

1. New Mexico State Police.
2. Las Cruces Police Department.

3. Anthony Police Department.
4. Mesilla Police Department.
5. Hatch Police Department.
6. Relevant Fire/AMR personnel.
7. Local emergency planning manager.
8. Local hospitals.
9. Local shelters.
10. Local utility companies.
11. New Mexico Department of Transportation.
12. Animal shelters.
13. New Mexico National Guard Civil Support Team (CST).
14. Office of Emergency Management.
15. Border Patrol.

#### **M. Response and Containment of Active Threats**

Any response and containment procedures to an active threat, depending on the type of incident, will be in accordance with the All-Hazard Emergency Response Plan and consistent with advanced training, accredited through the New Mexico Law Enforcement Academy. Every effort will be made to contain an active threat, in order to isolate and mitigate its negative effects through:

1. Identification of the scope of the incident.
2. Formulation and execution of evacuation plans.
3. Prevention of citizens becoming inadvertently involved, or negatively affected, by the incident.
4. Identification of additional resources needed to address the situation.

#### **N. Training**

1. Additional training in Incident Command and Critical Incident Management will be provided as needed for deputies to remain proficient and to address any changes or needs which have been identified from past incidents and current

training models. DASO shall conduct, or participate in, annual training, which may consist of field exercises or table top exercises, in the use of Incident Command during a critical incident. Whenever possible, training shall involve multi-agency responders and response plans. An annual documented review of the state of DASO readiness to respond to active threats and DASO policy and procedures shall be submitted to the Sheriff, or her or his designee, each year. This readiness report will list, at a minimum, the names of all trained personnel on the implementation of the ICS system.

2. The Sheriff will determine if the current plan remains effective, or if changes are needed. Any warranted changes will be addressed as reasonably soon as possible, and any appropriate training will be provided at the first appropriate opportunity. Ongoing training will be managed by the DASO Training Division, which will also serve as the repository of associated training records. The training of deputies regarding active threat responses, both in the classroom and in the field, will address emerging and evolving trends, as well as refresher training for perishable skills. The trainings are evaluated as part of the over-all active threat response plan review.

#### **O. After Action Reports**

Department related forms and reports will be completed by deputies involved in the incident, as required by policy.

#### **V. APPROVAL**



APPROVED BY: \_\_\_\_\_

Kim Stewart – Doña Ana County Sheriff

DATE: 01/17/2022



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-039**

**CALEA STANDARD:  
61.1.10**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### DUI and Checkpoints

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and procedures for the enforcement of statutes relating to the driving of a motor vehicle while under the influence of alcohol and/or drugs and/or other substances (DUI) and the periodical establishment of DUI Checkpoints.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to actively enforce DUI statutes and periodically establish DUI Checkpoints thereby contributing to the overall safety of the community by preventing death, injury and damage caused by individuals operating a motor vehicle while DUI.

#### III. PROCEDURE:

##### A. ENFORCEMENT

1. Deputies suspecting that the operator of a motor vehicle is under the influence of alcohol, drugs and/or other substances, may take the following actions:

##### B. ROUTINE TRAFFIC

1. Observe the suspects driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle. The deputy should activate their body worn camera and the vehicles video recording equipment (if the vehicle is so equipped).

2. Notify the dispatch of the vehicle's license number or description; the location of the stop; the number of occupants.
3. Stop the vehicle at a safe location for the protection of both the deputy, the suspect vehicle operator and any other vehicular traffic.
4. Observe the suspect driver to determine if he or she may be under the influence of alcohol, drugs and/or other substances. Once this is determined, request the suspect driver to take sobriety tests as described in the following Section D of this policy.
5. When it is determined that the person may be impaired, he or she should be placed under arrest.
6. The suspect's vehicle may be towed in accordance with policy related to Vehicle Towing and Impounding.
7. Advise the suspect of the Implied Consent Act Advisory and request him/her to give a sample of their breath, blood, or both. If the suspect refuses, inform him/her of the consequences of refusing. If a substance other than alcohol is suspected, a blood test should be requested.
8. Transport the suspect to the Doña Ana County Sheriff's Office for booking and a breath test. If the person has indicated that he or she will submit to a breath test but the arresting deputy is not certified to perform the test, a certified operator will be requested to perform the test.
9. If the breath results in less than .04 or isn't consistent with the level of impairment observed during SFST's is grossly inconsistent with the breath results, a Drug Recognition Expert (DRE) should be contacted for an evaluation.
10. If the blood test is requested, the person will be transported to a Medical Center and a blood test kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be performed in accordance with New Mexico statutes.

### **C. CRASH INVESTIGATIONS**

1. If there is probable cause that a driver involved in a crash is intoxicated, the procedures as above apply with the following exceptions:
  - i. If injuries sustained in the crash are fatal, life-threatening, or may result in serious bodily harm, the on-duty shift supervisor or lieutenant and the Assistant District Attorney will be contacted prior to any charges being filed.
  - ii. If the driver sustained injuries that require hospitalization, the subject will be placed under arrest. If possible, a blood kit will be requested. All

associated paperwork, forms and reports will be completed by the arresting deputy and arrangements made to release the subject pursuant to his or her own recognizance as approved by the court having jurisdiction.

- iii. If the driver left the scene of the crash and is later located, no arrest will be made without first developing probable cause that the driver was intoxicated at the time of the crash or while driving the vehicle that lead up to the crash.

#### **D. SOBRIETY TESTS**

1. Standardized Field Sobriety Tests (SFSTs) shall be administered unless medical/age impairments exist. Alternative sobriety tests will be administered if SFSTs are not appropriate.

#### **E. REQUIRED PAPERWORK FOR DUI ARREST**

1. **Arrest Report**: An arrest report will be completed on each DUI arrest. The narrative Section of the report should detail the series of events that led to the subject's arrest for DUI.
2. **DUI Citation**: A DUI citation and deputy's statement, on a form approved by the state, will be completed on each DUI arrest.
3. **Criminal Complaint**: A criminal complaint filed in Magistrate, or District Court, depending on the appropriate jurisdiction, will be completed on each DUI arrest. If this is a second or subsequent arrest, it must be annotated on the criminal complaint.
4. **Intoxilyzer Report**: A copy is given to the suspect; a copy is attached to the MVD paperwork; and a copy is attached to the arrest report and forward to Records.
5. **Blood Kit Report**: A blood kit report, on a form approved by the state, will be completed on any DUI arrest where a blood sample is drawn in addition to, or in lieu of, a breath sample.
6. **Notice of Revocation**: If the subject has a valid, current New Mexico Driver's License in their possession, and the BrAC was over .08 for drivers 21 years of age or older or .02 for drivers under the age of 21, or if the test is refused, and a "Notice of Revocation" will be provided to the offender.
7. **Crash Report**: If the DUI arrest is part of a traffic crash, the deputy will complete an approved form by the State of New Mexico (Uniform Crash Report).

8. **Vehicle Towing and Impounding:** If appropriate, the DUI vehicle will be towed and impounded (or released), in accordance with Vehicle Towing and Impounding policy.
9. **Booking Sheet/Property Sheet:** A booking sheet will be completed on any DUI arrest and a copy placed with records.
10. **DA's File Verification Checklist:** A DA's file verifications checklist will be filled out on any DUI arrest and placed on top of the DUI packet provided to records.

## **F. BREATH TESTING INSTRUMENT OPERATION**

1. Only deputies who have been certified to operate the breath-testing instrument will perform any tests for subjects arrested for DUI.
2. The following procedures will apply to the use of the breath testing area:
  - a. The Intoxilyzer/breath testing area is located within the booking area of the Doña Ana County Sheriff's Office.
  - b. **Constant Supervision:** Deputies shall not lose sight of any person being tested. At least one deputy will monitor the arrestee at all times.
  - c. **Panic or Duress Alarms:** Deputies needing immediate assistance with a person in the breath testing area may activate the emergency button on their portable radio for assistance if equipped, may call for assistance using the radio.
  - d. **Escape Prevention:** Deputies utilizing the breath testing area shall guard against escape attempts during the testing process. Deputies will exercise due care and diligence in order to prevent detainee escapes by maintaining constant supervision during the testing procedures. All movement of detainees will be under escort of at least one deputy.
3. The subjects will be informed of the Implied Consent Act Advisory and a 20-minute deprivation period will be observed with no substances in their mouth.
4. After the deprivation period time has expired, the subject will be requested to provide a sample of his or her breath, blood, or both. If the subject refuses, he or she will be advised of the consequences for refusing to submit to the testing.
5. If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations established by the New Mexico Department of Health.
6. After testing is completed, the subject will be provided with a copy of the results as soon as they are available to the deputy.



7. Deputies will ensure that the required information is entered into the Intoxilyzer log book.

## **G. BLOOD TESTING**

1. The breath test is the most common manner of testing a subject's BrAC, however, there are times when a blood test is requested.
2. If a subject's BrAC is low, and in the deputy's opinion is not consistent with his or her apparent level of intoxication, the deputy may ask the subject to complete a blood test to check for drugs or other substances.
  - a. If the subject refuses, a search warrant will need to be obtained prior to completing a blood test.
3. If the subject sustained injuries as a result of a crash and in all likelihood will not be able to perform a breath test, a blood test will be requested, however a search warrant is still required if there is refusal.
4. If a blood test requested and approved, or a search warrant is obtained, the person will be transported to a medical center and a blood test kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be in accordance with applicable New Mexico statutes.
5. When a blood test is used, the "Notice of Revocation" will not be forwarded to the MVD, but will be maintained in the case file until the results are returned. Once they have been received, the arresting deputy should forward a copy of the "Notice of Revocation" and the original test results to records to be placed in the subject's arrest file.
6. Once the defendant has submitted to a test(s) of the deputy's choosing, they may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:
  - a. The subject will be allowed to contact his or her personal physician or one of their choosing by phone to make arrangements to meet at the medical center to draw the blood. The subject will be transported to the medical center for the blood draw with the contacted physician.
  - b. A blood kit will not be provided by the deputies, it is the subject responsibility to arrange for the blood draw, kits used, custody and storage.
  - c. The blood sample will be maintained by the physician utilized.

## **H. SOBRIETY CHECKPOINTS**

1. Sobriety Checkpoints are an established means of deterrence and public education and have withstood Constitutional scrutiny when properly

implemented. The effectiveness of a sobriety checkpoint should be measured by the reduction of alcohol related crashes and not simply the number of persons arrested as a result of a checkpoint.

## **I. SITE SELECTION AND SAFETY CONCERNS**

1. In order to conduct a sobriety checkpoint, the approval from the Uniform Services Captain, or his/her designee, must be obtained on interoffice form that includes a DWI Checkpoint Operational/Tactical plan where checkpoint will be held, prior to the establishment of each checkpoint. The plan will be forwarded through the chain of command to the Sheriff for approval prior to the event.
2. Selection of sobriety checkpoint sites must consider the safety of the public and all law enforcement personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull suspect vehicles off the roadway for further inquiry and investigation if reasonable suspicion of DUI (or other crime) is developed.
3. Site selection is based on selective enforcement criteria, considering the time of day, day of week, location, number of fatal or other alcohol related crashes, and DUI arrests. Such data is available from the New Mexico Highway and Transportation Department, the Transportation Planning Division of the Traffic Safety Bureau, and from data presented by the Crime Analysis Unit.
4. To ensure maximum safety for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, and patrol units with flashing warning lights should be utilized. A combination of these items are to be strategically located as to alert motorists approaching the checkpoint. The checkpoint supervisor will determine which warning devices will be utilized based on the location and time of day. Additionally, law enforcement personnel are to be equipped with flashlights at night and dress in a manner which will readily identify them as law enforcement personnel and the wearing of issued traffic safety vests. The designated area for further investigation of suspects must be well lit and relatively level ground to conduct field sobriety tests.

## **J. NOTICE TO THE PUBLIC AND MEDIA**

1. The publicity that precedes a sobriety checkpoint operation serves to educate and inform the public of DASO's enforcement efforts. The media attention is aimed at deterring the potential DUI offenders. Advance notice to the public must be made. Advising DASO's Media Relations or Public Information Deputy should be done a minimum of ten (10) days before the operation. The inclusive dates of the intended checkpoints are announced without disclosing the precise locations. The specific media utilized will be determined by DASO's Media Relations/PIO.

## **K. PERSONNEL AND EQUIPMENT**

1. An appropriate number of law enforcement personnel must be assigned to the checkpoint for traffic control, address motorists, conduct sobriety tests and transport individuals. Consideration should be given to anticipate the volume of traffic at the proposed checkpoint location and the number of deputies to be utilized should be chosen accordingly. Minimally, one certified checkpoint supervisor must be present at the checkpoint at all times to make supervisory decisions.
2. The deputy who first detects the suspected DUI offender should complete all aspects of the field sobriety testing and arrest. Transporting of the individual, booking, and further processing may be completed by other uniformed deputies as necessary and at the direction of the checkpoint supervisor.
3. Assistance from other agencies may be solicited with the approval of the Uniformed Services Captain or his/her designee. However, all participating deputies shall be thoroughly briefed on the procedures to be followed and all aspect of the operation.
4. All necessary equipment should be readily available at the checkpoint site. All law enforcement personnel assigned to the checkpoint will be in full uniform and wear issued traffic safety vests while at the checkpoint site.

#### **L. OPERATIONAL PROCEDURES**

1. Every vehicle is to be stopped, except as provided in this Section.
2. The occupants are to be told the purpose of the stop. The driver, primarily, is to be questioned, since driving while under the influence of intoxicating alcohol, drugs and/or other substances is the purpose for the checkpoint.
3. Vehicles should be detained no more than approximately two minutes, unless reasonable suspicion exists that the driver is DUI or that another crime or violation has been committed by any occupant of the vehicle.
4. Sufficient adjoining space must be available to pull vehicles off the roadway for further inquiry when reasonable suspicion of a DUI or other criminal activity is developed.
5. If traffic begins to back up creating traffic congestion, all stopped vehicles are to be waved through the checkpoint at the discretion of the checkpoint supervisor.
6. The duration of the checkpoint should not exceed five hours.
7. Deputies participating in the checkpoint operation, who make any arrests, will complete all required paperwork prior to going off-duty.

8. Upon completion of the checkpoint operation, or soon thereafter, the checkpoint supervisor shall complete a "Sobriety Checkpoint Activity Report," review and approve all paperwork (such as citations, arrest reports, etc.) related to the checkpoint and make sure it is placed in Records for processing before going off-duty.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>200-040</b>	
<b>CALEA STANDARD:</b> <b>46.1.1,46.1.2,46.1.3,</b> <b>46.1.4, 46.1.5,46.1.6</b> <b>46.1.7</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Incident Command System

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide the Doña Ana County Sheriff's Office (DASO) personnel with a structure outlining the Incident Command System including roles, responsibilities and authorization for activation.

#### II. POLICY

It is the policy of DASO to establish and define roles and responsibilities when responding to incidents, whether planned or unplanned that may require the implementation of the Incident Command System. Most incidents are handled using available resources, but when the size, scope, and seriousness of an incident requires resources and management beyond what is readily available, the Incident Command System may be initiated to help organize and facilitate the management of an incident.

It shall be the policy of DASO to provide a structure and coordination to the management of critical incidents or large scale operations by utilizing the Incident Command System (ICS).

#### III. PROCEDURE:

##### A. System Activation - Authorization

The Sheriff, Undersheriff, major, captain, or lieutenant in charge has the authority to initiate the ICS when it has been determined that an event, whether planned or unplanned, is of a size, scope, or seriousness to require its implementation. The decision to implement the ICS can be made during a critical incident, or during the planning phase of a pre-planned event, and may include but not be limited to:

1. SWAT situations
2. Fire scenes
3. Civil disturbances
4. Natural disasters
5. Search and rescue
6. Transportation accidents
7. Other unusual occurrences

## **B. Command Protocol - Structure and Roles**

In order to allow for deployment of resources without overextending span of control, compromising safety, or creating confusion, the following assignments may be utilized in the ICS:

### **1. Incident Commander**

The Incident Commander is responsible for the planning, exercising, execution, and facilitation of the emergency management plan, and is in overall command of the designated incident. The Incident Commander or his/her designee will have available, for utilization, any written activation plans or procedures which may apply to either a pre-planned or unplanned critical incident. During the activation of the ICS, the Incident Commander may also serve as a liaison to other governmental organizations or agencies.

The following positions answer directly to the Incident Commander, if assigned:

- a. Safety Officer- The Safety Officer should be responsible for monitoring and assessing safety hazards or unsafe situations, developing measures to ensure personnel safety, and keeping the Incident Commander informed of present or potential hazards. The Safety Officer has the authority to make decisions or stop action without following a chain of command, and reports directly to the Incident Commander;
- b. Recorder- the Recorder documents, in writing, events as they are dictated. This documentation will include dates and times that decisions are made, who made decisions or recommendations, and who was present during the decision-making process. The Recorder will also document briefings and incoming intelligence including, but not limited to, dispatch updates, political inquiries and commands, and reports from ICS positions;
- c. Public Information Officer (PIO) - The Public Information Officer is responsible for communicating information and updates to media sources, under the direction and approval of the Incident Commander. The PIO should be the

central point of contact for the media, and is responsible for setting up a press area away from the Command Post and other safety sensitive areas, arranging for discretionary photo opportunities, and coordinating the release of victim or suspect names, injuries, or cause of incident, with the approval of the Incident Commander;

- d. Legal Advisor- the Legal Advisor can be one or several people called upon to provide the Incident Commander with a legal opinion during an incident. A representative from the District Attorney's Office, Doña Ana County Legal Department, or State Attorney General's Office may be requested to respond, provide legal direction, and support decisions or avenues pursued in bringing a safe resolution to an incident. Whomever the Incident Commander assigns as the Legal Advisor, they answer directly to the Incident Commander;
- e. Liaison - The Liaison may be assigned to coordinate efforts and communication between multiple governmental and civic organizations. This could include other law enforcement agencies, political groups or organizations, medical treatment facilities, and all other entities as assigned. The Liaison communicates directly with the Incident Commander, unless directed otherwise.

## **2. Operations Commander**

The Operations Commander is in command of the following areas and reports directly to the Incident Commander:

- a. Perimeter- Law enforcement personnel, or those assigned by law enforcement, shall be utilized to coordinate all the inner and outer perimeter posts in support of the incident.
- b. Traffic- Law enforcement personnel, or those assigned by law enforcement, shall coordinate all traffic control and route planning in support of the incident.
- c. Staging areas-The staging area shall receive orders from the Operations Commander, or designee, for assignment of personnel to specific tasks. The person assigned to the staging area will be responsible for checking in, organizing, and controlling resources directed to the staging area. The person assigned to the staging area will also keep a list of available resources for Operations Commander.
- d. Investigations/ Intelligence- The Detective Division will investigate crimes committed during a critical incident, and provide the Operations Commander with intelligence and investigative leads during the course of the incident.

## **3. Special Operations Commander**

The Special Services captain, or his or her designee, shall have the responsibility for coordinating any and all call outs of SRT, Bomb Squad, or K-9 units (when attached to a SRT). The Incident Commander or a field supervisor assigned to an incident

shall contact the Special Services captain, or her or his designee, to request a response and activate SRT. The Special Services captain is in command of the following, and reports directly to the Incident Commander:

- a. SWAT Team
- b. Bomb Squad
- c. K-9 Unit, as an attachment to the SRT Team
- d. Any other Special Services needed

#### **4. Planning Commander**

The Planning Commander is in command of the following areas and reports directly to the Incident Commander:

- a. Resources- This component is responsible for establishing check-in procedures at specified locations for personnel, vehicles, and equipment. This will also include maintaining a current list of available resources, and tracking the status of resources for relief, replenishment, or replacement.
- b. Situational Status- This component compiles, maintains, and provides situational status information in the Command Post. It communicates between organizational components, as well as media outlets, and obtains sound recording, photos, and video as appropriate. The situational component provides resource and situation status information in response to specific requests.
- c. Demobilization- This component is responsible for maintaining accurate records of the incident, and developing and distributing a demobilization plan. This component also identifies surplus resources, estimated release times, and develops a check-out function for each component.
- d. Documentation- This component creates and maintains a master command post log from all incident Command System sections. The Planning Commander shall, within 30 days of the incident, write an after-action report for any incidences in which the ICS was initiated. A copy of the report will be forwarded to the Incident Commander. The documentation component will provide copies of documentation as needed, and will maintain, retain, and store after-action reports, and refer all newsworthy information to the Public Information Officer.
- e. Logistics Support

The duties of the Logistical Support Staff are to provide logistical support to field units. This may include advance planning for the accumulation of equipment and supplies to facilitate an immediate response to an incident. The Logistical Support Staff will maintain a list of private vendors and



government agencies that can provide logistical support as needed.

The Logistical Support Staff will report directly to the Planning Commander and will also coordinate the following:

- 1) Communication- The communication component is responsible for developing plans for the effective use of incident communications, such as available frequencies, distribution of communication equipment, establishing telephone communication, and maintenance and repair of communication equipment. The commander of this component should maintain a close liaison with the Director of the Mesilla Valley Regional Dispatch Authority to address or anticipate future needs.
- 2) Supplies- This component is responsible for ordering equipment, supplies, food, water, and sanitary facilities to operational locations. This component will also be responsible for receiving, storing, and maintaining an inventory of non-expendable supplies and equipment.
- 3) Fleet- This component will be responsible for maintaining, repairing, and towing fleet vehicles and providing vehicles necessary to support the emergency operation. On site repair and fuel posts may be required at the location of the incident and will be coordinated by this component.

f. Finance Support

The Finance Support component is responsible for any emergency expenditure, procedures, cost recovery, payroll, and the compilation of all information and finances incurred as a result of the incident.

The Finance Support component will answer to the Planning Commander and will also be charged with the following responsibilities:

- 1) Time/Payroll- This component is responsible for maintaining documentation of hours worked for those involved on a critical incident, and providing that information to the Planning Commander, so that an ongoing record of expenses may be kept.
- 2) Compensation/Claims- This component is responsible for processing all forms required in the event of injury or death of any member during the incident. This component will also gather evidence and assist in preparing claims documentation regarding any damaged public or private property, which could result in a claim against the agency;
- 3) Cost Recovery- This component is responsible for the collection and maintenance of all records necessary for the proper reimbursement of expenditures resulting from a critical incident. This is accomplished by maintaining records on all emergency or critical incident expenditures, establishing equipment time recording functions, and maintaining a log of all charges incurred. This component will distribute lists of lost or damaged

equipment, to proper individuals, regarding damage claims, and will prepare reports and reimbursement forms for the proper agencies, such as the state of New Mexico and FEMA.

### **C. After-Action Reports**

1. Completed after-action reports shall be reviewed by the Incident Commander, and a copy of the report will be forwarded to the Sheriff and Uniform Services captain, who will approve and disseminate the information to all affected divisions.
2. Employees with DASO will receive training in ICS and Critical Incident Management as part of the New Mexico Training Academy. Additional training in ICS and Critical Incident Management will be provided as needed for employees to remain proficient, and to address any changes or needs which have been identified from past incidents or training.
3. DASO will conduct agency training, as needed, to stay proficient and up to date with any new training requirements.

### **IV. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-041	
<b>CALEA STANDARD:</b> 46.2.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Crisis Negotiation Team

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide establish guidelines and procedures for the deployment, utilization and operation of the Crisis Negotiation Team (CNT).

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain a Crisis Negotiation Team for use during certain circumstances that may include, but are not limited to, hostage situations, barricaded subject(s), emotionally disturbed persons, or other circumstances deemed necessary by the Sheriff or their designee.

#### III. DEFINITIONS:

**Hostage Situation:** A hostage situation begins the moment a suspect(s) takes a person under their control and subjects that person to the risk of bodily harm for the purpose of furthering a criminal act or to facilitate escape.

i. **Classic Situation:** When the hostage taker is contained within a room, building, store or other physical area.

ii. **Mobile Situation:** When the hostage taker is on the street or another location where he or she is not restricted by clear physical boundaries.

**Barricaded Subject:** This type of incident is characterized by a subject, known or believed to be armed, in a contained location that refuses to comply with the lawful orders of police personnel. This subject may have made threats of violence either expressed or implied, towards police deputies, civilians or themselves.

**Emotionally Disturbed Persons:** Persons who do not possess reasonable coping mechanisms. This may be due to mental illness, substance abuse, or the result of extreme stress. They act from intense emotions rather than rational thinking. There

may be a disorganized and impulsive approach to problem solving, often inappropriate behavior. This subject may direct most of their threatening behavior towards themselves or anyone who attempts to intervene.

**Outer Perimeter:** The area sufficiently removed from the actual scene of the incident to ensure the safety of all spectators and media personnel.

**Inner Perimeter:** Internal area encompassing the incident location. Initially operated by patrol personnel until relieved by Tactical Team members. No one will enter this zone without a protective vest.

**Point of Negotiation:** The point, usually within the Inner Perimeter where negotiations take place.

**Standard Mode:** Method of negotiation where negotiators attempt to manipulate the subject into a peaceful resolution.

**Tactical Mode:** Method of negotiation where real time intelligence and diversion is employed in an effort to move the subject into position for a tactical assault.

#### **IV. PROCEDURE:**

##### **Team Capabilities**

The Dona Ana County Sheriff's Office Crisis Negotiation Team is capable of immediate response to conduct and manage on-scene negotiations during any significant crisis event. In addition to the typical negotiation duties that they handle, the negotiators are directed to participate in the tactical/negotiations planning processes to assist in the resolution of an incident. All negotiators shall maintain proficiency with various equipment necessary to perform their function. Completing hook ups and operation of the mobile command post are part of that function. Assist with emotionally disturbed persons or other circumstances that require specialized training and or abilities.

The CNT may be called out independently from any other specialty unit if deemed necessary by the Sheriff or designee.

##### **Team Composition**

The Crisis Negotiation Team falls under the command of the Special Services Captain (Team Commander). The CNT shall be composed of one team leader, one assistant team leader and ten team members.

##### **Selection and Retention of Negotiator Personnel**

1. Application Upon position vacancies, the Special Services Captain may open CNT positions when deemed necessary. Deputies interested in applying for the positions must meet the following criteria:

A. Must be a full time sworn member of DASO.

B. Must be off probation at the time of selection.

C. Have no record of disciplinary action within one year prior to application with the Crisis Negotiation Team. Disciplinary action for this purpose is defined as disciplinary action taken by the department which has resulted in the applicant receiving time off without pay.

D. Have no sustained use of force or courtesy violation complaints within the last year prior to application.

Assessment Applicants who meet the above criteria will be eligible to assess. The assessment will consist of three stages:

### **Stage 1**

A. Performance Review- The applicant's performance and disciplinary history will be reviewed by team leadership. The review will consist, at a minimum, of supervisor interviews, co-worker interviews, internal and citizens' complaint review, all use of force reviewed and working file review. The applicant's past performance review will also focus on the applicant's ability to communicate using verbal skills and listening skills, their ability to write and document, and problem solving skills.

a. Verbal Communication Skills- Applicants should have demonstrated a high level of proficiency in verbal communication, both speaking and listening, when dealing with people who are under stress, who are mentally or emotionally disturbed, who are angry, and/or who are resistant to arrest or custody.

b. Writing Skills- Applicants should have demonstrated a level of proficiency in written communication. Accurate documentation of information and the ability to pass it along to those who need it are essential requirements for a negotiator. In addition, all negotiators are required to prepare after action reports upon conclusion of an incident involving activation of the Crisis Negotiation Team.

c. Problem solving abilities- Applicants should have demonstrated proficiency in their ability to problem solve. The ability to assist and help others with a resolution to their crisis is a critical function of a negotiator. The Team Commander will assess the performance review and will determine if the applicant will proceed to Stage 2.

### **Stage 2**

A. Oral Interview- The applicant will participate in an oral interview. The oral interview may consist of oral questions and/or a scenario. The panel will score the interview on a scale of 0 to 100. Applicants must score a 70 or higher to obtain a passing score.

B. Practical- A scenario will be picked by the team prior to testing date. All Applicants will have to pass the practical to move forward

Applicants who achieve qualifying scores on Stage 2 events will proceed to Stage 3.

### **Stage 3**

A. Psychological Examination- The applicant will complete a psychological examination administered by a licensed psychologist of the department's choosing in order to determine the applicant's psychological suitability for the Crisis Negotiation Team.

Scoring will be weighted as Follows:

Oral interview score

- a. 70-75= 25 points
- b. 76-80= 35 points
- c. 81-85= 45 points
- d. 86-90= 55 points
- e. 91-95= 65 points
- f. 96-99= 75 points
- g. 100= 80 points

Candidates will be ranked according to overall score to determine who will be selected for open positions.

### **Basic Negotiation**

Once selected for an opening on the Crisis Negotiation Team, the team member will be placed into probationary status for a period of one year from date of selection. At any time during the probationary period, a team member may be dismissed from the team without cause.

### **Retention**

All Crisis Negotiation team members serve at the discretion of the Sheriff. Any team member can be removed from the Crisis Negotiation Team for any reason at the discretion of the Sheriff or their designee. Crisis Negotiation Team members should consider themselves as serving in an elite position with DASO, and their performance should reflect as such, both on the team and in the performance of their primary duties within the department.

Any team member who is convicted of a crime, or loses their law enforcement certification, whether temporary or permanent, will be immediately dismissed from the team. Any team member who receives a sustained disciplinary action or receives a less than average overall rating on their semi-annual performance evaluation in their primary duty assignment will be subject to review by the Team Commander for discipline or removal from the team.

Team Members who fail to demonstrate proficiency during training exercises and/or evaluations may be required to perform remedial training. Failure to demonstrate proficiency after remedial training may result in discipline.

### **Psychological Exams**

Crisis Negotiation Team members are required to undergo and pass a psychological examination every two years to insure adequate psychological health to perform Negotiation duties. Team members who are found to have inadequate psychological health, based on the opinion of the psychologist, will be placed immediately into a non-deployable status. The team member may return to deployable status when cleared by the Sheriff or designee. If a team member is not cleared to return to a deployable status within 90 days, they will be removed from the team and may return as provided under the Re-selection section below once the team member is cleared by the Sheriff.

Crisis Negotiation Team members may be asked and required to be seen by a licensed psychologist prior to the two years at any given time the Team Commander or designee sees fit.

### **Resignation**

Members of the Crisis Negotiation Team may resign by submitting a letter of resignation to the Team Commander. Based on the needs of the team, the Team Commander may reject the letter of resignation until such time that the member can be replaced.

### **Re-selection**

Past Crisis Negotiation Team members who have left the team under circumstances involving a leave of absence or voluntary withdrawal may reassess for the a position in the event there is an open position on the team. Past team members who were removed from the team as a result of discipline or failure to maintain adequate levels of performance on the team or in their primary department duties are eligible to reapply for open positions with approval from the Team Commander after a period of one year from the date of removal from the team.

### **Training**

The Dona Ana County Sheriff's Office Crisis Negotiation team is a collateral duty team. On occasion, team members may experience scheduling conflicts due to the responsibilities of their primary duties. However, training attendance is critical to maintain proficiency in required skills. Team members must attend a minimum of 70 percent of scheduled training in a calendar year. Failure to attend at least 70 percent of scheduled training in a calendar year may result in discipline up to and including dismissal from the team.

Any absence from training must be excused by a team leader or the team commander at least 24 hours prior to the scheduled training unless exigent circumstances exist.

The team member must contact a Team Leader or the Team Commander by phone call and receive verbal approval for their absence. Any team members who are absent from any portion of a scheduled training will be required to notify the team leader within 24 hours of training. Any team member who fails to notify of absence and does not show up to training shall complete a memorandum documenting the reason for the absence and the number of hours that were missed and provide that to the team commander.

### **Training philosophy**

CNT training will center on preparing the team and its members to accomplish the Dona Ana County Sheriff's Office mission statement and the Team Capabilities listed above.

### **Training Management**

The Team Leader is responsible for creating a training schedule. Training will be scheduled for the calendar year, however, the training schedule may be changed at the discretion of the Team Commander or Team Leader based on the needs of the team. The training schedule is based on certifying the team for readiness in each of the Team Capabilities.

Individual and team skills required to accomplish the capabilities are identified, trained, and evaluated on training days. Team members will be individually evaluated for competency during these training days. After completing the necessary training and evaluation for a particular capability, there will be a scenario training day, evaluated by the Team Commander and/or Team Leader, in which the team will complete one or more scenarios to certify readiness for the particular team capability.

### **On-Call and Call Out Availability**

Upon approval for the deployment of CNT by the Sheriff or designee, the SRT Team Commander or designee will activate team members. The activation will include information regarding the call-out to include specific response location and safe routes of travel, as necessary. Team members assigned to the team come from various full time positions throughout the Department and are in an on-call status. Team members who are on-call must maintain all required equipment and be available to respond to a scene or staging area within 30 minutes of being called out.

UNDER NO CIRCUMSTANCES WILL A TEAM MEMBER CONSUME ALCOHOL, DRUGS, OR ANY MEDICATION THAT MAY AFFECT THEIR COGNITIVE ABILITIES WHILE ON-CALL. TEAM MEMBERS WILL NOT RESPOND TO ANY CALL-OUT UNDER THE INFLUENCE OF ANY SUBSTANCES.

### **Call Out Procedures**

Team Leadership will utilize the following procedures during call outs.

Note: Every situation is unique. The following is a general guide. In some situations,



the following steps may be completed in different order or some steps may not be included at all due to the characteristics of the particular mission.

Receive the mission

Notify SWAT On-Call leadership and or their designee

Respond to the location

Receive brief from the Incident Commander or designee

Operate at all times with a scribe and communication support

Interview all appropriate witnesses and involved personnel

Consult with the Incident Commander regarding negotiation tactics

Establish radio/telephone contact with the Incident Commander/Command Post

Establish Voice contact with the suspect by telephone from the command post or a neutral site or by loudspeaker from a site designated by the Incident Commander or designee.

Confer with the Incident Commander and reach a consensus and understanding before establishing any agreements with the suspect.

### **Negotiable Matters**

The following negotiation points must be approved by the Incident Commander before action:

- A. Movement
- B. Transportation
- C. Money
- D. Hostage exchange for goods
- E. Food and water
- F. Utility service

### **Non-Negotiable Matters**

- A. Unconditional freedom for suspects
- B. Unconditional freedom for other subjects in custody
- C. Total withdrawal of law enforcement personnel from the scene

D. Provision of weapons, drugs or alcohol to the suspect

E. Provision of additional hostage placed under the control of the suspect

**After Action**

After the completion of an incident, the negotiation team will document in a detailed report, the negotiations during the incident. Team Commander or designee will conduct incident debrief within 24 hours of the call-out.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-042	
<b>CALEA STANDARD:</b> 41.2.7	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Crisis Intervention Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide a Crisis Intervention Team (CIT) model of Dona Ana County Sheriff's Office services when dealing with community members who are mentally ill or experiencing emotional distress. Specifically, CIT is a law enforcement-based specialized response. The CIT program provides self-selected employees with extensive classroom instruction including techniques to diffuse difficult situations.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO), to provide individuals displaying signs of mental illness or severe emotional distress with the same rights, dignity and access to law enforcement and other government and community services as are provided to all community members, but without compromise for the safety of the individual, community, or deputies involved in the incident.

#### III. PROCEDURE:

CIT trained employees will serve as specialized front-line responders who are better informed to redirect individuals with mental illnesses, when appropriate, to treatment services instead of the judicial system. The implementation of a CIT will improve our service to the community and reduce our call volume by better responding to these calls. The goal of the CIT is to divert these cases from the criminal justice system and jail to medical services that can provide the help needed.

Whenever practical and depending on availability, employees shall use the DASO Crisis Intervention Team (CIT) as a resource when responding to individuals who exhibit symptoms of mental illness or display behaviors indicative of someone experiencing emotional trauma.

The CIT works in partnership with patrol, communication center personnel, health

professionals and the community to achieve the common goals of safety, understanding, knowledge and service to individuals who are in crisis and who exhibit symptoms of mental illness. Whenever possible, a member of the CIT should be dispatched to calls for service involving mentally ill individuals. However, Crisis Intervention Team members only handle those incidents that do not rise to a level of a high-risk. Additionally, personnel should refer to DASO's Responding to Subjects with Mental Illness policy for guidance in assisting persons with mental illness.

#### **CIT COORDINATOR:**

1. The Intelligence Lieutenant is to serve as the CIT Coordinator. The Coordinator will manage all aspects of the CIT program. The CIT Coordinator will assign a liaison Sergeant that will assist in the ongoing development and enhancement of the CIT program. Both will collect and review all CIT calls, reports, forms and referrals via email or telephone for appropriate follow-up and statistical collection. The Coordinator and liaison Sergeant will serve as a bridge between the DASO and the entire array of medical, social and community services utilized by the CIT.

#### **COMMUNITY COLLABORATION:**

1. The premise behind the CIT model is that public safety responders develop partnerships with area mental health service providers. This will result in dialogue and collaboration with our mental health partners including the Emergency Services providers in Dona Ana County, Community Support Options, and our local human services agencies including Veterans Services. Collaboration will also include, but is not limited to, the counseling centers as well as the guidance and counseling area schools.

#### **TRAINING AND SELECTION OF CIT MEMBERS:**

1. Assignment as a CIT member will be on a voluntary basis. When CIT training classes are being offered, the CIT Coordinator will communicate upcoming training dates and locations so that letters of interest can be submitted. Also, employees can express their interest to the CIT Coordinator, absent a formal notification. When considering a request for CIT training, the department will be looking for attention to detail, commitment to duty, communication skills and ability to work as part of a team.
2. CIT training will be open to patrol, supervisors and detectives. Communication Center personnel will also be offered training opportunities under the CIT program. CIT members must have one year of law enforcement experience. Additionally, it is expected that once trained, the CIT member will maintain their commitment to the program for a minimum period of three (3) years.
3. CIT members will be required to attend a CIT training within one year of becoming a member of the CIT. Additional specialized training will be available to CIT members to improve their skills throughout their career.

## **PROCEDURES FOR CIT RESPONSE:**

1. The CIT consists of specially-trained employees who are designated to handle situations involving persons in crisis, persons with a mental illness, severely incapacitated persons due to ongoing abuse of narcotics or alcohol and their families. The CIT is meant to enhance, not replace, the role of the patrol deputy.
2. The communication center and all sworn personnel will receive an updated list of all personnel who are CIT trained. The primary responsibility of the CIT member on scene is to use his/her skills for the successful conclusion of the incident. Given this increased training, the CIT member is expected to become the primary on the call, regardless of their district designation or on-duty or off-duty.
3. Many CIT calls can be identified by the communication center at the onset of the call or the first responding patrol deputy may identify that the call is appropriate for a CIT response. In both instances, they can request the assistance of a CIT member with the permission of the shift supervisor.
4. CIT members may request from their supervisor to be dispatched to a call/address to assist a caller that they know from previous interactions who may be experiencing a mental health crisis or incident, absent a call type designator of medical/mental. Given the CIT members knowledge of the caller/address, the CIT member may be more successful in assisting the community member.
5. When called to/dispatched to the scene in the absence of a supervisor, regardless of their district designation, the CIT member has command of the incident until relieved by a supervisor. The CIT member shall ensure the shift supervisor is aware of the incident through dispatch and or police radio. The CIT member shall relinquish such authority when relieved by, or at the discretion of a supervisor. Non-CIT trained supervisors shall give reasonable latitude to CIT members when making the decision to relieve.
6. Upon arriving and identifying the call as a CIT call, the CIT member should identify himself/herself, if feasible, as a CIT member to the involved parties.
7. If the CIT member is unable to resolve the CIT call, then he/she should utilize the Emergency Services Providers/Clinical and Support Options as a resource for evaluating an individual's needs. Additional resources include the schools, Hospital facilities, counselling centers, and homeless shelters.
8. Once the crisis has been stabilized, the CIT member will document the findings of the incident with a documented report.
9. Valuable data that should be included in the call narrative or report narrative, if applicable, would include;
  - a. Substance use,

- b. History of military service,
  - c. Whether criminal custody or criminal charges were diverted,
  - d. Living arrangements (ie, homelessness, living with parents) and
  - e. Additional supports provided.
10. As outlined fully in DASO policy Responding to Persons with Mental Illness, a deputy has the authority to make an application for a mental health evaluation. Those employees that are CIT trained as outlined in this policy, after consulting with a Supervisor, are authorized to call the local emergency services provider, currently Clinical and Support Options, to speak to the on-call clinician regarding the party being transported for an evaluation. This additional communication will ensure that the CIT member is relaying all relevant information.
11. In cases where the CIT member is not available during mental health crisis type calls, district deputies shall provide any immediate assistance available to the individual involved, complete applicable reports including an arrest report if criminal charges are pending or if an application for evaluation has been made. The responding deputy shall notify his/her supervisor of the call and the supervisor shall ensure a CIT referral is completed.
12. Once assigned a follow-up investigation by the Liaison Sergeant, the CIT member will make contact with the person of interest. The CIT member will ensure proper care is being provided and if not, make all efforts in coordinating with local entities in providing such care that is needed.
13. CIT members will follow-up with the incident and complete any additional supplement reports and further notifications involving care for the individual, etc. These additional contacts will be documented via a CAD card for Medical/Mental Follow-up.

#### **RESPONSIBILITIES OF SUPERVISORS:**

1. The primary responsibility for the supervisor is to monitor the activities of CIT members within his/her span of control. Monitoring of the CIT members under a supervisor's command shall include but is not limited to the following:
2. Ensuring that the CIT members complete reports in accordance with policy.
3. Provide supervision and oversight to CIT members;
4. Review all reports including custodial reports, incident reports or application for evaluation reports.
5. Allow CIT members to respond out of district as needed for calls that are relevant to CIT.

## RESPONSIBILITIES OF CIT LIAISON SERGEANT

1. Collect and review case referrals for further follow-up.
2. Assign cases to CIT members for follow-up investigations.
3. Ensure that the CIT members conduct follow-up investigations, if necessary, on cases investigated by them.
4. Coordinate with CIT members on assistance needed on individual cases.
5. Report to the Intelligence Lieutenant on a weekly basis of open cases and case status.

Recognize that one goal of CIT is to reduce the overall strain on law enforcement services by addressing mental health calls for service efficiently on our initial dealings with the person in crisis. To do so, CIT members will require more time on medical/mental calls as they may be assisting them, or their family, with getting services. A large theme in CIT training is that a rush to place people in ambulances and then to overcrowded emergency rooms, when not necessary, does not provide many with the help that they need. Emergency Service Providers are often willing to respond to the home or other neutral locations to assess a person who is experiencing a mental health crisis that does not amount to the threshold of a commitment under successful crisis interventions, that improve the safety of our community and DASO, will take more time in the onset.

## IV. APPROVAL:



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-043	
<b>CALEA STANDARD:</b> 46.2.6	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### VIP Security

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for providing security of persons who face unusual risk due to their positions or notoriety.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide protection for dignitaries, visiting officials of other major governmental entities, VIPs, or other persons against whom a significant threat is perceived, or to assist other agencies in their assigned security missions, while the visiting persons are in Doña Ana County.

#### III. DEFINITIONS

**Dignitary-** Any person who, because of social, political, religious, or other position, may be a target of threats or physical harm. Any time a visiting dignitary is a political or foreign governmental official, prior notification will be made to the U.S. Secret Service and, when applicable, the Federal Bureau of Investigation.

#### IV. PROCEDURE

##### A. Responsibilities

1. Due to the complexity of dignitary security operations and the multitude of departmental divisions and specialized units involved in such an operation, the Special Services captain, or designee, is responsible for the planning, procuring, budgeting, and initial coordination necessary for the successful implementation of the provisions of this policy, despite the involvement of divisions or units normally outside of the Special Services captain's command;



2. The Special Services captain is responsible for the implementation of the tactical field provisions of this policy;
3. The Detective Division personnel will normally be used as plainclothes/undercover operatives and for the development of intelligence information. A Patrol lieutenant will provide the necessary uniform personnel to control crowds, traffic, and lead escorts, but may be augmented by members of the Traffic Unit.

## **B. Equipment**

1. The Special Services captain or Fleet Manager is responsible for providing a sufficient number of marked and unmarked vehicles for use during any VIP security mission;
2. The SRT commander, or designee, will be responsible for providing any specialized weapons or tactics;
3. When DASO personnel are working a VIP security detail in plainclothes, a predetermined identifying system will be used, such as a particular color of a lapel pin or badge, for each of those deputies. Colors/pins will be chosen confidentially, near the date of the detail.

## **C. General Provisions for Dignitary Protection**

1. The Traffic Unit will be responsible for initial route reconnaissance, to include alternate routes, and for recommending a preferred route of travel;
2. The Special Services captain, or designee, will be responsible for the inspection of any sites or facilities to be used by the dignitary. When necessary, outside expertise will be used to assist in this regard, e.g., electronic sweeps, bomb searches, etc.;
3. The Investigative Services captain, or designee, is responsible for the gathering of intelligence concerning any visiting dignitary and their families or companions, to include any person or groups believed to be a threat to the dignitary;
4. Upon notification of a pending dignitary visit, the Special Services captain, or designee, will be responsible for the coordination of all activities, both within the DASO and with other affected outside agencies, in addition to responsibility for the actual security operation itself, once it has begun;
5. Designation of the command post location, and any other command and control procedures or responsibilities, will be the responsibility of the Special Services captain, or designee;
6. The Doña Ana County Fire Department will be used for emergency first aid during VIP security details. The local medical facility and paramedics will be

used for emergency first aid and medical transport. Local hospitals will be used as the primary medical facility;

7. When a VIP security detail requires the use of a communication system other than the Doña Ana County network, the system will include separate equipment and channels, that can be rented or borrowed, to accomplish the communications functions/needs.
8. The Special Services captain, or designee, will be responsible for conducting a debriefing of the event, and for providing an after-action report for review and approval by the Sheriff.

## V. APPROVAL



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-044**

**CALEA STANDARD:  
61.1.2, 61.1.3, 61.1.4,  
61.1.5, 61.1.7, 61.3.2,  
61.4.1, 61.4.2, 61.3.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Traffic Control and Enforcement Operations

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide procedures for traffic enforcement and control.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to participate in proactive and reactive traffic enforcement activities. Traffic enforcement should be reactive to observed violations of law, community concerns, or traffic crash investigations, which indicate that a violation of traffic law caused or contributed to the crash. Proactive enforcement should strive to reduce traffic law violations, crash rates, and criminal activity. Effective traffic enforcement may involve warnings, citations, or physical arrest.

#### III. DEFINITIONS

##### Checkpoint

A designated location in a roadway at which vehicles or people are stopped for inspection and clearance. A check point is not a traffic stop. It is designed with safety in mind to determine that NM Motor Vehicle Laws are being complied with, i.e. seatbelt and child restraint usage checkpoints, drivers' license, registration, and insurance checkpoints, sobriety checkpoints, commercial motor vehicle regulation checkpoints, etc.

##### Roadblock

A restriction, obstruction, or device used or intended for the purpose of restricting and preventing the free passage of motor vehicles on a roadway.

## **IV. PROCEDURE**

### **A. TRAFFIC ENFORCEMENT ACTIVITIES**

1. The Uniformed Services captain is responsible for directing traffic enforcement activities within the areas of responsibility. These activities should be directed to specific areas, according to the needs of the district, with an emphasis on reducing the number and severity of traffic-related crashes.
2. The Uniform Services captain, or his/her designee, shall, at least quarterly, compile and review traffic-related activity and crash data to identify areas requiring additional resources and/or deployment of traffic enforcement personnel.
3. The Uniform Services captain, or his/her designee, shall evaluate the effectiveness of selective traffic enforcement projects by comparing pre and post traffic crash data, and adjust enforcement efforts accordingly.
4. Crashes within a certain area can also be the result of traffic flow or highway engineering problems. The Traffic Division should identify these types of issues within Doña Ana County.
  - a. Suggestions for improving traffic flow and/or highway engineering can be forwarded to the Department of Transportation or Doña Ana County Engineering, by completing the appropriate paperwork. This may be completed on department letterhead.
  - b. Citizen complaints may also give rise to suggestions for improving highways and traffic flow. These complaints should be forwarded to the Traffic Division for verification, before completing and submitting any highway improvement recommendations.

### **B. TRAFFIC ENFORCEMENT**

1. Enforcement Actions
  - a. The deputy will have some discretion and may issue verbal warnings, written warnings, or citations for traffic violations. In order to meet DASO goals and safety initiatives, a supervisor may set specific criteria/restrictions for when a deputy may or may not issue written warnings.
  - b. Enforcement action should be taken against violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including the hazardous or unsafe operation of motor vehicles or improperly equipped vehicles.
    - 1) Deputies shall use the New Mexico Uniform Traffic Citation when issuing written warnings or citations.

- 2) Deputies shall completely fill in all appropriate spaces on the citation and ensure it is legible.
- 3) Deputies issuing written warnings shall:
  - a) Complete the information section of the citation.
  - b) Explain to the violator that the warning notice is an acknowledgement of guilt for the offense cited.
  - c) Have the violator sign the warning notice.
  - d) Give the violator the "Violator Copy" of the citation.
  - e) Advise the violator that no further action is necessary.
- 4) Deputies issuing citations shall:
  - a) Complete the information section of the citation.
  - b) Explain the option of either remitting the penalty assessment or appearing in court for the cited offense.
  - c) If the violator chooses to remit the penalty assessment, the deputy shall:
    - (1) Mark the penalty assessment box on the citation, to include the amount of the penalty assessment.
    - (2) Advise the violator that in choosing to remit the penalty assessment, it is an acknowledgement of guilt for the offense cited.
    - (3) Have the violator sign the citation and agreement to pay the penalty assessment amount.
    - (4) Give the violator the "Violator Copy" of the citation and, if available, an envelope with the address to the New Mexico Motor Vehicle Division.
    - (5) At no time shall deputies accept payment for any penalty assessment.

- d) If the violator chooses to appear in court for the violation cited, the deputy shall:
  - (1) Mark the box on the citation indicating that a court appearance is requested.
  - (2) Complete the section of the citation specifying the time and place to appear.
  - (3) Have the violator sign the citation and agreement to appear as specified.
  - (4) Advise the violator that signing the citation is not an admission of guilt.
  - (5) Give the violator the "Violator Copy" of the citation.

c. Physical Arrests

- 1) Deputies shall make arrests based upon probable cause or following the issuance of an arrest warrant. Deputies shall not make an arrest based solely on information received from an anonymous source or anything less than probable cause, e.g., a mere suspicion, a gut feeling, or a hunch.
- 2) Deputies shall make a physical arrest of the following, unless exigent circumstances, such as responding to a higher-priority call, exist that would prevent the arrest:
  - a) When the violator is a DWI offender.
  - b) When the deputy has probable cause to believe the violator has committed a felony.
  - c) When a violator is stopped for attempting to elude a law enforcement deputy.
  - d) When a vehicle operator is interfering with the deputy's investigation or is concealing his/her identity to avoid being arrested or charged with a violation.
  - e) If the violator refuses to sign the citation §66-8-122 (F) NMSA 1978.
  - f) When the violator has a valid arrest warrant.
  - g) When the violator has a revoked license, pursuant to §66-8-122(G) NMSA 1978.

- h) When the violator is charged with reckless driving.
  - i) When the violator has failed to stop in the event of an accident causing death, personal injuries or damage to property.
- 3) Refer to DASO policy, Arrests, for further details regarding physical arrests.
- d. Foreign diplomats and certain consular officials and their families are immune from some or all criminal process, according to treaty obligations of the United States. Traffic citations may be issued to diplomatic officials regardless of their rank or status. Their vehicles may not be searched or impounded. Even though they may not be arrested, they can be detained, if they present a continuing danger to the public. A supervisor shall be contacted when this occurs and ensure a communication, including the diplomat's identification and all circumstances, will be forwarded to the United States State Department.
  - e. Juveniles will be charged with misdemeanor violations of traffic laws on regular citations. In these instances, all juveniles shall be referred to the court of statutory authority (municipal, magistrate, metropolitan). The penalty assessment option shall not be offered to juveniles. This does not preclude deputies from issuing written warnings to juvenile offenders. For further details on this section, refer to the DASO juvenile policy.
  - f. Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and when going to and returning from the same.
  - g. At the same time a motorist is charged with a violation, the deputy shall provide them with information relative to the charge, to include:
    - 1) The violation that they are charged with.
    - 2) The court that will hear the charge.
    - 3) Court appearance date or time frame to appear.
    - 4) That the motorist may appear in court to enter a plea, or not appear and pay a penalty assessment.
    - 5) Only violations listed in Sections 66-8-116, 66-8-116.1, 66-8-116.2 and 66-8-116.3 NMSA 1978 are allowed the option of submitting a penalty assessment or making a court appearance. All other violations of criminal or traffic law are mandatory court appearances.
    - 6) How to contact the respective court.

## 2. DWI

- a. A supervisor, or their designees, are responsible for the identification and implementation of DWI enforcement countermeasure programs within their areas of responsibility.
  - 1) The overall objective of these programs is to reduce alcohol and/or drug related traffic offenses by assigning units or individuals who are trained and experienced in the enforcement of DWI/drug-related traffic laws.
  - 2) Deputies should be identified, within their districts, who show an aptitude for DWI enforcement. These deputies should receive additional DWI-related training and equipment to develop their skills in detecting those persons who drive while under the influence of intoxicating liquor and/or drugs.
  - 3) District staffing permitting, these deputies can be assigned as DWI enforcement teams. These teams can be assigned to areas according to needs identified by the shift lieutenant, or his/her designee.
- b. Shift lieutenants are encouraged to use innovative ideas to address DWI problems within their areas of responsibility, and to coordinate their efforts with all law enforcement divisions when developing DWI countermeasures. DWI countermeasures should also include public awareness campaigns, as appropriate.

## 3. Special Considerations for Enforcement Action

- a. Speed violations – Consideration should be given to the location of the violation and the posted speed limit. School zones and construction zones may require special or dedicated enforcement.
- b. Hazardous violations – These are violations that impair the safe and efficient movement of vehicles and pedestrians. Examples of hazardous violations include speeding, following too closely, and improper passing. The degree of the hazard should be considered.
- c. Non-hazardous violations – These are traffic violations that do not have the potential of causing or resulting in crashes. Examples of non-hazardous violations are vehicle registration violations, driver's license regulations, and financial responsibility violations. Non-hazardous violations may also include minor equipment violations. Deputies shall consider the continued safe operation of the vehicle, the general condition of the equipment, and the type of defect. Whether or not the defects are obvious to the violator should be considered when issuing citations.
- d. Commercial vehicle violations should be dealt with in the same manner as



private passenger vehicles. The only exceptions to this section are laws which apply only to commercial vehicles.

- e. Multiple violations - The deputy may issue citations for all violations or use discretion and cite only for those violations that he/she deems necessary.
- f. Newly-enacted laws - The deputy's discretion should be used according to the circumstances when considering citations for newly-enacted laws.
- g. Violations resulting in traffic crashes – Enforcement action is recommended whenever a crash results from traffic and/or equipment violations. Deputies should issue citations for the specific violation which caused the crash.
- h. Deputies shall not issue penalty assessment citations in those crashes in which the violation of law caused, or contributed to the cause, of a crash, resulting in injury or death to a person pursuant to § 66-8-116 NMSA 1978. These types of violations should be handled through the appropriate court.
- i. These procedures are guidelines for routine situations. In unusual circumstances, the deputy must decide what enforcement action is proper, based on a combination of training, experience, and sound judgment. The deputy may also request assistance from a supervisor or the Doña Ana County District Attorney's Office.

## **C. ENFORCEMENT STRATEGIES**

### **1. Visible Traffic Patrol**

Normal traffic enforcement involves visible traffic patrol by deputies who observe traffic violations during the performance of their normal duties. There are three types of visible traffic patrol which can be utilized:

- a. Area patrol – An area patrol involves enforcement within the deputy's assigned area of responsibility.
- b. Stationary observance - Either covert or overt, stationary observance may be used as a technique to make observations about the flow of traffic at a location. Deputies are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where their presence will serve as deterrence.
- c. Directed or line patrols – These patrols are specific enforcement activities designed to address problems at a specific location and/or during a designated time. This may be a proactive or reactive response to collected data, citizen complaints, or a deputy's knowledge of an enforcement problem.

## 2. Speed Measuring Devices

- a. Deputies shall be trained and certified in the use of speed measuring devices, before being allowed to operate them in the field.
- b. All speed measuring devices utilized by DASO shall meet the equipment specifications and performance standards prescribed by the National Highway Traffic Safety Administration (NHTSA).
- c. Operational procedures shall be in conformance with those recommended by the NHTSA, and as taught by certified Radar/Lidar Instructor.
- d. It is the responsibility of the Traffic Division lieutenant, or his/her designee, to maintain the records of maintenance and calibration of speed measuring devices.

## 3. Roadblocks/Checkpoints

Roadblocks/checkpoints are used by DASO when reasonably necessary to detour motorists from dangerous roadway conditions, when authorized by supervisors for selective traffic enforcement, when it is necessary to prevent the escape of a felon(s) from a contained area, and when all other means have failed, and it is reasonably necessary to stop the driver of a vehicle attempting to avoid apprehension.

### a. Classification of Roadblocks

- 1) A Class A Roadblock is used to stop traffic by utilizing portable signs, traffic cones, pylons, and warning devices, without physically blocking the roadway.

Class A roadblocks may be utilized to inspect and clear vehicles and persons during jail/prison breaks, major felony investigations, sobriety checkpoints, etc.

- 2) A Class B Roadblock is used to stop traffic by physically blocking the roadway with lightweight materials or equipment which will cause little or no damage to vehicles. Material utilized may include lightweight barricade devices, flares, pylons, etc.

Class B roadblocks may be used to warn motorists of severe road conditions, such as snow and ice, or to reroute traffic due to special events, traffic accidents, crime scenes, etc.

- 3) A Class C Roadblock is used to physically block the roadway with heavy material or equipment, i.e., patrol vehicles, state-owned equipment, etc. Privately-owned material or equipment such as a commercial tractor trailer may only be used as a last resort in an immediate emergency situation.

A Class C Roadblock is considered deadly force, and is not to be used unless the elements of deadly force are present; specifically, when immediate action is required to stop an individual posing an immediate threat of great bodily injury or death to deputies, other motorists, or pedestrians.

b. Criteria for Class A Roadblocks/Checkpoints

- 1) The selection of the site and the procedural operations of the roadblock or checkpoint must be made and established by supervisory law enforcement personnel, rather than field deputies.
- 2) Restrictions and discretion of field deputies shall be limited.
- 3) The safety of the public and the deputies shall be paramount.
- 4) The location of the roadblock/checkpoint must be reasonable.
- 5) The time and duration of the roadblock/checkpoint shall be reasonable.
- 6) Indicia of the official nature of the roadblock/checkpoint shall be immediately apparent.
- 7) The length and nature of detention shall be reasonable.
- 8) When a roadblock is specifically for a sobriety checkpoint or other selective traffic enforcement checkpoint, supervisors shall notify the on-call tow/wrecker company of an anticipated increase in service requests.

c. Criteria for All Roadblocks/Checkpoints

- 1) All roadblocks/checkpoints shall strive, when practical, to have advance publicity to raise its deterrence value. Class A roadblocks shall have advance publicity when feasible.
- 2) Roadblocks shall be approved, established, and cancelled only when directed and approved by supervisory or commanding personnel. A supervisor shall be in charge at the scene of a roadblock.
- 3) When practical, planning should occur prior to the utilization of any roadblock.

- 4) A roadblock utilized for the apprehension of a felon shall only be activated after a supervisor takes into account the seriousness of the crime, whether there is sufficient information regarding the wanted person and vehicle, and whether the elapsed time between the criminal act and its discovery is reasonable.
- 5) The selection of a site for a roadblock shall be based on the best use of available personnel, and should provide surprise, safety, and convenience in stopping vehicles.
- 6) NOTE: HIGH-VISIBILITY REFLECTIVE VESTS SHALL BE WORN BY ALL PERSONNEL WORKING ROADBLOCKS.

#### **D. TRAFFIC/NON-TRAFFIC CITATIONS**

1. Preparation, processing, and accountability of traffic citations and misdemeanor citations shall be accomplished in the following manner:
  - a. When paper traffic citation books are issued by the Traffic Division sergeant, the traffic citations should be documented, indicating the number of books issued, and the citation numbers contained within each. Deputies will be accountable for each citation book issued to them.
  - b. Deputies will turn in completed citations by the end of their respective shift or assignments.
  - c. All un-issued traffic citations will be maintained in a secure location. The secure location shall be at the discretion of the Traffic Division lieutenant.
2. The responsible deputy is required to submit an intra-departmental correspondence, through the chain of command, describing the circumstances surrounding the loss or theft of any citation.
3. Voided Citations

When voiding a citation, the deputy shall write "VOID" boldly across the face of the original copy, pursuant to § 66-8-133 NMSA 1978.

4. Dismissed Citations
  - a. Judges or the issuing deputy may dismiss citations.
  - b. Deputies will not cancel or solicit the dismissal or cancellation of any uniform traffic citation, except as legally permitted.
5. Non-Traffic Citations
  - a. Pursuant to § 66-8-123 NMSA 1978, a deputy who arrests a person (who

has no outstanding warrant) for a misdemeanor violation of the Motor Carrier Act, the Criminal Code, the Liquor Control Act or other New Mexico law, may use the uniform traffic citation, and offer the arrested person the option of accepting a non-traffic citation to appear in court, in lieu of taking them to jail.

- b. A non-traffic citation, issued for a misdemeanor or petty misdemeanor offense, shall be issued pursuant to procedures outlined in § 31-1-6 NMSA 1978.
- c. Deputies shall exercise sound discretion when issuing non-traffic citations for misdemeanor or petty misdemeanor offenses, in lieu of taking the person to jail.
- d. Deputies shall be informed of the accepted practice of the courts regarding non-traffic citations.

## **E. CONTACTS WITH VIOLATORS**

1. An important purpose for proper law enforcement action is to attempt to favorably alter the violator's future driving behavior. The process employed must always be on a professional level.
  - a. The deputy involved in traffic enforcement shall always be conscious of his/her professional image, language, and bearing.
  - b. The deputy must be certain of his/her observations, before initiating a traffic stop.
  - c. The deputy shall be prepared, having necessary equipment and forms available.
  - d. The deputy should use courteous, professional greetings when beginning a conversation with a violator and explaining the reason for their contact.
  - e. The deputy shall request a driver's license, proof of insurance, and vehicle registration, or other identification.
  - f. When possible, the deputy should run a records check on the violator and vehicle through NCIC.
  - g. The deputy shall explain to the violator the reason for the stop and required actions.
  - h. The deputy shall complete all required forms.
  - i. The deputy shall check for signs of physical impairment, fatigue, emotional distress, and alcohol and/or drug abuse.

j. If practical, the deputy shall assist the motorist in re-entering the traffic flow safely.

k. Recordings shall be made of all violator contacts.

## 2. Vehicle Approaches.

Whenever stopping a traffic violator, the deputy shall:

a. If practical, call in the vehicle description, occupant(s) description, location, and license plate number, prior to engaging emergency equipment. The deputy should position their unit in a manner to provide safety for them and the violator.

b. Deputies shall record the entire traffic stop. When recording devices, (either audio or video) are installed in the deputy's unit, the equipment shall be utilized.

c. Deputies should always approach the stopped vehicle with caution, watching both for approaching traffic and the occupants of the stopped vehicle. The deputy should be alert for movement by the driver and/or occupants.

d. If the deputy is initiating a felony stop, she or he shall take up a defensive position at the patrol vehicle's door, use the public address system, and follow established felony stop guidelines to complete the encounter. Use felony stop guidelines which were taught during in-service or recruit school instruction

e. Deputies will follow established training procedures for traffic stops, with deputy safety being the number one priority.

## 3. Guidelines for Felony/High Risk Stops.

a. Know the reason for the stop.

b. Request backup deputies.

c. Follow the suspect until the backup deputies arrive.

d. Communicate the location and direction of travel to the dispatch operator.

e. If the suspect stops, maintain cover until the backup deputies arrive.

f. Provide the location of the stop to the dispatch operator.

g. Position the patrol unit at least 30 feet to the rear and offset 1-2 feet right of center of the suspect's vehicle.

- h. Maintain cover with her/his weapon at a ready position.
  - i. Identify him/herself as a DASO deputy.
  - j. Use the public address system or verbally convey commands to the suspect.
4. Use of Unmarked vehicles

Pursuant to Section 66-7-6 NMSA 1978, authorized emergency vehicles shall be equipped with a device that emits an audible signal by bell, siren, or exhaust whistle, and equipped with at least one lighted lamp displaying a red light, visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle.

- a. Use of unmarked emergency vehicles for traffic enforcement is allowed.
  - b. Deputies who are driving a semi-marked or unmarked vehicle should use discretion when stopping violators.
  - c. Deputies should be mindful that a violator may be reluctant to stop for a vehicle which is not clearly distinguishable as a police vehicle.
  - d. If a deputy is wearing civilian attire while operating a semi-marked or unmarked vehicle, and he/she observes a traffic violation which endangers public safety, he/she should request assistance from a marked unit. If there is no marked unit available, deputies are authorized to stop the vehicle using extreme caution.
5. Use of Median Crossovers

All deputies are only to use median crossovers in the performance of their duties. This includes the apprehension of law violators or responding to emergencies, where an immediate U-turn is necessary. When necessity requires the utilization of median crossovers, deputies are expected to be aware of their surroundings and exercise due caution, to include the consideration of the safety of the occupants of vehicles in close proximity.

## **F. SPECIAL PROBLEMS IN TRAFFIC ENFORCEMENT**

### **1. Pedestrian and Bicycle Enforcement/Safety**

Every person propelling a vehicle by human power or riding a bicycle shall have all the rights and all the duties applicable to the driver, except in special regulations by law. Deputies should be conscious of violations by bicyclists or pedestrians on the roadway, and of violations by motorists toward bicyclists or pedestrians.

## 2. Off-Road Vehicles

When violations are observed, deputies should issue citations for the use of off-road vehicles on public highways and non-motorized trails.

## 3. Parking Enforcement

Street parking is restricted in various areas of the county and the state to ensure fair access to parking, and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the state to include:

- a. Handicapped spaces
- b. Fire zones
- c. No Parking/Tow Away Zones
- d. Safety Zones
- e. Illegal parking on state highways

## **G. TRAFFIC DIRECTION AND CONTROL**

1. Deputies are to utilize the procedures outlined in DASO policy, Traffic Crash Investigation, at the scene of traffic crashes.
2. Traffic direction and control at the scene of critical incidents can pose significant challenges. Deputies providing traffic direction/control must evaluate the security of the scene and potential dangers, when directing traffic through a critical incident. Effort should be made to implement the 7 Critical Tasks to the level necessary to ensure safety and security. Requests for additional resources should also be made to facilitate traffic direction and control.
3. Traffic direction and control is also necessary during times of adverse road and weather conditions. Deputies must exercise sound judgment when evaluating the need to provide traffic direction and control or road closure. Deputies may use their patrol vehicles or other methods (such as road flares or cones) to block sections of a road. Requests for assistance with traffic direction and control, or road closures, can be made to the Department of Transportation.
4. The use of temporary traffic control devices, such as mobile stop signs, is encouraged when appropriate, such as a malfunctioning signal. Deputies may also have to provide manual control of an intersection in the event of a signal malfunction or motor vehicle crash.
5. Anytime deputies are providing manual traffic control, they will use readily identifiable hand routine signals/gestures. These signals/gestures are to provide clear and understandable directions to motorists and pedestrians at crash and other incident scenes. Standard hand signals/gestures are taught during academy training. Any deputy working within the right-of-way of any highway, directing traffic, processing crash scenes, or engaging in other high-risk traffic



safety operations, where deputy visibility is critical, must wear a high-visibility reflective vest or apparel that meets the Performance Class 2 or 3 requirements of the American National Standard for High Visibility Apparel (ANSI/ISEA 107-2004) for safety purposes.

6. During incidents where traffic direction and control will be required for an extended period of time (such as a hazardous highway condition), or for crashes or incidents requiring extensive traffic direction and control equipment, deputies are encouraged to request assistance from the Department of Transportation, or other resources, as needed. Reasonable effort shall be made to reroute traffic around the crash or incident scene, using other lanes, shoulders, frontage roads, or alternative routes that may be available.
7. Road closures by other law enforcement agencies
  - a. Upon notification of road closures by other law enforcement agencies, the New Mexico State Police shall evaluate the emergency situation and determine if the closure is necessary, and with the assistance of the investigating agency, shall reroute traffic around the scene.
  - b. The New Mexico State Police shall make the final determination regarding the need for road closures, and the length of time it is necessary to maintain the closures, in accordance with state law.

## **H. ANCILLARY SERVICES**

Ancillary services are activities that have an indirect effect on traffic flow, as well as those that are responses to citizen-generated requests for assistance. These tasks include general assistance, emergency assistance, providing public information and directions, identifying and reporting roadway and roadside hazards, checking abandoned vehicles, and locating and recovering stolen vehicles.

### **1. General Assistance**

Deputies shall provide general assistance to motorists and other persons in a courteous manner. These types of request for assistance may include but are not limited to:

- a. Requests for directions.
- b. Requests for road and weather conditions.
- c. Requests for lodging suggestions, etc.

### **2. Assisting a Stranded Motorist**

- a. When a deputy encounters a stranded motorist, the deputy shall determine what assistance is necessary and make every practical effort to obtain or

render the assistance needed, including requesting a wrecker or other mechanical assistance, if appropriate.

- b. If a stranded motorist is observed and a deputy is enroute to a call, the dispatch operator shall be notified of the motorist's location to ensure assistance is dispatched. If practical, the deputy should stop and advise the motorist that other assistance is enroute, and then proceed to the assigned call.
- c. Deputies shall provide reasonable protection of stranded motorists in those situations where the deputy deems necessary and appropriate, or when the motorist requests this service. The deputy shall notify the dispatch operator of the fact he/she is providing protection for the stranded motorist, so as to be logged on the CAD.
- d. Vehicles shall be towed pursuant to DASO policy, Vehicle Towing and Inventory.

### 3. Providing Emergency Assistance

- a. When the assistance rendered to a stranded or disabled motorist is of an emergency nature, the deputy shall render first aid, as appropriate, request additional assistance through dispatch, and remain with the motorist until his/her assistance is no longer needed.
- b. Deputies shall also provide fire suppression, as appropriate and within their capabilities, to motorists requiring such aid. Fire/rescue services shall be immediately requested to the scene, prior to any attempts to suppress a fire, unless the deputy deems it unnecessary.

### 4. Escorting Vehicles

- a. In the event of a request for an escort of injured persons to a medical facility, the deputy shall first attempt to render first aid, if appropriate, and request EMS response through the telecommunications center. In life threatening situations, the deputy may escort with supervisory approval. Such escorts shall not exceed the posted speed limit, and all traffic control devices shall be obeyed. Deputies shall not attempt to run emergency equipment with the victim/requesting person following in a civilian vehicle. Due care and extreme caution must be observed during all escorts.
- b. Police escorts may be provided for funeral processions, parades, oversize loads, vehicles with hazardous or unusual cargo, VIPs, and other special events. Each request for an escort must be approved by the Sheriff, or his/her designee. The requesting organization shall provide the following information when requesting a police escort.

- 1) Anticipated route.

- 2) Approximate number and types of vehicles.
- 3) Anticipated duration of the escort.
- 4) Special problems due to the nature of the escort.

#### 5. Roadway and Roadside Hazards

- a. Roadway and roadside hazards are contributing factors in many traffic crashes. When such hazards come to the attention of a deputy, the deputy should take steps to eliminate them, if possible. When it is not possible, the deputy should report it to the dispatch operator, who will report it to the proper department for corrective action. The deputy may provide traffic control around such a hazard, or may request the immediate assistance of the Department of Transportation for equipment, which can be used to divert traffic around the hazard. Such hazards include, but are not limited to:
  - 1) Debris on the roadway.
  - 2) Roadway defects.
  - 3) Lack of or broken highway safety devices.
  - 4) Lack of or broken traffic control devices.
  - 5) Lack of or broken roadway lighting systems.
  - 6) Other roadside hazards such as abandoned vehicles.
- b. Engineering or other related problems may be brought to the attention of the Department of Transportation or the Doña Ana County Engineering Department.
- c. Deputies who encounter hazardous material spills, accidents, etc., shall notify the dispatch operator and request assistance, if appropriate. Deputies should attempt to identify hazardous materials and relay the information to the dispatch operator, to be relayed to supervisors or hazardous materials responders. Deputies shall take appropriate emergency measures, in accordance with the Critical Incident Management System and the Emergency Response Guide. These measure may include, but are not limited to securing and evacuating the immediate area, if practical, until an appropriate hazardous response team arrives.

## **I. IDENTIFICATION OF DRIVERS WHO MAY REQUIRE RE-EXAMINATION**

A traffic enforcement encounter may result in the discovery of a driver who may be suspected of having a physical or mental disability, or some other condition that may preclude the driver from exercising reasonable and ordinary care over a motor vehicle. This suspected impairment shall be noted, and shall be forwarded to the Driver's Services Bureau of the Motor Vehicle Division, with an explanation of the potential need for re-examination.

## **J. TRAFFIC SAFETY EDUCATION MATERIALS**

When possible, traffic safety education shall be made available to the public. This may include:

1. Printed brochures
2. Video materials
3. Traffic safety-related programs.

## **V. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-045**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Deputy / Traffic Violator Relations

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines for deputies during their contact with traffic violators and for the information provided to the motorists at the time of enforcement.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) that deputies make each violator contact an educational one, and attempt to leave the violator with adequate information necessary to correctly satisfy the legal requirements of the enforcement action in a timely manner. Deputies should also leave the violator with the impression that they have performed a necessary task in a professional manner.

#### III. PROCEDURE

Once the deputy has stopped the violator, the guidelines for deputy/violator relations are activated. The deputy will:

1. Be alert but not obviously apprehensive.
2. Be certain the observations of the traffic violation were accurate.
3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms immediately available.
5. Decide on an appropriate enforcement action, based upon the violator's driving behavior.
6. Greet the violator with the appropriate title in a courteous manner.

7. Inform the violator what traffic law they have violated and the intended enforcement action, minimizing any suspense and apprehension the violator may be experiencing.
8. Ask for the violator's driver's license, vehicle registration, and insurance card.
9. Obtain other documents of identification, if the driver has no driver's license.
10. Refrain from arguing, berating, belittling, or otherwise verbally abusing the violator.
11. Complete, in a timely manner, the required forms for the enforcement action taken or the administration of a verbal warning.
12. Explain to the violator exactly what their responsibility is, in response to the enforcement action taken, such as where and when to appear, if the enforcement action requires a court appearance. Explain any alternatives to the violator, but do not predict the action of the court.
13. Check for signs of physical impairment, emotional distress, and alcohol and/or drug use.
14. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated, or the violator may need to calm down before they resume driving.
15. Return all documents obtained from the violator, and provide a copy of the warning or citation.
16. Assist the violator in safely reentering the traffic flow.
17. When issuing a citation to the violator, the deputy will provide adequate information to the driver regarding the correct way to fulfill the legal obligations of the citation.
18. For those violations considered to be moving violations, (with the exception of seat belt violations, child restraint violations, careless driving violations, reckless driving violations, violations incurred by leaving the scene of an accident, and violations resulting in accidents involving great bodily harm or injury, all which require a court appearance), the deputy will provide the violator with the option of selecting the *Penalty Assessment* or the *Court Appearance*, according to the court affected by the violation.
19. The deputy will provide adequate information regarding the *Penalty Assessment* and *Court Appearance*, for the violator to make an educated decision as to which option best suits their individual needs and wishes.
20. For those violations which encompass drivers' licenses, the insurance, registration, and required equipment of vehicles, seat belts, child restraints,

careless driving, reckless driving, leaving the scene of an accident, and violations resulting in accidents involving great bodily harm or injury, the deputy shall provide the *Court Appearance* option only;

21. When a violator chooses the *Penalty Assessment* option, the deputy will inform the violator of the amount of the penalty assessment, the correct mailing address of the court, and the location on the citation where the address can be found. The deputy will provide the violator with a pre-addressed envelope of the court, if one is available. The deputy will verbally inform the violator that they have thirty days, from the date of the violation, to fulfill their obligation by the delivery of the required penalty amount to the affected court. Deputies will adequately explain the repercussions of failure to meet the required obligations in a timely manner, i.e., the suspension of driving privileges, and the issuance of arrest warrants;
22. When a violator chooses the *Court Appearance* option, the deputy will inform the violator of the address of the court and the location on the citation where the address can be found. The deputy will verbally explain to the violator, and document on the citation, that the violator must respond to the court **within 7 business days but not more than 31 calendar days** (comment for CPT Day: the red phrase makes no sense. Should it be "no earlier than 7 business days and not more than 31 calendar days"?) immediately following the date of the violation, during the hours of normal operation of the court. Deputies will adequately explain the repercussions of failure to meet the required obligations in a timely manner, i.e., the suspension of driving privileges, and the issuance of arrest warrants;
23. The deputy will inform the violator of their options regarding the court appearance, i.e, a plea of guilty, not guilty, or no contest), and will offer adequate explanation of each.

#### IV. APPROVAL

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-046**

**CALEA STANDARD:  
40.2.3**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Criminal Intelligence Procedures

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the collection and dissemination of criminal intelligence information and maintenance of a Criminal Intelligence System.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to collect criminal intelligence information and to disseminate it to divisions within the department in order to prevent, solve, and reduce criminal activity. It is the policy of the Doña Ana County Sheriff's Office to also maintain a Criminal Intelligence System in compliance with Federal Regulations.

#### III. PROCEDURE:

It is the responsibility of every Deputy to obtain and distribute criminal intelligence through formal and informal avenues. Through the use of electronic means, employees post criminal intelligence, such as stolen vehicles, wanted persons and attempts to locate, and close patrols. At the beginning of their shift, each Deputy is expected to review new information posted by electronic means.

The shift supervisor, or his designee, briefs the next shift on significant events and persons of interest that occurred during the shift.

By reviewing information posted or delineated, Deputies may request assistance, such as the identification of suspects, on current criminal investigations. Through the use of briefing training and other training avenues, Deputies receive training on the proper handling and dissemination of criminal intelligence. Criminal intelligence should be treated as confidential information and should only be accessible to qualified individuals.

For formal and long term criminal intelligence, DASO's Criminal Intelligence System is



maintained at the direction of the Investigation Services Captain. Our system is maintained to assist Deputies in criminal investigations and ensure that the collection, dissemination, and management of Criminal Intelligence conforms to privacy laws and the constitutional rights of individuals. Procedures for the utilization of Criminal Intelligence must meet all requirements of 28 Code of Federal Regulations (CFR), Part 23.

### **Definition of Criminal Intelligence File:**

A Criminal Intelligence File consists of stored information on the activities and associations of:

1. Individuals who:
  - a. Are suspected of being involved in the actual or attempted planning, organizing, financing or commission of criminal acts; or
  - b. Are suspected of being involved in criminal activities with known or suspected crime figures.
2. Organizations, businesses, and groups that:
  - a. Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or
  - b. Are suspected of being operated, controlled, financed, or infiltrated by known or suspected crime figures for use in illegal activities.

### **File Content:**

Only information with a criminal predicate, which meet the defined criteria for file input, should be stored in the criminal intelligence file. Specifically excluded material includes:

1. Information on an individual or group merely on the basis that such individual or group support unpopular causes;
2. Information on an individual or group merely on the basis of ethnic background;
3. Information on any individual or group merely on the basis of religious or political affiliations;
4. Information on an individual or group merely on the basis of non-criminal personal habits;
5. Criminal Records should be excluded from an intelligence file;
6. Also excluded are associations with individuals that are not of a criminal nature.

## **File Criteria:**

### **Criteria for Permanent status in the Criminal Intelligence File (Five Year):**

1. Information that relates to an individual, organization, business, or group that is suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:
  - a. Narcotic trafficking or manufacturing;
  - b. Extortion;
  - c. Vice and Pornography;
  - d. Infiltration of legitimate business for illegitimate purposes;
  - e. Stolen Securities;
  - f. Bribery;
  - g. Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property and arson;
  - h. Manufacture, use, or possession of explosive devices for purposes of fraud, intimidation, political motivation, homicide, or related crimes and destruction of public or private property;
  - i. Threats to public officials and private citizens;
  - j. Corruption of public officials.
2. In addition to falling within the confines of one or more of the above criminal activities, the subject/entity to be given permanent status must be identifiable - distinguished by a name and unique identifying characteristics (including date of birth, criminal identification number, driver's license number, or address). Identification at the time of the file input is necessary to distinguish the subject/entity from existing file entries and those that may be entered at a later time. The exception to this would be modus operandi files. Modus operandi files may be retained indefinitely while additional identifiers are sought.

### **Criteria for Temporary Status in the Criminal Intelligence File (One Year):**

Information that does not meet the criteria for permanent storage but may be pertinent to an investigation involving one of the categories previously listed should be given "temporary" status. Retention of temporary information should not exceed one year, unless a compelling reason exists to extend this time period. (For example: if several pieces of information indicate that a crime has been committed, but more than one year is needed to identify a suspect). If the information is still classified as temporary at the end of a one-year period, and a compelling reason for its retention is not evidence, the information should be purged. An individual, organization, business, or group may be given temporary status in the following cases:

1. Subject/entity is unidentifiable- the subject/entity, although suspected of being engaged in criminal activities, has no corroborating identification numbers.
2. Involvement is questionable- involvement in criminal activities is suspected by a subject/entity which has either:
  - a. Possible criminal associations- individual, organization, business or group (not currently reported to be criminally active) associates with a known criminal and appears to be jointly involved in illegal activities;
  - b. Criminal history- individual, organization, business, or group) not currently reported to be criminally active) that has a history of criminal conduct, and the circumstances currently being reported indicates they may become criminally active.
3. Reliability/validity unknown- the reliability of the information sources and/or the validity of information cannot be determined at the time of receipt; however, the information appears to be significant and merits temporary storage while verification attempts are made.

When a Deputy obtains intelligence that qualifies as information to be entered into the Criminal Intelligence File, the Deputy shall submit a report to the Investigations Captain or his/her designee with as detailed and specific information as possible. That information is then evaluated.

### **Evaluation of information:**

Information to be retained in the criminal intelligence file should be evaluated and designated for reliability and content validity prior to filing.

The bulk of the data an intelligence unit receives consists of unverified allegations or information. Evaluating the information's source and content indicates to future users the information's worth and usefulness. Circulating information which may not have been evaluated, where the source reliability is poor and content validity is doubtful, is detrimental to our agency's operations and contrary to the individual's right to privacy.

To ensure uniformity with the intelligence community, stored information should be evaluated according to the criteria set forth below:

1. Source reliability:

- a. Reliable- The reliability of the source is unquestioned or has been well tested in the past.
- b. Usually Reliable- The reliability of the source can usually be relied upon as factual. The majority of information provided in the past has been proved to be reliable.
- c. Unreliable- The reliability of the source has been sporadic in the past.
- d. Unknown- The reliability of the source cannot be judged. Its authenticity or trustworthiness has not yet been determined by either experience or investigation.

2. Content Reliability:

- a. Confirmed- The information has been corroborated by an investigator or another independent, reliable source.
- b. Probable- The information is consistent with past accounts.
- c. Doubtful- The information is inconsistent with past accounts.
- d. Cannot be judged- The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation.

**Information Classification:**

Information retained in the criminal intelligence files should be classified in order to protect sources, investigations and the individual's right to privacy. Classification also indicates the internal approval which must be completed prior to the release of information to persons both within and outside the department. However, the classification of information itself is not a defense against a subpoena duces tecum.

The classification of criminal intelligence information is subject to continual change. The passage of time, the conclusion of investigations and other factors may affect the security of classification assigned to particular documents. Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher or lesser degree of document security is required to ensure that information released when and if appropriate.

**Classifications include:**

3. Sensitive:

- a. Information pertaining to significant law enforcement investigations;
- b. Corruption (police or other government officials) or other sensitive information;
- c. Informant identification information;
- d. Criminal intelligence reports which require strict dissemination and release criteria.

4. Confidential:

- a. Criminal intelligence reports not designated as sensitive;
- b. Information obtained through intelligence channels that are not classified as sensitive and is for law enforcement use only.

5. Restricted:

- a. Reports that at an earlier date were classified sensitive or confidential and the need for high-level security no longer exist.
- b. Non-confidential information prepared by/for law enforcement agencies.

6. Unclassified:

- a. Civic-related information to which, in its original form, the general public had direct access (i.e., public record data).
- b. News media information- newspaper, magazine and periodical clippings dealing with specified criminal categories.

**Information Source:**

In all cases, source identification should be available in some form. The true identity of the source should be used unless there is a need to protect the source.

The value of information stored in criminal intelligence files is often directly related to the source of such information. Some factors to consider in determining whether source identification is warranted include:

1. The nature of the information reported;
2. The potential need to refer to the source's identity for further prosecutorial activity;
3. The reliability of the source.

Whether or not confidential source identification is warranted, reports should reflect the name of the agency and the reporting individual. In those cases where identifying the source by name is not practical for internal security reasons, a confidential informant number may be used. A confidential listing of coded sources of information can then be retained by the Investigations Captain or his/her designee. In addition to identifying the source, it may be appropriate in a particular case to describe how the source obtained the information.

**Information Quality Control:**

The Investigations Captain or his/her designee should conduct a thorough review for compliance with established file input guidelines and policy prior to Criminal Intelligence information being filed. The review should include ensuring that all information entered into the criminal intelligence files conforms to the file criteria and has been properly evaluated and classified.

**File Dissemination:**

Information from a criminal intelligence report can only be released to an individual who has demonstrated both a "need-to-know" and a "right to know."

**"Right to know"**- Requestor has official capacity and statutory authority to the information being sought.

**"Need to know"**- Requested information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation.

No "original document" which has been obtained from an outside agency is to be released to a third agency. Should such a request be received, the requesting agency will be referred to the submitting agency for further assistance. Stored information shall be classified according to the following:

<b>SECURITY LEVEL</b>	<b>DISSEMINATION</b>	<b>CRITERIA RELEASE AUTHORITY</b>
Sensitive	Restrict to Law Enforcement personnel having a specific need to know and right to know	Investigations Captain
Confidential	Same as Sensitive	Investigations Captain or Lieutenant

Restricted	Same as Sensitive	Law Enforcement Deputy
Unclassified	Non-restricted personnel	Law Enforcement Personnel

The integrity of the criminal intelligence file can be maintained only by strict adherence to proper dissemination guidelines. To eliminate unauthorized use and abuse of the system, a record of dissemination and requests for dissemination of information should be maintained with each stored document. Release of the document should note the date of the request, the name of the agency and individual requesting the information, the need to know, the information provided and the name of the employee handling the request.

## **File Review and Purge**

### **File Review:**

Information stored in the criminal intelligence file should be reviewed periodically for reclassification or purge in order to:

1. Ensure that the file is current, accurate, and relevant;
2. Safeguard the individual's right to privacy as guaranteed under federal and state laws;
3. Ensure that the security classification level remains appropriate.

### **Purge Criteria:**

General considerations for reviewing and purging information stored in the criminal intelligence file are as follows:

1. Utility:
  - c. How often is the information used?
  - d. For what purpose is the information used?
  - e. Who uses the information?
2. Timeliness and Appropriateness:
  - a. Is this investigation still ongoing?
  - b. Is the information outdated?
  - c. Is the information relative to the needs and objectives of the agency?
  - d. Is the information relevant to the purpose for which it was collected and stored?

### 3. Accuracy and Completeness:

- a. Is the information still valid?
- b. Is the information adequate for identification purposes?
- c. Can the validity of the data be determined through investigative techniques?

#### **Review and Purge Time Schedule:**

Re-classifying and purging information in the intelligence file should be done on an ongoing basis as documents are reviewed. In addition, a complete review of the criminal intelligence file for purging purposes should be undertaken periodically. This review and purge schedule can vary from once each year for documents with temporary status to once every five years for permanent documents.

#### **Manner of Destruction:**

Material purged from the criminal intelligence file should be destroyed. A secure method of disposal is used for all records or papers that identify a person by name.

#### **File Security:**

Criminal intelligence files are maintained on an electronic storage media in a secure location designated by the Investigations Captain. Access to this storage media is limited to the Investigations Captain or his/her designee. Files rated as unclassified may be stored electronically but is limited to law enforcement personnel.

#### **Responsibilities of Agency Personnel:**

It is the responsibility of all agency personnel to identify criminal intelligence and to collect the appropriate information to be submitted into the Criminal Intelligence Data Base. Submission of criminal intelligence information should be completed by documenting the information obtained and forwarding it to the Investigations Captain via secure email or by submission of a Criminal Intelligence Card.

Criminal Intelligence Cards should be submitted to a secured box located in the area of Patrol Briefing. The Investigations Captain or his/her designee has access to this secured box. After information from the Criminal Intelligence Card is entered into the data base by the Investigations Captain or his/her designee, the Criminal Intelligence Card is destroyed.

#### **Training of Agency Personnel:**



Agency personnel are trained in the Criminal Intelligence function and are encouraged to document information gleaned from a variety of sources. Training is conducted annually and includes a review of this policy by all personnel.

**Annual Review of Procedures and Processes:**

An Annual Review of Procedures and Processes is conducted by the Investigations Captain.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-047	
<b>CALEA STANDARD:</b> 70.1.1,70.1.2,70.1.6 70.1.7,70.1.8,70.2.1 70.4.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Transportation of Detainees

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines governing the safety and security of detainees, deputies, and the public during detainee transportation.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to ensure that all detainees are transported in a safe and secure manner.

#### III. DEFINITIONS:

**Temporary Detention** - Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances. Detention begins once a person is left secured and unattended.

**Processing** -Includes pre-booking activities involving detainees in custody, after which detainees may either be released from custody by one of several means or be escorted to a holding facility, at which time they would be booked. Processing involves physical contact with detainees and detention does not.

**TRANSPORT DEPUTY**- A Transport Deputy with the Dona Ana County Sheriff's Office, Commissioned by the Sheriff and trained in transporting inmates from one facility to another within the State of New Mexico and out of State when it is necessary to do so.

**INMATE OR PRISONER**- A person confined in a Detention facility/ Correctional Facility who has been charged or convicted with a violation of any Federal, State or Local law.

**JUVENILE DELINQUENT**- A child who is charged or convicted with a violation of an Federal, State or Local law prior to their 18th birthday.

**REQUIRED DOCUMENTATION-** The official documents needed for the transport of an inmate to Court, to or from other facilities, or medical appointments. Official documents would include, but are not limited to, transport orders, judgements and sentenced, warrants, extradition papers, Court orders, medical requests and a picture with description of the individual being transported.

**TRANSPORT VEHICLE-** A Police unit, Transport van or other vehicle that is used to transport a prisoner or inmate outside of the Detention Center/Correctional Facility. The vehicles must be equipped with a security screen between the front and rear seat and/or dividers between the inmates.

**SEARCHES-** The close physical inspection for weapons, illegal drugs or other contraband of the transport vehicle and of an inmate who is being transported outside of a Detention Center/Correctional Facility for any reason.

**EMERGENCY ACTIONS-** The procedures that a transport Deputy or team of Deputies will utilize any type of emergency, such as traffic crash, inmate illness, escape or attempted escape.

**AUTHORIZED RESTRAINTS:**

1. Handcuffs - Hinged or Chain
2. Leg Shackles
3. Belly Chains & Lock boxes
4. The Band-It Electronic Restraint Device

**RESTRAINTS-** The procedures that purposely limiting or obstructing the freedom of a person's bodily movement by utilizing handcuffs, leg shackles, belly chains, lock boxes and if necessary the Band-it electronic restraint devices.

**HANDCUFFS-** A pair of lockable linked metal rings for securing a detainee/prisoner's wrists.

**LEG SHACKLES-** A pair of metal rings or chains that are fitted around a detainee/prisoner's legs to prevent them from running away.

**BELLY CHAINS AND LOCK BOXES-** A physical restraint worn by a detainee/prisoner, consisting of a chain around the waist, to which the detainee/prisoner's hands may be chained or cuffed. Sometimes the ankles are also connected by the means of a longer chains and the chains are secured together with a locking device.

**THE BAND-IT ELECTRONIC RESTRAINT DEVICES-** A system that is remotely activated electronic restraint device which produces an electric shock that can disorient, temporarily immobilize and stun a person without causing permanent injuries. The Band-It system consists of a discrete system of bands that are applied around the upper arm, calf or thigh, concealed under the clothing.

**CONTROL OFFICER-** The transport Deputy assigned to operate the remote control device for the Band-It.

**HIGH RISK INMATE-** An inmate that due to behavior, prior history of escape or escape attempts, mental instability and/or history of violence.

**ESCAPE-** An inmate in custody who attempts or successful evades custody.

**IN-STATE TRANSPORT-**The process of transporting an inmate from one Detention Center/State Penitentiary to another within the State of New Mexico; usually from one jurisdiction to another, to a Court appearance, medical appointment, or other approved destination.

**EXTRADITIONS-** The process by which a State surrenders to another State an individual accused or convicted of a crime outside its own jurisdiction.

**OUT OF STATE TRANSPORTS-** The process of transporting an inmate from an out of State Detention Center or out of State Correctional Facility to the Dona Ana County Detention Center in the State New Mexico, after a waiver of extradition has been signed or a Governor's warrant has been issued.

**WAIVER OF EXTRADITION-** The consent of return of an individual in custody at a Detention Center/ Correctional Facility in another State to the demanding State in the presence of a Judge or Court of record.

**GOVERNOR'S WARRANT-** A warrant for arrest, signed by the Governor of the demanding State, sealed with the State seal, directing any Peace Officer or other person whom he may think fit to entrust with the execution of the warrant, to take the person into custody and transport them to the demanding State. The warrant must substantially recite the facts necessary to the validity of its issuance.

**WRIT OF HABEAS CORPUS-** The right of the accused person to test the legality of his arrest. Upon doing so, a hearing with a date and time will be set and notification will be made to the demanding state.

**DETAINER-** The State which is demanding the return of an individual has their District Attorney's Office provide a document of detainer requesting the said State to detain/hold the individual for extradition.

**DIAGNOSTIC EVALUATION-** A Court Order requiring a prisoner to be taken to a Correctional Facility or a for the purpose of evaluating his/her behavior for a specific period of time.

**JUDGEMENT AND SENTENCE (J & S) -** A Court Order which states the Court's judgment of a case of an accused person. Further specifies the sentence imposed and directs Law Enforcement Personnel to take said individual into custody and deliver him/her to a State Correctional Facility.

## **STATUTORY LAW: NMSA 4-41-12 ENTERING OTHER COUNTIES; POWERS**

The various Sheriffs of the several counties of this state, or any part of this State for the purpose of arresting any person charged with a crime, whether the County so entered by the same to which the Sheriff so entering was elected or the same power as is above mentioned, shall have the same power to call out the power of said County to aid him, as is conferred on Sheriff's in their own counties.

#### **F.A.A. REGULATION: PART #108.21**

Any Deputy who is involved in transporting prisoners on a Commercial Airline, and who will be flying armed, must take a course of instruction concerning procedures required in this regulation.

### **IV. PROCEDURE:**

#### **A. Personnel Extradition Clothing Attire**

1. Assigned deputies will be utilize the Department Class B Uniform with all issued equipment while transporting inmate(s) within the State of New Mexico. Any exceptions to uniform will be upon direction of the Division Commander.
2. Transport deputies traveling out of state on extraditions will wear the department issued Polo, BDU pants, bullet resistant vest, duty belt, badge and Agency identification card.

#### **B. Transports**

1. Transport deputies will notify the Mesilla Valley Regional Dispatch Association (MVRDA) **by means other than radio** of the transport. This notification shall be made prior to the actual transport and include information pertaining to the time of the transport, location or destination, and reason for the transport.
  - a. Transport deputies will only advise MVRDA by radio or cell phone when an inmate(s) are in their custody.
  - b. Deputies will notify MVRDA of destination, beginning mileage, and number of inmate(s) in custody.
  - c. Deputies will notify MVRDA upon arriving at the location, ending mileage and number of inmates dropped off.
  - d. Deputies will continue to notify MVRDA of any other drop of or pick up locations.
2. Deputies will notify MVRDA of any additional stops while inmate(s) are in Deputy's custody in case of an emergency or an escape of an inmate.
3. At no time will transporting deputies broadcast over the radio where they are going or who they are transporting. Transport deputies will carry a radio on their

person with them while conducting transports. The radio should be functioning and turned on. (The radio may be turned off while in open Court and/or an earpiece can be used.)

4. All transports will be conducted with the appropriate level of supervision.
5. All transports will be conducted with at a minimum of two armed transport deputies.
6. Inmates will not be permitted to influence, determine or know the travel itinerary.
7. Transport deputies will utilize restraints such as handcuffs, transport belts/chains, and leg irons, and if necessary the Band-it as authorized and required by training.
8. Adult inmates will not be transported with juvenile inmates.

### **C. Female Inmates**

1. All female inmates being transported will require the same amount of supervision as outlined in this policy.
  - a. If a female deputy is not available to conduct a female inmate transport, two male transport deputies may be utilized.
  - b. Transport deputies will only advise MVRDA by radio or cell phone when a female inmate(s) are in their custody.
  - c. Deputies will notify MVRDA of destination, beginning mileage, and number of inmate(s) in custody.
  - d. Deputies will notify MVRDA upon arriving at the location, ending mileage and number of inmates dropped off.
  - e. Deputies will continue to notify MVRDA of any other drop of or pick up locations.
2. Deputies will notify MVRDA of any additional stops when no inmate(s) are in Deputy's custody.
  - a. Deputies will call MVRDA with the time and location upon arriving and departing to/from any location.

### **D. Juveniles**

1. All juvenile inmates will be transported using the same criteria as for adult inmates.

- a. Transport deputies will call MVRDA with the time and beginning mileage at the time of departure and with the time and ending mileage when arriving at the scheduled destination.
- b. This procedure will be utilized at any time that a juvenile inmate is transported in county or out of county.
- c. Juvenile inmates will not be transported with adult inmates.

## **E. Identification of Transported Inmates**

1. Prior to departing, transport deputies will contact the holding facility and confirm that the inmate(s) scheduled to be transported are at the facility and are available for pick up.
2. Transport deputies will give the holding facility an estimated time of arrival to ensure an efficient transfer of the inmate(s).
3. The transport deputies will confirm the inmate's identity prior to transport, by utilizing an inmate identification card, current inmate photo, and the offender information sheet provided by the Transport Coordinator.
4. Transport deputies will carry with them the following documents:
  - a. Booking face sheet containing a photo and description of each inmate being transported.
  - b. The transport deputies must have the original copies of a commitment order when transporting an inmate to any State of Federal Correctional Facility.
  - c. Copies of a commitment order, transport/request, medical requests or other required documentation will be necessary for all other transports.
  - d. Any available documentation on the detainee regarding security issues, acts of violence, flight risk. Illness/injury, possibility of suicide or medical hazards.

\*Medical hazards include, but not limited to: potential infectious disease risk, claimed or treated injuries, and claimed or treated medical conditions.

## **F. Transport Vehicles**

1. The transporting vehicle is an extension of the Dona Ana County Sheriff's Office and all of the Policies and Procedures regarding deputies/transport deputies and inmates apply.
2. The transporting vehicle will always be searched before and after every transport

to ensure escape paraphernalia and/or contraband is not present.

3. All transport vehicles should allow for communication between the front and rear of the vehicle.
4. All transport vehicles will have a device or be modified to minimize opportunities for detainee to exit from the rear of the vehicle. Vehicles will be modified so that the rear doors and windows of the vehicle cannot be opened from the inside of the rear compartment. In addition, these vehicles are equipped with protective screens.
5. A full load of all modes of transportation is in accordance with passenger seating configuration for each vehicle used. The number of inmates assigned to a vehicle shall not exceed the designed passenger load of that vehicle.
6. All transport vehicle must be inspected daily for mechanical issues by transport deputies before every transport and a vehicle inspection form will be completed. All issues must be documented and reported to the Transport Coordinator and transport deputies must use a different transport vehicle.
7. In all transport situations, it is the transport deputy's responsibility to ensure that the transport vehicle is safe and equipped with the appropriate items; for example, spare tire, jack, lug wench, safety flares, fire extinguisher and all necessary restraint devices, and a first aid kit.
8. All transport vehicle must have a gas card. The gas card is assigned to a specific transport vehicle. The gas card must only be used for gas.
9. A first aid kit, insurance form, citizen's accident form, and vehicle log will be assigned to each unit.

## **G. Responsibilities**

1. During the transport of an inmate the transport deputy will **never:**
  - a. Leave the inmate(s) unattended in the vehicle or place of appointment.
  - b. Allow anyone near or in the vehicle that is not authorized for interviews, visits or conversations with the inmate.
  - c. Make unscheduled stops for personal or other business.
  - d. Allow any distractions that would impair the judgement of the deputy away from his or her duties *to include personal phone calls, reading of newspapers, books or magazines and engaging in lengthy conversations.*
  - e. Inmates are not allowed to possess or spend any money, checks, etc., while in transit. All inmate funds and valuables shall be kept/stored away



from the inmate.

- f. Inmate will not be allowed to smoke or use any tobacco products.
  - g. Inmate will not be allowed to speak to anyone except department personnel, correctional officers, or other inmates while in transit.
  - h. No medication will be administered by a deputy.
  - i. Secure an inmate to any object or use a "hog tie" technique.
  - j. Sleeping on duty while assigned to a transport.
2. During the transport of inmate(s) the deputy **will**:
- a. Ensure the inmate(s) assigned for transport are thoroughly checked for proper identification, searched for contraband, and appropriate paperwork is in order.
  - b. Ensure the inmate(s) are properly restrained before transporting.
  - c. The inmate should be seated and seat belted in a position where the transporting deputies can best view the individual and his or her movement.
3. Transport deputies will be on alert for conversation between inmates regarding escape.
- a. Proceed to and from destinations in a safe and timely manner.
  - b. Advise the Supervisor of any alternate travel routes taken.
4. Maintain constant visual supervision of the inmate(s).
5. Notify the Supervisor if any issues arise during a transport.
- a. When transporting civilian/inmates to hospitals or a medical facility the transporting deputies shall cooperate with medical personnel and hospital protocols to the fullest extent possible without compromising the security of the civilian/inmate, the safety of the civilian/inmate, medical personnel, deputy or public. In the event a dispute arises with medical personnel involving the security of the civilian/inmate which cannot be immediately resolved, the transport supervisor will be immediately notified.
  - b. Anytime visual supervision has been interrupted, the inmate will be immediately searched after visual supervision has been regained.
6. In situations where the inmate must utilize a restroom, the restroom must be

searched for possible weapons, paraphernalia and escape opportunities prior to the inmate being allowed to use it unsupervised.

- a. Police facilities should be used when possible.
- b. Restraining devices will not be removed, unless necessary.
- c. Each time an inmate is placed in and removed from the vehicle, a check of restraints will be completed.
- d. Rest areas on interstates should; if possible, be avoided and facilities should always be selected at random after leaving the interstate highway.
- e. Transport deputies will notify MVRDA; with the department issued phone, of their location, starting and ending mileage and nature of the stop. Transport deputies will again notify MVRDA when they are back in services.
- f. Be aware at all times of surroundings and alert to situations that could cause a threat to the security of the deputy, inmate, public and/or the vehicle.
- g. Ensure that lethal or non-lethal weapons are protected and used in accordance with the Dona Ana County Sheriff's Office policies.
- h. Ensure the assistance is required during the loading and unloading of inmates with special needs into or out of the transport vehicle.

7. Transporting a Disturbed or Violent inmate.

- a. Handling a mentally ill or violent inmate for transportation or extradition is difficult and extremely dangerous work. Transport deputies will gather as much information as possible on the inmate they are transporting to increase overall safety, in preparation for transport.
- b. Transport deputies must have prior authorization by the Chain of Command for the use of the Band-IT Electronic Restraint Device for such inmate.

## **H. Transport Coordinator**

1. Responsible for the coordination of all inmate transportation, in state and out of state.
  - a. Ensure all transport orders are logged in the system and scheduled in a timely manner according to each order.
  - b. Ensure all original warrants are filed in the transport office and scheduled in a timely manner.

- c. Coordinate with the District Attorney's office, Court staff, Detention facilities with telephonic hearings. Telephonic hearings should take place if possible, if not possible, then schedule a transport.
- d. Work in coordination with the District Attorney's office, Court staff, Department of Corrections and the Detention center to ensure all Orders of the Court; involving transports, are met within time frame of the order.
- e. Work in coordination with the District Attorney's office, court staff and medical facilities to schedule transports for court ordered commitments.
- f. Make a weekly schedule for transport deputies.
- g. Identify all inmates to be transported.
- h. Provide transport deputies with a photograph and other identifying factors; such as Date of Birth and social security number.
- i. Provide a criminal history to the transport deputies and notify them if the inmate is an escape risk or identified as a high-risk inmate.
- j. Coordinate with holding facilities when a person is arrested on a warrant from Dona Ana County. Determine if the defendant is still in custody, has bonded on out or has local charges. If the defendant is still in custody but not available for pick up, the warrant will be filed alphabetically in the transport office. If the defendant is ready to be picked up, coordinate a date and time of pick up that is acceptable with the holding facility.
- k. Ensure all transport vehicles are up to date on services. Make work orders and schedule appointment with fleet if a transport vehicle needs mechanical work of any kind. Notify Transport Supervisor on any issues involving transport units.
- l. Monitor daily weather conditions and road closures and notify transport deputies of any travel changes or bad weather conditions.
- m. Coordinate with out of town detention centers for temporary housing for inmates and all hotel reservations for transport deputies when an overnight transport is required.
- n. Coordinate all flights, hotel reservations and other requirements for out of state transports.
- o. Coordinate with private transport companies for out of state transports when a private company can be used. Ensure the private transport company has all the documents required to pick up and transport an inmate for the holding facility.

- p. Contact the Department of Homeland Security via teletype provide all necessary information regard each "leg" of the transport. This includes but is not limited to, the names of the transporting deputies, date and times of the flights, airline, flight number and inmate being transported.

**I. Supervisor assigned to the Transport Coordinator will be responsible for**

1. Assist Transport Coordinator and transport deputies with any and all duties identified in this policy.
2. Ensure each scheduled transport has all necessary equipment and documentation for transporting inmate(s).
3. Ensure all transport vehicles are in working order and regular maintenance is being scheduled in a timely manner.
4. Ensure the organization and scheduling of transports remain current.
5. Other duties assigned by the Division Commander.

**J. Ensuring appropriate training of transport staff, including**

1. Vehicle operation
2. Use of emergency equipment
3. Roadside emergency procedures
4. Escape prevention/response techniques
5. Emergency communications and other training as appropriate.
6. P-card training
7. Handgun, Taser, Use of Force, IFAK and other applicable training classes.

**K. Emergency Actions During Transport**

1. In the event the transporting deputies are involved in a traffic crash, the transporting deputies must adhere to the following procedures:
  - a. Check for injuries and render aid unless unable to do so.
  - b. Contact local Law Enforcement and emergency medical services, if necessary.

- c. Contact the Transport Supervisor who will arrange for assistance to the transporting deputies. Such assistance may include sending another vehicle to continue the transport, or if necessary, to provide transportation back to Dona Ana County. The Transport Supervisor will also make any necessary arrangements to notify the families of the deputies or inmate of any injuries.
    - d. Maintain security of the inmate. This may involve having the local Law Enforcement Agency transport the individual to the nearest Detention Facility.
    - e. Comply with requirements of the policy related to Traffic Crashes involving Department Vehicles.
2. In the event a transport vehicle malfunctions outside of Dona Ana County, the following procedures shall be followed:
  - a. Prior to leaving on long-range trips transport deputies will obtain a P-card. The P-card may be used for emergencies only. P-card usage must comply with County Policy.
  - b. If one of the transport deputies can fix the problem, such as a flat tire, then one deputy shall perform the repair and the other shall maintain security of the inmate. If the vehicle repair cannot be immediately performed by one of the transport deputies, they shall notify the Transport Supervisor and Law Enforcement Department in the jurisdiction of the break-down to request that they assist in providing security for the inmate while the other transport deputy arranges for the vehicle repair. The Transport Supervisor shall arrange for transportation and to have the out-of-service vehicle towed to the County's Fleet Maintenance facility, if necessary.
3. In the event of illness to either a transporting deputies or the inmate, the following procedures are to be followed:
  - a. If the inmate becomes seriously ill arrangements shall be made for medical services by a medical practitioner as soon as possible.
  - b. The transporting deputies shall notify the transport supervisor as soon as possible and advise them of the situation and location and to contact the destination facility to advise of the delay.
  - c. If one of the transport deputies become ill during transport, the deputy's discretion and judgement will determine if the transport will continue or discontinue.
  - d. If a transport deputy becomes too ill to continue the transport, the

transport supervisor shall be notified as soon as possible and advised of the situation. The transport supervisor will make the necessary arrangements for the deputy and notify the destination facility of the delay.

4. In the event that an inmate escapes during a transport, the following procedures are to be followed:
  - a. The transport deputies should exhaust all efforts to immediately apprehend the escapee if safe to do so.
  - b. Transport deputies will maintain security of any other inmates in their custody.
  - c. Transport deputies will contact all local Law Enforcement agency and New Mexico State Police in the area by calling 911. The transport deputy will provide a full description of the escapee(s), photograph, and any information that may be useful in the search and apprehension of the escapee(s) to the agencies assisting in the incident.
  - d. Transport deputies will contact transport supervisor as soon as possible.
  - e. The Transport Supervisor will contact the Dona Ana County Sheriff's Public Information Officer in order to notify the media of the escape and provide a full description of the escapee(s), photographs, and any additional information that may be helpful in apprehending the escapee(s).
  - f. The transport deputies will complete a thorough Incident Report detailing the escape immediately upon return to the Department. A Guardian must be submitted prior to going off-duty.

## **L. Extradition and Transport by Airlines**

1. All armed transport deputies that transport by Air must be trained in the standard block of instruction and be certified in carrying a firearm on aircraft as FAA regulations #108-21 states.
2. A deputy must have a minimum of two (2) years experience with DASO Transport Division to be eligible to conduct airline transports.
3. Transport Coordinator will make travel arrangements. Ground transportation should be arranged before the transport. All security procedures and required documentation are the same as if transporting by vehicle with the exception of the security screen in the transporting aircraft. All Rules and Regulations of the airline should be obtained in advanced and followed. The carrying of weapons aboard the aircraft will be in accordance with the rules of the airline being used.

4. The Federal Aviation Administration permits use of restraints on inmates while flying. However, most airlines have policies prohibiting use of restraints. Individual airlines should be contacted in regards to their respective policies.
5. A restraint device, non-obtrusive, is mandatory on all extraditions. Transport deputies will not remove the restraint device while in transport and the inmate will be instructed to stay within arm's reach of Department personnel.
6. Transport deputies on Commercial Aircraft extraditions, will be in professional and casual attire.
7. Transport deputies will arrive at the airport at least two hours in advance with or without an inmate. Transport deputies will notify the airline at least two hours in advance of their departure time or, in an emergency, as soon as possible. Transport deputies will display their credentials and advise that their travel is for moving an inmate or returning after transporting an inmate.
8. While at an airport and aboard the aircraft, transport deputies should remain anonymous, and care should be taken not to display any firearms. Care should also be taken to conceal the fact that the inmate is in custody. A jacket or similar covering should be used to conceal the inmate's restraints.
9. The consumption of alcoholic beverages while on duty, armed or while transporting an inmate is strictly prohibited.
10. In the event of a hijacking, no action will be taken by the transport deputies unless the pilot-in-charge requests intervention to restore flight safety. Each airline has procedures to follow in the event of a hijacking.
11. Transport deputies shall inform the airline whether the inmate is considered to be an escape risk and/or violent.
12. In the event of an airline transfer or "lay over", transport deputies will notify the responsible Law Enforcement agency in that jurisdiction of their presence and need of resources. This should be done prior to the scheduled trip and include all documentation verifying the identities of the transport deputies and inmate, flight numbers, times and special requests.
13. In the event of a delay, transport deputies will make reasonable attempts to notify that jurisdiction's responsible law enforcement agency of the delay and potential safety risks.
14. Only one inmate extradited per flight is allowable.
15. Transport deputies will identify themselves as deputies with the Dona Ana County Sheriff's Office and notify the air carrier that they are armed.

16. Weapons will not be surrendered to airline or airport security personnel when transporting inmates or when flying enroute to pick up an inmate.
17. Transport deputies will utilize the Department's issued cellular telephone, when necessary, and notify the section of their hotel/motel accommodations and relevant telephone numbers.
18. Transport deputies will not use their own personal credit cards to rent a vehicle while on Departmental business; personnel will utilize the Departmental credit cards. Transport deputies will not purchase auto insurance coverage on rental vehicle(s). Transport deputies and rented vehicles are automatically covered under the authority of Risk Management.

### **M. Training**

1. Any Deputy newly hired into the Courts Division will be assigned to a Field Training Officer (F.T.O.). The new Deputy will be required to receive training and later (within his/her probation period) show proficiency in that training using the Court Security Policy and Procedures.

### **V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-048**

**CALEA STANDARD:  
74.1.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Legal Process

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and procedures for legal services.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to serve legal processes in support of the judicial function. This includes the service of all civil and criminal process either received from the courts or from individuals whose legal interests are affected by the courts decisions.

#### III. DEFINITIONS:

**ALIAS:** This term may appear on both Summons and Writ of Executions. This indicates that the document has been submitted for service for the second time.

**PLURIES:** Same as above except it indicates that the document is being served a third or more times.

**NULLA BONA:** No goods and/or chattels to levy on. This usually occurs due to the exemption status that each person (defendant) is allowed as defined by State Statutes. The Deputies must make contact and view the goods and/or chattels in possession prior to a determination of returning the Writ Nulla Bona.

**PERSONAL SERVICE:** The document has to be served on the person named or an individual that has been authorized to accept service for the defendant or person named. The Deputy must verify the authorization.

**POSTING:** The document has to be taped to the most public part of the premises, or the most visible portion of the premises i.e.; the front door of the premises.

**RESIDENT OF ADDRESS:** This has to be a permanent resident of the swelling who is also 15 years of age or older. This must also be verified by the Deputy.

**PROSE:** This indicates that the plaintiff (the person who is initiating the action) is not being represented in the matter at hand by an attorney.

**LEVY:** Indicates that the Deputies have, in fact, seized specific property pursuant to the Court Order.

**ATTEMPTS/COMMENTS:** This section is for notes that the Deputy records in reference to the investigation as ordered by the court. These notes will be specific and in detail with particular attention given to dates, locations and times when the Deputy has made, or attempted to make, contact with the parties named in the order.

**D.V.O.:** Domestic Violence Order

**PLAINTIFF/PETITIONER:** Party initiating the action/complaint.

**DEFENDANT/RESPONDENT:** Party named in action/complaint who must reply to the charges or complaint against them.

#### **IV. PROCEDURE:**

##### **CIVIL PROCESS SECTION:**

The purpose of civil process is to promptly serve and make timely return of all legal process received. At times this may include legal process received from neighboring jurisdictions.

If this agency receives civil process which requires service in another jurisdiction, the individual presenting the process will be informed of the need for them to take the process to the appropriate law enforcement agency in that jurisdiction.

##### **PROPERTY SEIZURE:**

1. A sworn law enforcement officer must execute all writs, which require the seizure of real or personal property.
2. Two law enforcement officers will be assigned in the execution of any writ, which may involve potential resistance.
3. All property acquired through the civil process function will be properly accounted for on the inventory log.
4. All property and monies collected will be disposed of by the agency pursuant to legal authority.

5. Any property collected as a result of an execution or other lawful court order, will be secured in the department seizure lot or other designated facility authorized by the Sheriff.

#### **GENERAL DUTIES RESPONSIBILITIES AND SUPERVISION:**

1. Personnel assigned to Legal Division shall serve the civil process and court generated documents described in this policy.
2. Supervisor duties and responsibilities will include, but are not limited to, sections described herein and all applicable definitions and responsibilities as stated in this policy.
3. Deputies will not involve themselves and/or DASO with repossesses and/or their agents unless specifically upon direction and authority by a court of record within this jurisdiction. Deputies will not make a determination as to lawful ownership of goods and/or chattels and cause or cause to be, the goods or chattels to be repossessed absent orders by the court. It will be the duty of the Deputy to instruct the parties involved to seek direction through the courts.

#### **SUMMONS AND COMPLAINT:**

1. A summons is a notice from the court (District) of a civil action. Attached to the Summons is a copy of the complaint filed. The Summons requires a response to the court within the stipulated time period. The time period begins from the date of the Summons. Service can be affected through personal service, posting, service of a permanent resident who is 15 years or older at the residence. Or an authorized agent who can except service for the defendant.
2. There are many different types of Summons, the general rule of service, however, would be as previously described unless there are special instructions from the issuing court. Failure to answer a Summons will result in default judgment against the defendant.

#### **SUMMONS FOR NOTICE OF TRIAL ON PETITION FOR WRIT OF RESTITUTION (EVICTION):**

1. A notice to the tenant that they have not complied with the rental agreement, and they must appear at a court hearing regarding the disposition of the matter. Prior to the issuance of the Summons for Notice of Trial on the Writ of Restitution, the landlord must comply with the following requirements:
  - a. Landlord must post a 3-day eviction notice, which is a notice the landlord serves on the tenant to inform him/her that he/she is behind in rent payments. The landlord can deliver it to the tenant personally or post it. This notice gives the tenant a specific time to vacate the premises. These notices can be served by Deputies but private process will suffice.

- b. After (3) days have elapsed, if the tenant(s) have not vacated, the landlord files a Summons for Trial of Restitution in court, and brings it to the Sheriff's office.
- c. Deputy then posts, or serves, the Summons for Notice for Trail of Restitution. This informs them of a specific court date. The Notice for Trial of Restitution must be posted or served no less than seven (7) calendar days prior to the trial or hearing date. It will be the responsibility of the assigned Deputy to ensure that the dates are adhered to.
- d. After the court hearing has taken place, a judgment will be issued and a, "Writ of Execution and Writ of Restitution" is issued by the Judge with a specific date when the actual physical eviction is to take place.

### **WRIT OF RESTITUTION (EVICTION):**

1. A removal of tenants from a rental property by court order.
2. Sworn law enforcement officers can only effect the actual physical eviction.
3. Do not evict tenants before the date that the Judge has set on the Writ of Restitution and no later than 7 days after the set date.
4. Deputy will determine the time for the eviction; deputy will contact the plaintiff prior to end of shift with the set time.
5. Evictions will have one set time, do not set two different times (one for defendant and one for landlord)
6. Upon arrival at eviction address, if the plaintiff is not on scene, the deputy will allow 15 minutes for arrival, if plaintiff does not arrive within 15 minutes from the set time of the eviction, contact the plaintiff back and set another time for the eviction
7. Once the Deputies arrive and serves the Restitution, the tenants are evicted from the property. The deputies may allow them up to 15 minutes to gather essential items. Following that, they must vacate the premises. Once the tenants are gone, the landlord must do the following:
  - a. Landlord should change the door locks on the premises to ensure security of the property while the Deputies are present.
  - b. The landlord must inventory property left behind by the tenants.
  - c. Following the eviction, the landlord should have someone available during

normal business hours to allow the ex-tenant to enter the premises or other storage facility to remove their personal property in one trip.

8. If pets are found in the residence or on the property and no owner is present for the animals, the deputy must contact ACO to have the animal(s) picked up and document this.
  - a. In all the above instances, the landlord must abide by the uniform Owner-Resident Relations Act, which describes the proper procedures to be used to inform tenants of the landlord's intent to dispose of the property.
  - b. If the ex-tenant forcibly enters the premises following the eviction, the incident may be considered a criminal act and the proper law enforcement agency should be contacted by the landlord.

### **Three ways to stop a Writ of Restitution:**

1. Landlord recall (must make contact with landlord either in person or by phone to confirm, gather information of petitioner/landlord)
2. District court appeal (must be appealed within 5 days of court order, defendant must present valid district court appeal order with a docket number)
3. Supersedes bond from Magistrate court (same as District Court appeal, must fulfill 100% of judgment)

### **EVICTIONS/MOBILE HOMES**

1. These are similar to the previous evictions. However, in many of these cases, the tenant owns the mobile home, but they have fallen behind in payments on the trailer space.
2. Every available effort will be made to locate the owner(s) / resident(s) of the mobile home for the purpose of intent to file, or not to file (claim) a Homestead Exemption, as provided on Civil Form 4-803
3. When the Writ of Restitution is obtained for the mobile home, the presiding judge will direct the landlord to serve the notice of judgment to the mobile home owner.
4. The notice of judgment shall state that at a specified time, not less than 48 hours from entry of judgment, the Sheriff will return to serve a Writ of Restitution and

superintend the peaceful and orderly removal of the mobile home under that order of court. The notice of judgment shall also advise the mobile home owner to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires and otherwise making the mobile home safe and ready from the highway travel.

5. Should the mobile home owner fail to have the mobile home safe and ready for physical removal from the premises, inclement weather, or any other unforeseen problems occur at the time specified in the notice of judgment, the landlord and the Sheriff may by written agreement extend the time for the execution of the Writ of Restitution. This will allow time for the landlord to arrange to have the necessary work done or to permit the Sheriff's execution of the Writ of Restitution at the time when the removal is less hazardous to the mobile home.
6. If the mobile home is not removed from the landlord's land on behalf of the mobile home owner within the time permitted by the Writ of Restitution, the landlord and the Sheriff shall have the right to take possession of the mobile home for the purposes of removal and storage. Processing in this case will proceed normally, as in the service of any Writ of Restitution.
7. If the mobile home owner is present, they will be served with the Writ and evicted from the home. The landlord must change locks on the home while the deputies are present.
8. If the homeowner is not present when the Writ is served, the Deputies will again proceed as in a normal eviction. The notice will be posted and the locks will be changed. At this point, the landlord must, while Deputies are present, complete an inventory of the mobile home contents. In either instance, if the landlord is prepared and has made the proper arrangements to move the mobile home, they may move the mobile home to a storage facility.
9. The liability of the landlord and the Sheriff in such event shall be limited to gross negligence or willful and wanton disregard of the property rights of the mobile home owner. The responsibility to prevent freezing and to prevent wind and weather damage to the mobile home lies exclusively with those persons who have property interest in the mobile home.
10. Utility charges, rents, and reasonable removal of storage charges may be paid by any party of interest. Those charges shall constitute a lien which will run with the mobile home and whoever ultimately claims the mobile home will owe that sum to the person who paid it.
11. Prior to the issuance of said Writ of Restitution, the court shall make a finding of fact based upon evidence or statements of counsel that there is or is not a

security agreement on the mobile home being subjected to the Writ of Restitution. A tenancy with the landlord that there is no security agreement on the mobile home shall be Prima Facie evidence of the nonexistence of such security agreement.

12. In those cases where the court finds there is a security agreement on the mobile home subject to the Writ of Restitution and where the holder of the security agreement can be identified with reasonable certainty, then upon receipt of the Writ of Restitution, the Plaintiff shall promptly inform the holder of such security agreement as to the location of the mobile home, the name of the landlord who obtained the Writ of Restitution and the time when the mobile home will be subject to removal by the Sheriff and the landlord.
13. The Writ of Execution/Restitution will not be closed out/completed until every effort is made to locate the owner/resident.
14. At all stages of the investigation, personnel will completely document all of the information received on Writ log sheet as well as on the Sheriff's Return of Service. Personnel will keep their supervisor informed of all stages of the investigation.

#### **WRIT OF REPLEVIN:**

1. A Writ of Replevin is a court order to repossess goods or chattels that the Defendant wrongfully detains from the Plaintiff.
2. In order for the Replevin to be valid, a hearing must have been held or be pending. A bond must have been posted double the value of the property to be repossessed. A bond is required unless otherwise ordered by the court. If the Writ of Replevin is a FINAL JUDGMENT from the issuing court, no bond and/or waiver is required.
3. When large or multiple items are involved, the Deputies will contact the Plaintiff and/or their attorney to take custody of the items when located. This is, in all actuality, a request. State Statutes direct the Sheriff to seize and take responsibility for property seized pursuant to court orders.
4. On Replevins involving vehicles, a tow sheet, with an inventory, will be filled out when the Plaintiff cannot be reached or the attorney cannot be reached.
5. An Execution and Replevin is a judgment with the repossession, and this document requires no bond.
6. When a mobile home is the subject of a Writ of Replevin, the plaintiff should be contacted and notified of the time the Replevin is to be executed. Their representative should make arrangements to be present at the time of

execution to do an inspection and take possession of the property.

7. All property removed or disbursed to the various parties named in the writ must be recorded on a Divisional inventory form. Details should be included on who took possession of the property.
8. Normally only those persons who are named in the Writ should be allowed access to the home/property.
9. Prior to any property being removed, photographs of the property/home should be made. These photos will be stored in an appropriate location, where they will be accessible in case of future litigation.

### **WRIT OF EXECUTION:**

1. An order from a court ordering the Sheriff to collect money or levy (confiscate) property to satisfy a judgment. Magistrate Court Writs are for amounts of \$7,000.00 or less. District Court Writs and subsequent Writs are \$7,000.00 and above.
2. The Writ can be served to the person named or someone authorized to accept the court document.
3. The difference between Magistrate and District Court Writs is that the Magistrate Writ orders the Deputy to levy on the personal property of the defendant. District Writs order the Deputy to levy not only on the personal property, but includes land. Each judgment debtor is allowed certain exemptions. Incorporated businesses are not allowed exemptions however, there are certain items that cannot be levied against. A business such as a car dealer, or any business that has a large inventory of sale items, usually falls under the Uniform Business Code. The inventory is under lien to the manufacturer, and does not belong to the business. Vehicles on consignment would also be exempt.
4. If the judgment names the business but the business is incorporated, the judgment would have to also name the business as a corporation to be valid.
5. When a judgment is obtained from the court, the plaintiff will get a transcript of judgment and file it with the county clerk. If any "real" property (lands, home) of the defendant are sold, the judgment will be paid. If the Deputy receives a Writ of Execution and finds the house is for sale, he will obtain the information concerning the reality company and then return the document to the plaintiff.
6. Prior to service of a Writ of Execution, a Deputy should be assured the judgment debtor was served a Notice of Right to Claim Exemptions (Execution), Civil Form 4 808A, and three copies of Claim of Exemptions on Executions, Civil Form 4-803, exemptions with the court file for a hearing on the exemptions.



7. When the Deputy serves a Writ of Execution, The defendant may say they have filed bankruptcy. If this is the case, the Deputy will obtain the bankruptcy case number from either the defendant, his/her attorney, or the Bankruptcy Court. This may also be the case with an Internal Revenue Service or State Tax lien. In the case of an IRS or tax lien, the defendant has to provide the documentation to prove the lien exists. Banks may have liens against the inventory, accounts receivable, and fixtures of the business. Again, documentation would have to be provided by the defendant to stop or stay the Execution. The bankruptcy number must be affixed to the work sheet and the Return of Service.
8. Another way to stop the Writ of Execution is to appeal. The defendant has fifteen days after the entry of the judgment to file an appeal. The appeal is filed with the Magistrate Court. The Magistrate Court Clerk will docket the appeal with the District Court. The action that stays the Execution is the filing of a Supersedes Bond with the Clerk of the Magistrate Court. The appeal process for a District Court judgment would be the same. The judge may waive the bond in either case if so desired, however, documentation from the court must accompany the Writ.

#### **PROCEEDURES:**

1. Upon assignment of a Writ of execution it is your responsibility to locate the Defendant of the writ within 24 hours (3 working days).
2. Upon contact with the Defendant the following procedures is to be followed.
  - a. Serve the Defendant with their copy of the writ. Document service on tracking form.
  - b. Request payment in full of amount due on writ.
  - c. If payment cannot be paid in full, inform Defendant you will return in 20 days to collect the full amount (cash, money order, or cashier's check) or three times the writ amount in seized property.
  - d. You will photograph all items of value on the property or business that can be seized and sold at auction.
  - e. Inform Defendant that all items have been documented for seizure and are considered to be encumbered property, and complete encumbered property notification form with defendant.
  - f. Download photographs onto a CD and include them in writ folder.
  - g. If you are unable at the time to identify any property that can be levied upon, you must notify your supervisor. The next business day the supervisor will go, verify, and confirm the absence of any available property that can be levied upon.

3. You will contact the Plaintiff or Attorney within five business days of writ or execution assignment, explaining to them that you have been assigned their writ. Advise them who you are, (name and psn) and you are now in charge of the writ. Give an update of your progress to this point (defendant served etc...) advise the plaintiff or attorney if you have been unable to locate any property that can be levied upon. Inquire as much as about the defendant as possible, (i.e. obtain as much personal information about the defendant, any spouses, family members in the area, if they know of any different addresses) If you are unable to locate the defendant and serve him the writ of execution within the 3 days.
4. If a Writ of Assistance is needed to accurately obtain valuable property, you must make the request to the plaintiff or attorney and document this in the file.
5. On **day 20** from the date of service on defendant. The Deputy shall return to the property or business and collect either full payment for the writ or begin to seize property of value. Seize enough property to value three times the amount specified on the writ to be auctioned. Coordinate with your supervisor if additional resources are needed to secure property.
  - a. All items seized will be documented on the inventory sheet,
  - b. A copy of the inventory will be placed in the writ folder and a copy given to the defendant.
6. Upon seizure of property, you will immediately contact the plaintiff or attorney and advise them that property has been sized. Inform the plaintiff or attorney that the items will be auctioned within 30 days from the date of seizure.
7. It will be your responsibility to coordinate the storage of the seized items. Every attempt will be made to keep seized property within our storage facilities.
  - a. If no room is available, you will need to arrange to store items off site in a secured storage facility.
8. Within three business days after the seizure, notification must be posted in the Las Cruces Bulletin or Las Cruces Sun-News for 3 consecutive weeks prior to the date of the auction.
  - a. A copy of the notification is to be included in the writ packet.
  - b. An ad will be placed in the classified ads advertising the date, place, and time of the auction and a brief item list
  - c. Flyers will posted in public areas at businesses that would fit the items being auctioned (seized tools-Home Depot, Lowes etc...)
9. Within seven business days after the seizure, an itemized list with estimated values for each item will be included in the writ folder.

10. Seized property must be held for a minimum of 30 days, the deputy will research the values of the seized property to be auctioned using eBay, or other websites to obtain fair market value. Items will not be auctioned at less than 1/3 fair market value. Every item auctioned will be documented with how much the items was auctioned for in comparison to the value.

a. The auction will be conducted the first Saturday following day 30.

11. Defendant has up until the auction to pay writ.

a. If the defendant pays the full amount of the writ of execution and any Sheriff's Department fees (see chart below) within this period, the auction will be canceled and property will be returned.

b. If the full amount cannot be paid, any amount will be taken and the property in the amount of three times the balance will be kept for auction, the deputy decides what is released and what is kept for auction.

12. Upon completion of the auction, calculate appropriate Departmental fees and/or cost, and apply said payment to monies earned from the auction. Departmental fees/costs will be paid first. These fees are as follows:

<b>Seized Item</b>	<b>Storage Costs</b>
<b>Motorcycles</b>	\$10.00 per day storage
Cars/Pickups/Trailers	\$15.00 per day storage
Large Trucks/Semi	\$20.00 per day storage
Administrative Charge	\$25.00 per vehicle
All other items	\$3.00 per day storage
Self-Storage Facility	Cost of Facility + \$3.00 per day
Vehicle Registration Title fee	Actual cost + \$5.00 admin fee per title
Auction Fee	4% of first \$500.00, 2% above \$500.01

13. After Sheriff Department fees, and any added fees (tow truck, self-storage facility etc...) are subtracted from total amount received from defendant and auction, any balance will be accessed to the writ of execution and paid to the plaintiff or attorney.

a. Any amount left after full amount of writ is paid to plaintiff or attorney; the remainder will be paid back to the defendant.

14. The deputy shall coordinate with the plaintiff or attorney to issue the notice of satisfaction to them within seven business days from the completion of the auction.
  - a. Copies of all checks, cash payments, and notice of satisfaction will be added to the writ folder.
15. Upon completion, the deputy will turn in the completed writ of execution folder to their supervisor for review for completeness and closeout.
16. The deputy will make every attempt to collect money on all writs of execution,
  - a. Conduct follow ups
  - b. Check priors/global
  - c. Attempt to locate any alternative addresses or phone numbers
    - i. Same methods will be used when attempting to locate any property owned by the defendants.
17. The assigned deputy will obtain as much cash as possible. Collect the cash payment from the defendant on the 20th day. When you collect cash, subtract that amount from the balance of the writ amount, then collect property and assets in the amount of 3 times the remaining balance.
  - a. Only accept CASH, CASHIER'S CHECK, or MONEY ORDERS, NO PERSONAL CHECKS WILL BE ACCEPTED.
  - b. After the Auction, if there are any unsold items remaining, the Deputy will notify the Defendant and advise them they have 10 working days to retrieve the unsold property.
  - c. After 10 working days, if items have not been retrieved by the Defendant, the property will be considered abandoned property and will be disposed of at the discretion of the Sheriff or Designee.
18. Deputies will have 60 days in which to collect on the writs of executions from the date issued to the Deputy.

## **WRIT OF GARNISHMENT**

1. A writ served on an employer which requires them to reply to the court regarding the status of a person who may be employed by them. If the person is employed there, the employer will be required to withhold a portion of the person's wages to satisfy a judgment.
2. A garnishment must be served to an executive officer, payroll officer, or someone authorized to accept service for the employer.

3. A Writ of Garnishment, is in effect, a summons for the employer. It must be answered even when the defendant named is not known or is no longer an employee.
4. The person being garnished can be served the Writ of Garnishment. Example: if the garnishee is the boss.
5. Failure of the employer to reply within the stipulated time limit will result in the court issuing a Writ of Execution against them for the full amount of the original judgment.

## **WRIT OF ATTACHMENT**

1. Writ of Attachment is an order commanding the Sheriff to seize from the defendant his/her lands, tenements, goods, monies, effects, credits, and all other interests in specific property, this is to hold the property until a decision is made by the court. The Writ of Attachment prevents the defendant from disposing of the property until a hearing can be held. These Writs will be personal service only.

## **SUBPOENAS**

An order from the court that requires a person to appear for a specific matter at a definite time and place.

1. DO NOT leave subpoenas on doors, cars, mailboxes, etc... This is not considered proper service. (even if the witness tells you to do so) If you call them and they tell you to do so, explain to them that you will attempt to serve them at a later time.
2. The subpoena can be served on any occupant within the residence that is over the age of 16. You must document the name and relationship of the individual you served the subpoena to if it is not the individual named on the subpoena.
3. If the person being served is 14 years of age or younger, the name of a guardian should also be listed on the subpoena, and can accept the subpoena on the child's behalf.
4. On the back of the subpoena, ONLY indicate the name of the person served. No comments about service.
5. DO NOT have the witnesses fill out anything on the return of service copy. This is your job!
6. Remember to ALWAYS SIGN YOUR SUBPOENAS ONCE SERVED. The courts will refuse the subpoena without the signature of the Deputy.

## **SUBPOENA DUCES TECUM**

1. A Subpoena which directs the person to appear, as well as bring records, appears, and other documents which relate to the matter at hand.
2. Subpoenas must be personal service only. An attorney can accept service for his client.
3. An agent authorized to accept service may be designated in some cases. For example, doctors may designate their secretaries to accept service for them. The Deputy must print the authorized individuals name and title who is accepting service for the recipient on the work sheet and the Return of Service.

## **RECIPROCAL SUBPOENA AND MOTION FOR CHILD SUPPORT**

This is a subpoena from another state to an individual for a hearing on child support. It is a subpoena and should be personally served.

## **WRIT OF ASSISTANCE**

1. A court issued writ which orders the Sheriff's Department to take a specific action on behalf of the plaintiff. These orders normally involve the restoration of premises to the plaintiff, and allow the Sheriff's Department to take whatever action necessary to obtain entry into the property in question.
2. In the event of an eviction, a written inventory of the property will be taken.

## **WRIT OF EXECUTION AND FORCIBLE ENTRY AND DETAINER**

Similar to the Writ of Assistance. It orders the Sheriff to restore property to the plaintiff, and gives the Sheriff authority to enter premises to execute the order. Procedures as stated above for writs of assistance will be followed if any property is affected by the writ.

## **CHILD PICK-UP ORDER**

A court order which specifically directs the Sheriff's Department to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing.

## **OUT OF STATE CHILD PICK-UP ORDERS**

Court orders for child pickup orders from other states must be adopted by our local courts before we may enforce them. Before these orders are brought to us for action, the petitioner must obtain a Court order from our local courts which authorizes us to take action for the petitioner in Dona Ana County.

## **ORDER SEALING THE PREMISES**

1. This type of order originated with the States Taxation and Revenue Office. The business being served would owe back taxes. The Deputies duties, in this instance, would be to accompany the State Taxation and Revenue Officers to the place of business.
2. The order is served to the owner and the business is closed. Everyone is sent home and copy of the order is posted on the front door of the business. At this point, the State Officers take charge of the premises and the locks are changed.

## **WARRANT OF LIEN OR LEVY**

1. A warrant which originates at the State Taxation and Revenue office and is filed with the County Clerk. This authorizes the State to levy on a delinquent taxpayer's property, and requires the assistance of the Sheriff.
2. The authority to levy on delinquent taxpayer's property is that of the director of taxation (and does not need a judge's signature) per NMSA 7-1-31 (1990 Replacement)

## **DOMESTIC VIOLENCE PROTECTION ORDER**

1. An order directing the respondent to stay away from the petitioner pending the outcome of a court hearing regarding an incident of domestic violence.
  - a. These orders are signed by either an appointed Special Commissioner or a District Court Judge. These orders are explicit and instruct/order the Deputy what his duties will be in each specific case.
2. In some instances, these orders will require the Deputies serving them to evict the respondent (defendant) from the home where the petitioner (plaintiff) lives.
3. Remember that these are court orders, and should be carried out exactly as specified in the order. At times the petitioner, or plaintiff, may request that some portion of the order not be carried out. Deputies must enforce ALL of the provisions in the order, regardless of the wishes of the plaintiff/petitioner.
4. These orders require personal service, and the serving Deputies should make sure that the respondent understands the order, and is aware of the hearing date.
5. Restraining orders must be returned back to the courts 3 DAYS prior to the hearing date. When possible.
6. The Deputy will make 3 attempts to serve the Restraining order, at 3 different times each day (i.e. Day 1 0700 hrs. Day 2 1100 hrs. Day 3 1400 hrs.) If after

the 3rd attempt the deputy is still unable to make contact, the deputy will contact the petitioner and see if there is any other possible location or phone number where the person being served can be located, (i.e. work, school, 2nd spouses address with descriptions of residence and vehicles) if different addresses or phone number is given, make 1 attempt to serve the person, if still no contact is made, call victim back and advise "No contact was made and the restraining order is being returned to court".

7. You will document every attempt to serve the restraining order on the appropriate attempt to serve form.
8. If you make contact, make sure you sign the return page and return to Serena prior to end of your duty day.
9. If no service, check the box marked "NO SERVICE" and sign your name. Return the Order to Serena prior to the end of your duty day.
10. If service is to be made on any NMSU campus, you will contact NMSU Police Department and advise them you are serving a restraining order on their campus, Provide NMSU PD with the name and address of person being served.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-049**

**CALEA STANDARD:  
83.1.1,83.2.1,83.2.4  
83.2.6**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Crime Scene Unit

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide a procedure outlining the utilization of Crime Scene Investigators to collect, process, and preserve physical evidence and documentation of crime scenes.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to document, collect, process, preserve and submit all evidence at crime scenes.

#### III. PROCEDURE:

##### 1. Introduction:

- A. Two basic principles of any criminal investigation are documentation and preservation. To ensure that these principles are accomplished, there must be an established DASO policy that gives direction.
- B. Various methods and techniques can be employed to properly document and preserve events at the scene. The preliminary investigation and initial actions taken at the scene, as well as the total investigative effort, must be properly documented, and any evidence recovered must be properly handled and preserved.
- C. Crime Scene Investigator shall receive the appropriate training in the collection and processing of crime scenes.
- D. An effective criminal investigation is the responsibility of the entire law enforcement organization, not just the individual CID Detective or Crime

Scene Investigator assigned to the case. Consequently, there is a need for efficient coordination of activities and procedures critical to the processing of the case.

Examples of some of these activities follow:

- Crime Scene Investigator response
- Control and responsibilities at the crime scene
- Processing of the crime scene
- Collection of evidence
- Forensic processing of evidence
- Preparation of forms
- Documentation of reports
- Case officer responsibility
- Notifications
- Media
- Photography of crime scene

Each crime scene has its own unique characteristic. As such, no two crime scenes will produce the same evidence or be processed in the same manner. The following procedures serve only as a guide and are not all inclusive. Experience and judgement often will dictate the best approach when processing a crime scene.

## **2. Crime Scene Investigator Response**

- A. DASO will provide a Crime Scene Investigator to serve as crime scene processor to the department 24 hours a day, seven days a week. This may be accomplished through regular shift work and on-call status. Any on-call Crime Scene Investigator will assure access to a telephone when on-call.
- B. The Crime Scene Investigator responds after the crime has occurred and normally, after the crime scene has been secured. Timely response and a safe arrival at the crime scene are of paramount importance.

- C. The on-call Crime Scene Investigator will ensure that MVRDA dispatcher can reach them at all times. Their home/alternate telephone number will be verified with the dispatcher at the start of their respective duty period.
- D. The on-call Crime Scene Investigator will not consume any alcoholic beverages, use non-prescription drugs, or take any other medications that will hamper his/her performance of duties.
- E. The DASO Lead Crime Scene Investigator and CID Supervisors shall be notified immediately if a physical or mental condition impairs the on-call Crime Scene Investigator ability to respond.
- F. The on-call Crime Scene Investigator will utilize a department unit while on-call. The use of a department unit (marked or unmarked) for other than official duties is forbidden. Exceptions may be approved by the Sheriff or his/her designee on a case-by-case basis.
- G. The on-call Crime Scene Investigator will respond, in a timely manner, to all notifications from the dispatcher. Outside of normal office hours (i.e. weekends or holidays) the Crime Scene Investigator will inform the dispatcher of the estimated time of arrival (ETA) to the crime scene to which they were dispatched.
- H. The on-call Crime Scene Investigator will ensure the on-scene deputies or investigators coordinate their efforts and how to proceed until the Crime Scene Investigator arrives.
- I. The secondary (back-up) on-call Crime Scene Investigator will be readily available to:
  - 1. Assist the primary on-call Crime Scene Investigator to expedite the processing of tedious crime scenes.

Respond to additional crime scene(s) when the primary on call Crime Scene Investigator is processing another crime scene and does not anticipate completing and processing the scene in a reasonable time.

### **3. Crime Scene Investigator Call-Out**

- A. The DASO on-call Crime Scene Investigator will respond to a crime scene when the Criminal Investigations Division Supervisor or Case Agent has determined that the Crime Scene Investigator is needed to process and collect evidence at a crime scene. The following requirements shall be followed:

1. CID case agent shall contact CID supervisor to authorize the Crime Scene Investigator call out.
2. DASO Shift Supervisors may request or authorize the Crime Scene Investigator call out to preserve critical evidence. A CID Supervisor will be notified of this request.
3. Examples of "critical evidence" include trace evidence, body fluids and/or weapons at the scene. A Crime Scene Investigator is not required at the scene if the critical evidence has already been contaminated or handled, and may be processed by the CID case agent at the scene.
4. Crime Scene Investigator will primarily be utilized during large scenes where specialized training in collection and processing of forensic evidence is needed.

#### **4. Crime Scene Processing**

- A. The Crime Scene Investigator will utilize the following chain of command at a crime scene:
  1. CID Supervisor / Case Agent
  2. Lead Crime Scene Unit Investigator
  3. Any CID Detective or Shift Supervisor
  4. Supervisor designated as Incident Commander ( usually CID Sergeant or Lieutenant)
- B. Upon arrival at a crime scene, the Crime Scene Investigator will obtain a briefing from the supervisor or Deputy preparing the report. (NOTE: If the CID case agent or CID Supervisor is present, a briefing from them should also be obtained)
- C. Crime Scene Investigator shall begin processing the crime scene utilizing the following guidelines:
  1. Approach scene:
    - a. Be conscious of where you park at the scene to avoid destroying evidence.
    - b. Be alert for discarded evidence.

- c. Record appropriate notes
2. Secure and protect scene (case agent or supervisor will assign these duties):
    - a. Determine scene boundaries (adjust/expand if necessary)
    - b. Ensure adequate scene security
    - c. Keep out unauthorized personnel
    - d. Establish on scene command post (if necessary)
  3. Initiate preliminary survey (Crime Scene Investigator with case agent or supervisor):
    - a. Conduct a cautious walk-through of the crime scene.
    - b. Acquire preliminary photographs.
    - c. Determine equipment and personnel needs.
    - d. Identify and protect transient (fragile) physical evidence.
  4. Evaluate physical evidence possibilities:
    - a. Based on knowledge of scene, determine what evidence is likely to be present.
    - b. Concentrate on most transient (fragile) evidence first and work to least transient forms of this material.
    - c. Focus on easily accessible areas in open view and progress eventually to possible out-of-view locations. Look for purposely hidden items.
    - d. Consider if evidence appears to have been moved inadvertently.
    - e. Evaluate whether or not the scene and evidence appears intentionally staged or "contrived".
  5. Photograph scene:
    - a. Begin photograph as soon as possible – plan before photographing.

- b. Insure that a progression of overall, mid-range and close up views of the scene is established.
- c. Use a recognized scale device for size determination, when applicable.
- d. Photograph evidence in place before its collection.
- e. Be observant and photograph areas adjacent to crime scene – points of entry, exits, windows, attics, etc.

6. Crime scene sketch/diagram:

- a. Sketch/diagram establishes a permanent record of items, conditions, and distances/size relationships. Diagrams greatly aid during interviews and interrogations and supplement photographs.
- b. Sketches are important for unlike photographs, they depict only the conspicuous aspects of the scene without showing nonessential detail. They also have the advantage of being able to show relative proportions, distances and dimensions.
- c. When a sketch is made, it is the sketcher's responsibility to decide what is to be sketched.
- d. It is only prudent based on the above criteria that the Crime Scene Investigator assume responsibility of preparing the crime scene sketch/diagram. This is only done when the on-call Crime Scene Investigator is call-out to the crime scene.
- e. The Dona Ana County Sheriff's Department Traffic Division can be utilized to assist in sketching/diagrams with the use of "Easy Street Draw".

7. Crime scene search and evidence collection:

It is important to recognize DNA evidence may be used to identify and eliminate suspects in cases, and specific protocols should be established to ensure DNA evidence collected remains available for these purposes, which may extend beyond related convictions in some cases.

For physical evidence to be accepted by the court at time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected,

seized, or received. Items should be marked so as not to damage or contaminate the evidence. Items that cannot be marked should be placed in an appropriate container, sealed, and the container labeled.

- a. Accomplish search based on previous evaluation of evidence possibilities.
  - b. Conduct search in general manner and work to the specifics regarding evidence items. Be aware of out of reach hiding places or areas of difficult access (e.g., false ceilings, roofs, water wells and trash containers, etc.)
  - c. Use of specialized search patterns (e.g. grid, strip/lane, spiral) are recommended when possible.
  - d. Photograph all items before collection.
  - e. The use of proper equipment and supplies provided by DASO in the collection of evidence to include latent fingerprints.
  - f. Use an appropriate container for each item of evidence. Ensure that the evidence or container is properly marked by the person collecting the evidence.
  - g. Do not handle the evidence excessively after recovery.
  - h. Safeguard/secure the evidence prior to release to evidence custodian.
  - i. All items collected at the crime scene should be documented with a list describing the items collected (including make, model, and serial number, if any), the source (person or location obtained from), and the name of the person collecting the item. The inventory is essential to the investigator for recording activities at the scene and qualifying the evidence at the time of trial.
8. The processing of evidence at the scene is encouraged when there is a reasonable certainty that a more formal setting or testing medium will not significantly improve the results. All substances and materials will be collected from a known source, whenever available for submission to the laboratory for comparison with physical evidence collected. The Crime Scene Investigator will assure proper collection of the evidence, as described in the related Dona Ana County Sheriff's Department evidence collection policy. Refer to the procedure for proper packaging and shipping.

9. If evidence is transferred to another person prior to being turned over to the evidence room, documenting the transfer is critical to maintaining the chain of custody. The record of transfer of physical evidence should include the following:
  - a. Date and time of transfer.
  - b. Receiving person's name and functional responsibility.
  - c. Reason for transfer.
  - d. Name and location of laboratory.
  - e. Synopsis of the event.
  - f. Examinations desired.
  - g. And date of transfer to a laboratory not within the agency.
10. Recheck/final survey of crime scene:
  - a. Discuss the search jointly with all personnel for completeness
  - b. Double check documentation to detect inadvertent errors.
  - c. Check to ensure all evidence is accounted for before departing area.
  - d. Ensure all equipment used is accounted for or recovered.
11. Release of crime scene:
  - a. Crime scene is relinquished only after completion of final survey.
  - b. Only the case agent or supervisor in charge should have the authority to release the scene or request additional assistance, if process of crime scene extends into extra hours for additional search.
  - c. Record time, date and name of person to whom the scene is released.
  - d. Once a scene has been formally released, reentry may require a warrant.
12. Refer to DASO Standard Operating Procedures when processing and packaging evidence for submission.



13. The Crime Scene investigator will prepare and document an accurate record of events that transpire at the scene in connection with the investigation. The report will include but not limited to.

- a. Date and time of arrival at the scene.
- b. Location of the crime.
- c. Name of the victims, if known.
- d. Name of suspect, if known.
- e. Action taken at the scene, including the number of photographs taken, and whether measurements were made (yes or no).
- f. List of physical evidence recovered.
- g. In addition, case file reference number.

#### **5. Outside Agency Crime Scene Support**

A. Through Multi-agency memorandum of understanding, the Dona Ana County Sheriff's Department Crime Scene Unit shall be required to provide the following crime scene and forensics support to the following agencies:

New Mexico State Police

Las Cruces Police Department

Mesilla Marshall's Office

New Mexico State University Police Department

Sunland Park Police Department

Anthony Police Department

Hatch Police Department

B. According to the MOU, the following support will include:

- h. Request for crime scene processing will be handled through the dispatcher/communications center (MVRDA) to CID Supervisor.
- i. Any forensic evidence such as latent prints, DNA samples and photographs and physical evidence will be signed over to the requesting agency by the DASO Crime Scene Unit to maintain a chain of custody.

Any findings will be forwarded through the CID supervisor to the requesting agency with the name of the Crime Scene Investigator who could testify in the case if necessary.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA COUNTY SHERIFF

PROFESSIONALISM ★ INTEGRITY ★ FAIRNESS

Date	Time
Location	Case Number (If applicable)
<p>I _____, hereby freely and voluntarily provide consent to the Dona Ana County Sheriff's Department (DASO) to collect an oral swabs specimen from me. I fully understand that the DNA taken from the oral swabs will be analyzed and can be introduced into evidence against me in any criminal proceedings.</p> <p><i>Con la presente, yo _____, de manera libre y voluntaria doy permiso legal para que la delegación de policía de la condado de Dona Ana (DASO) me sustraiga una muestra por hisopo. comprendo cabalmente de que el ADN recolectado de hisopo puede introducirse como prueba de cargo en contra mía después de su análisis.</i></p> <p><b>I understand that DASO does not have a search warrant for my DNA and that I have the absolute right to refuse to provide the oral swabs.</b></p> <p><i>Comprendo de que DASO no tiene orden judicial para recolectar pruebas de ADN, y además tengo el derecho absoluto denegar brindar muestras por hisopo.</i></p> <p><b>I certify that I am not under the influence of any drugs or alcohol to a degree that would hinder or otherwise diminish my ability to read and understand the consent being given. I further certify that I have, in fact, read the above statement and I am providing my consent willingly and without any threats or promises having been made to me by DASO.</b></p> <p><i>Que se haga constar que no estoy bajo los efectos de drogas o alcohol a tal grado que impida o de alguna manera disminuya mi capacidad para leer y comprender este permiso legal. Además, quiero hacer constar de que tuve la oportunidad de leer este formulario, y doy permiso legal de manera voluntaria, sin estar bajo amenaza o y sin promesas extraoficiales por parte de DASO.</i></p>	
<b>Print Name/ DOB / SSN</b> <i>Nombre y apellido/ fecha de nacimiento/ Núm. de SS</i>	<b>Date</b> <i>Fecha</i>
<b>Signature</b> <i>Firma</i>	<b>Identification Verification (ex. Driver's License number)</b> <i>Núm. indentificación o licencia de conducir</i>
<b>Witness (Name and ID #)</b> <i>Testigo (nombre y apellido, Núm. de identificación)</i>	<b>Witness Signature</b> <i>Firma de testigo</i>



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-051	
<b>CALEA STANDARD:</b> 83.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### RAPID DNA and DNA Procedures

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide a procedure outlining the collection, processing, and preservation of DNA evidence and reference samples. It establishes training protocols for the handling of DNA evidence and reference samples and submittal to a local DNA database.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to collect, process, preserve and submit DNA evidence into a local database while maintaining the professional integrity of the Division and the Constitutional rights of all citizens.

#### III. DEFINITIONS:

**Buccal Swab:** A sample of cells gathered from the inside surface of an individual's cheek.

**DNA:** Deoxyribonucleic acid is a molecule carrying genetic information which when properly analyzed may identify the individual from whom it came.

**DNA Evidence:** A swab sampling or object from a crime scene which an deputy reasonably believes contains DNA material that may connect an individual to a criminal incident.

**LODIS:** "Local Offender DNA Index System"- is a term used to describe a database compiled and managed by a Division-approved DNA testing provider containing samples obtained by the Division. Samples not meeting CODIS requirements will be entered into this database.

**CODIS:** "Combined DNA Indexing System" is a term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases.

**Known Reference Sample:** A sample given by a known individual with a confirmed identity for comparison to evidence samples taken at a crime scene. Known reference samples may be taken from victims, witnesses, suspects, etc.

**Presumed Known Reference Sample:** A sample that may be of evidentiary value that an deputy can directly attribute to that particular person from first hand observation (e.g. blood on a cloth, saliva left on a disposed drink container, or discarded cigarette butt.)

**Unknown Reference Sample:** A sample that may be of evidentiary value that an deputy cannot directly attribute to a particular person from first hand observation.

**Biological samples:** shall mean blood, saliva, or any bodily fluids.

#### **IV. PROCEDURE:**

- A. **DNA Administrator:** The administrator will be responsible for the handling of reference and evidentiary samples. A Crime Scene Investigator (CSI) from the Criminal Investigation Division will serve as the administrator. The administrator will assess the samples submitted to determine their likelihood of producing a DNA profile. The Case Agent will catalog and/or send samples to the laboratory for analysis taking current crime trends and budgetary issues into consideration. The administrator will confirm that proper procedures were followed in obtaining samples.
- B. **Training:** Initial training will be provided to crime scene investigators. It will include policy, familiarization of equipment, collection techniques, storage requirements, proper documentation, processing, and preservation. Refresher training will be provided in accordance with case law changes, equipment, techniques, and/or procedures.
- C. **DNA Collection Guidelines:** Department personnel should utilize extreme care when collecting, packaging, and transporting DNA samples and evidence.
  - 1. **Minimizing Contamination:** Contamination is defined as the accidental transfer of DNA (commonly referred to as cross- contamination). This transfer could be DNA from one item of evidence to another or of DNA from the deputy to the evidence. When deputies collect DNA they shall wear disposable gloves and change them between each item collected. It is also recommended that deputies change gloves after cell phone or radio usage, after one may have touched their face, eyes, nose or hair. Further, if one sneezes, coughs, or yawns, etc. deputies shall change gloves to avoid cross-contamination. Items of evidentiary value should be handled as little as possible to prevent contamination and to prevent the potential

loss of touch DNA evidence. Deputies should avoid talking, coughing, or sneezing in the vicinity of evidence that shall be processed.

2. **Packaging:** Plastic should NEVER be used to package DNA samples and/or evidence. Clean/dry envelopes, brown paper bags or cardboard boxes should be utilized to package samples or evidence. When there are larger immovable objects of evidentiary value, deputies should utilize swabs to collect the sample. Each item should be placed in a separate envelope or container to avoid transfer of biological fluids from one item to the next.

**D. Transportation of Evidence:** Biological evidence is sensitive to such environmental factors such as sunlight, heat, moisture from humidity, burning, or mixture with soil. It is incumbent upon the deputy/collector of the sample to minimize exposure to these elements. The more ideal conditions in which the evidence or samples are maintained, the more likely a DNA profile will be obtained. Evidence shall be properly sealed and maintained. Failure to follow proper protocol may result in evidence not being accepted by the lab. Deputies shall not leave DNA evidence or samples in a hot patrol vehicle. Deputies shall transport the evidence back to the Dona Ana County Sheriff's Department in an expeditious manner. All sworn deputies will be trained to collect a buccal swab sample. If there are special circumstances a crime scene investigator and/or detective will collect the sample.

**E. Process of Removal From LODIS-** all DNA requests for removal, regardless of the collecting agency, must be processed by the below protocol through the Dona Ana County Sheriff's Department.

## **1. Samples Obtained Through Consent**

- a) Individuals requesting to be removed from the database must do so by responding to Dona Ana County Sheriff's Department. The person making the request must fill out a removal of DNA request form and must present proper identification. The Deputy receiving the request will sign the form confirming that the verification was made. Once complete, the Deputy will generate an email to the DNA Administrator and copy their supervisor. The Deputy will make a copy of the request form, placing the copy in the DNA Administrator's mailbox. The original will be filed in the Records Unit by case number.
- b) The Administrator is responsible for removing an individual's information from LODIS utilizing the database client interface
- c) Requests for removal from the database will be processed by the Administrator within 5 business days of receipt of the request. The Administrator will also determine if it is appropriate to destruct any other DNA evidence.
  1. Any matches to a DNA profile involved in a criminal investigation prior to the request and within the 5 day grace period of the request will remain as evidence to be used in a criminal proceeding.

2. Any arrest made by an Deputy with the Dona Ana County Sheriff's Department which results in charges will not be dismissed as a result of the request to withdraw the DNA profile.

## **2. Samples Obtained Through a Search Warrant**

- a) Court orders from the State of New Mexico for expungement are received by the Dona Ana County Sheriff's Department Records Division.

1. The Records Division will review all expungement court orders with the DNA Administrator.
2. The DNA Administrator may consult with the Dona Ana County District Attorney's office and/or County Attorney if needed.
3. If appropriate, the DNA Administrator will remove all DNA samples required by the court order and submit a supplement report with the referenced case numbers. The supplement will include only the following sentence; "All DNA samples were removed per court order."
4. The DNA Administrator will notify other submitting agencies of this removal in writing for documentation purposes.

- b) In addition, an individual or their legal representative may submit a written request for DNA expungement to the following:

Dona Ana County Sheriff's Department  
Attn: Sheriff  
845 N. Motel Blvd.  
Las Cruces, NM 88007

1. The request must include, for each charge for which DNA was or could have been included in the local DNA database, a certified copy of a final court order establishing that such charge has been dismissed, resulted in acquittal or that no charge was filed within the applicable time period. The court order must be signed by a judge, be dated and include sufficient identifying information to determine the identity of the person requesting removal of DNA.
2. The court order must contain certification that it is a true and accurate copy of the original court order and be signed and dated by an appropriate court official.
3. This request will be processed by the Records Division and reviewed with the DNA Administrator.
4. The DNA Administrator will determine if DNA exists for the subject and if it is appropriate to remove the sample from the database or destruct any

other DNA evidence maintained by the division.

5. The DNA Administrator may consult with the Dona Ana County District Attorney and/or County Attorney if needed.
6. If appropriate, the DNA Administrator will remove all DNA samples required by the court order and submit a supplement report and referenced case numbers. The supplement will include only the following sentence; "All DNA samples were removed per court order."
7. The DNA Administrator will notify other submitting agencies of this removal in writing for documentation purposes.

## REFERENCE SAMPLES

- A. Collection of Reference Samples: Authorized collection of reference samples may occur and shall be classified as one of the following: Known, Presumed Known, and Unknown.
- B. It is the responsibility of the primary investigating deputy to complete a detailed report noting where reference samples were collected.
- C. If the sample collected is not associated with a crime, the deputy collecting the sample will complete a Non-Criminal, information report.
- D. Deputies are responsible for providing the information required on the reference sample evidence envelope including any required consent or witness signatures.

1. **Known samples** shall be placed separately in a DNA envelope.

- a. **Consensual Collection**

1. An individual provides consent to a swab or other material directly from his/her body. All individuals must be advised that the swab is utilized to obtain a DNA profile that will be placed and maintained in a local DNA database. Consensual swabs may be collected from victims, witnesses, etc. for elimination purposes. **Consent in all situations must be knowing and voluntary and can be removed from the database upon request of the individual.**
2. When obtaining DNA through consent, unless otherwise trained, the collecting deputy will utilize the buccal swab stick. The collecting deputy/CSI will wear latex gloves during this process. The stick will be removed from the wrapper and the wrapper will be discarded.
3. The deputy will hand the stick to the subject and instruct the subject to place the stick in his/her mouth with the collection portion of the stick in the mouth. The deputy will observe the subject pull the collection portion of the stick along the inner cheek surface 5 times. The deputy will observe a bulge in the cheek during this process. The deputy will then take possession of the stick and place the swab inside the DNA collection source envelope and write the name and the date of birth on the information sticker on the outside of the envelope. This process will



be repeated to collect two buccal swabs.

4. The sticks shall be placed in separate DNA collection source envelopes and secured with the evidence tape. The deputy will place his/her initials, and date on the evidence tape.
5. The deputy collecting the swabs will complete the entire reference sample evidence envelope detailing all information including the required consent form and witness signatures. This is imperative, as entry into the database is strictly regulated. Complete and accurate source details will be provided in the appropriate areas. Details regarding why the sample was collected, from whom the sample was collected, etc. Moreover, description requirements dictate that there must be more than the word "suspect."
6. Deputies shall record the manner in which the individual was positively identified on the evidence packaging envelope.
7. When collecting DNA reference samples from multiple subjects, the deputy will change gloves after completing each subject.
8. When obtaining a consensual swab from a juvenile victim, suspect or witness, a parent or guardian must be present. Deputies must speak with the parent(s) or interested adult and inform them of the reason for the sample being taken. The Deputy will have the parent/guardian sign the consent form as a witness.
9. It is the contact deputy's responsibility to obtain consent and collect the DNA reference swab from individuals encountered that are not in custody or being charged.
10. It is the deputy's responsibility to obtain consent and collect the DNA reference swab from a detainee.
  - a. The deputy/CSI will complete a report detailing the collection of reference samples.
11. Collecting swabs from defendants will enhance the value of the database and increase the probability of obtaining a match to DNA evidence previously obtained.

b. **Search Warrant Collection**

1. Deputies must have probable cause that the suspect has committed a crime in order to obtain a search warrant or court order for purposes of collecting a DNA profile.
2. When obtaining DNA through a search warrant the affiant of the warrant shall list "**Biological samples**" being blood samples or buccal swabs as the items to be seized or searched for. This will allow for the collection of two swab kits. The Deputy serving the warrant shall utilize two swab kits collecting the subject's DNA on both kits utilizing one kit at a time. The buccal swab stick may be utilized.
3. Once the Deputy has collected the first kit, they shall package the swab

in the DNA envelope. This shall be sealed with standard evidence tape. The deputy will place his/her initials, and date the edge of evidence tape also making contact with the envelope. This kit will be sent to the State Lab as necessary.

4. Once the Deputy has collected the second kit, they shall package the swab into the DNA envelope. The deputy will place his/her initials, and date on the evidence tape. This kit will be used for the RAPID DNA machine.

2. **Presumed Known** samples shall be placed in the DNA envelope.

1. Presumed known or abandonment consists of material(s) that may be of evidentiary value that an deputy can directly attribute to that particular person from first hand observation.(e.g. blood on a cloth, saliva left on a disposed drink container, or discarded cigarette butt.
2. Random collections of abandoned materials will not be made.
3. Deputies may not provide materials to suspects of crimes solely to surreptitiously collect DNA samples that the suspect has refused to provide.
4. Refer to DNA Crime Scene Evidence Collection and Packaging.

3. **Unknown samples** shall be placed separately in DNA Envelopes.

1. Unknown consists of material(s) that may be of evidentiary value that a deputy cannot directly attribute to a particular person from first hand observation.
2. Random collections of abandoned materials will not be made.
3. Refer to DNA Crime Scene Evidence Collection and Packaging.

## **DNA CRIME SCENE EVIDENCE COLLECTION AND PACKAGING**

A. Guidelines for the Collection of DNA Evidence for Processing: All DNA evidence will be collected and packaged in accordance with departmental policy.

B. Presumed Known and Unknown

1. Deputies will utilize the following guidelines for locating evidence and collecting presumed known and unknown reference samples.
2. Deputies will utilize latex gloves to avoid contamination.
3. Assess the scene; consider the latent print option and/or swabbing evidence surfaces for DNA. Look for surfaces that will likely result in yielding DNA profiles by abrading skin cells or from bodily fluids. If it is possible for both methods of collection to be done, all areas must be swabbed first for DNA profiling and then process the scene for latent prints.
4. To obtain the best DNA sample, focus on bodily fluids (blood, saliva, semen) that may have been left by a suspect at the crime that tend to produce DNA profiles.
5. Utilize swabs to collect DNA evidence at crime scenes where crimes against persons and property such as burglaries, thefts, criminal mischiefs have been committed.


The DNA Administrator will determine which samples will be sent for analysis after analyzing which swabs will most likely produce a DNA profile.

6. The preferred method of collecting evidence samples for DNA processing is the swab method. The swab must be allowed to dry completely.
7. Wet Samples: use a dry swab to collect the wet material.
8. Dry samples: use a swab moistened with two (2) drops of distilled water area of interest before swabbing. Then follow up with the second dry swab to the same area to recover any remaining DNA. Both swabs will be placed in separate DNA envelopes.
  - a. Large Items: DNA profiles may also be obtained through swabbing certain surfaces for the presence of Touch DNA. Do NOT submit these items but utilize swabs to collect Touch DNA evidence from larger surface items.
  - b. Other Items: Cigarettes should be submitted, not swabbed.
  - c. Reference samples taken in the form of objects will be dried and packaged in accordance with departmental policy. If the object is too large to fit into the envelope, the deputy will complete the evidence form in its entirety. The object will then be stored in a temporary storage locker.
  - d. A biohazard sticker is required for all bodily fluid samples/evidence.
  - e. Objects other than swabs collected for DNA testing are to be completely dried prior to packaging, and properly packed as any other evidence, including the usage of evidence tape. Moisture affects the collection and analysis of evidence for DNA processing. Only paper packaging should be utilized. (sturdy envelopes, brown paper evidence bags, or cardboard boxes) "DNA Evidence" must be clearly marked on the package.
9. For weapons possession cases, collect one wet/one dry swab per item in an effort to establish the identity of the subject who had previously possessed the contraband/items. This type of processing will be conducted by crime scene investigators.
10. Evidence packaging envelopes will be completed and sealed with evidence tape
11. All envelopes shall be submitted per department evidence collection policy.

## **RAPID DNA PROCESSING**

- A. The Criminal Investigations Captain will designate all users approved to utilize the Automated Rapid DNA Profiling Instrument.
- B. The DNA Administrator must approve the use of the Automated Rapid DNA Profiling Instrument.
  - 1. Samples that will be accepted for processing by the Automated Rapid DNA Profiling Instrument will include known samples and only unknown samples that include bodily fluids and Touch DNA.
  - 2. Only samples of bodily fluids that have a second sample packaged separately, which were both collected from the same processed area, will be tested through the Automated Rapid DNA Profiling Instrument.
  - 3. Only known samples that have a second sample packaged separately, which were both collected from the same individual, will be tested through the Automated Rapid DNA Profiling Instrument.
- 2. Authorized users will comply with the department approved processing protocol. All DNA evidence will be collected and packaged in accordance with Divisional Policy.
- 3. Samples submitted for processing by the Automated Rapid DNA Profiling Instrument will be entered into LODIS.
- A. Initial Training will be provided to selected personnel who will be processing samples utilizing the Automated Rapid DNA Profiling Instrument. The training will include the directives regarding collection and preservation of DNA evidence, collection techniques and storage requirement ensuring the best documentation, processing preservation and storage of DNA evidence and familiarization of the equipment. Refresher training will be administered as necessary in accordance with any changes in law, equipment, techniques and/or procedures.

## **V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-052**

**CALEA STANDARD:  
83.3.2,84.1.1-3  
84.1.5**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Evidence and Property Control

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures and guidelines for the proper handling and control of all evidence and property turned over to the Dona Ana County Sheriff's Office (DASO) that has been seized, recovered, abandoned, lost/found or held for safekeeping.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to ensure all evidence and property collected will be documented, packaged and maintained by following all applicable laws, rules and regulations and best practices for the retention, processing, disposal and releasing of property to the rightful owners.

#### III. DEFINITIONS:

**Associated Person:** The person or persons associated to the case such as victim, suspect, arrestee, reporting party, "other" or finder. The owner is the person or persons associated to the items being submitted.

**Chain of Custody:** The chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of evidence or property, either physical or electronic.

**Employees:** Any member of this law enforcement agency who receives any evidence and/or property and initiates the chain of custody.

**Evidence:** Items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Evidence Log Book:** A binder with log sheets that is located in the main station booking area for employees to list the items of evidence or property being submitted into evidence.

**Evidence Room Log Sheet:** A form used to document all authorized visitors who enter the evidence room.

**Evidence & Property Control Form:** A blue colored preprinted form used to document all the necessary information and detailed description of items of evidence or property being submitted by the employee. This form is referred to as the evidence sheet.

**Evidence Section:** The location within the law enforcement agency where long term evidence and property is stored and the office where the evidence tech enters data and maintains all documentation.

**Evidence Tech:** The employee who is assigned to the Evidence Section and has the responsibility of documenting, storing, retrieving, releasing and disposing of evidence and property.

**Property:** The personal property that does not have evidentiary value and comes into the possession of this agency as found, safekeeping or property for destruction.

**Right of Refusal:** The authority given to the evidence tech to reject and notify the employee that the evidence or property is improperly packaged or documented and needs to be corrected before being accepted in to the evidence room.

**Storage-Long Term:** A designated storage location for all evidence and property being submitted is stored best known as the evidence room.

**Storage-Temporary:** A designated storage locker or location for evidence and property being submitted is stored until the time it is actually received by the Evidence Tech.

**Submission & Packaging Recommendations Manual:** A manual that gives general directions for the submission and packaging of evidence and property that is acceptable to the evidence section.

## **IV. PROCEDURE:**

### **1. Responsibilities of Evidence Tech**

- a. The responsibilities of the evidence tech(s) is to receive all incoming evidence and property, fully document it, store it systematically, secure and preserve its condition, lawfully release or dispose of it, and to maintain a complete chain of custody of the entire process that is sufficiently accurate and complete to satisfy any court requirements.

- b. Ensure that incoming evidence and property is packaged in accordance with the packaging manual.
- c. Preserve all incoming evidence and property from contamination, theft, or loss.
- d. Maintain and update documentation to reflect the proper chain of custody.
- e. Enter all necessary data into the tracking system and ensure the database is up to date and maintained.
- f. Ensure that all releases and dispositions of evidence and property is legally and accurately documented.
- g. Arrange and document evidence and property that is temporarily checked out and returned for the use of court, crime lab analysis, or investigative use.
- h. Prepare and forward property-related forms to requesting units and agencies and serve as the liaison for evidence and property matters between the agency and other local, state, and federal law enforcement agencies.
- i. Maintain current knowledge of federal, state, and local laws and keep certifications up-to-date through available training for evidence procedures.
- j. Inventory evidence and property based on the policy demands of the agency.
- k. Ensure that all efforts are taken to make the evidence section as safe as possible for employees as well as evidence techs and provide for maintenance of the storage facility.
- l. Store the evidence and property in the designated storage area and limit access to the evidence room to only authorized individual(s), maintain all access logs and ensure that there is adequate security for the evidence room.
- m. The responsibilities of the Evidence Tech(s) assigned to the Evidence Section is to ensure all evidence and property submitted is properly packaged, fully documented, receive all incoming evidence and property, fully document, systematically store, preserve, securely maintain, lawfully release or dispose of and to maintain a complete Chain of Custody of the entire process that is sufficiently accurate and complete.

## **2. Security and Access of Evidence Room**

- a. The Evidence section is the evidence office and evidence room that is a secure facility with controlled access. Only authorized employees assigned to the Evidence section are allowed to access these rooms or any other designated secured storage locations.
- b. Authorized visitors entering the evidence room will be escorted by an authorized evidence tech at all times after they have completely filled out the evidence room log.
- c. All keys and key cards used in the evidence section will be limited to only the authorized evidence techs currently assigned and the Criminal Investigations Lieutenant. Duplication of these keys and key cards is strictly prohibited.
- d. In the event the discovery of a break-in or suspected criminal activity has occurred into the evidence section, the responding employee shall notify the on-duty supervisor and the evidence supervisor. In the event of a fire or any other emergency type situation requiring immediate access, the doors may be breached. Only immediate personnel needing access shall enter and a contamination log will be maintained with a copy to be given to the evidence supervisor.

## **3. Submission of Evidence and Property**

- a. Employees that collect evidence and property are responsible for the proper handling, documenting and packaging of these items until the items are logged into the evidence log book and placed into the temporary evidence lockers or turned over in person to an authorized Evidence Tech by the end of their assigned duty. Unless exceptional circumstances arise, such as inclement weather or excessive distance to travel, a supervisor approval shall be obtained to store the evidence overnight in a secure location and will be submitted immediately the following day.
- b. If the evidence and property is being transported for submission by another employee, they are responsible for ensuring the Chain of Custody is completed, logged in and securely placed in the temporary evidence lockers or turned over in person to an authorized Evidence Tech.
- c. The employee who collects and submits the evidence and/or property will describe in a written report detailing the circumstances by which the items came into the possession of DASO and describe each item collected.



- d. All evidence or property will be submitted into the evidence section before it can be checked out to any labs for processing, court, DA's and/or Investigators.
- e. If evidence or property is released to an owner or another agency at the scene by any employee, the items can be documented on an evidence sheet to also include the proper Chain of Custody. This form can then be placed in the case file.
- f. No evidence or property will be accepted by the evidence section without a generated case number.

#### 4. Documentation

- a. Employees submitting evidence or property will complete written report of the items entered and an evidence sheet documenting the following:
  - i. Case number/ Offense Type and Code/Degree of Offense
  - ii. Date/Time submitted into Evidence
  - iii. Submitting deputy's name/PSN #
  - iv. Evidence/property type: Evidence, Found Property or Safekeeping
  - v. Detailed description of item(s):
    - 1. Make, Model, Serial # (caliber when necessary)
    - 2. Quantity, Color, Size, Condition
    - 3. Generic name of item (i.e. – cell phone, pipe, shirt, etc.)
  - vi. Associated Person(s):
    - 1. All key persons involved that is associated to the case.
    - 2. The Rightful Owner of items submitted.
  - vii. The location where evidence/property was collected.
  - viii. Disposition Authorization as to how the evidence or property is to be maintained by Evidence Techs at the time it is being submitted. If the disposition is marked to destroy, Evidence Techs will verify with the submitting employee before it is properly destroyed.
  - ix. Complete the Chain of Custody.
  - x. The original blue evidence sheet will be submitted with the evidence or property collected and will remain in the Evidence office.

## 5. General Packaging

- a. A Submission & Packaging Recommendations Manual is available to all employees on the proper packaging and submission of evidence which is located in the booking area. The manual can also be accessed on the G: Drive/Shared/Evidence Manual.
- b. All evidence or property must be handled and packaged in a manner to maintain the evidentiary value and protect the integrity of the item. All items that are packaged must be sealed, initialed and dated with approved evidence integrity tape or a self-sealing plastic evidence bags.
- c. Items considered evidence shall be packaged separately from items considered to be non-evidentiary property, prisoner property, and property for safekeeping. If the potential for cross contamination exists, each piece of evidence shall be packaged separately and itemized on the evidence sheet.
- d. Property packaged in plastic evidence bags shall be free from moisture. Wet items shall be thoroughly dried and then packaged in breathable paper packaging. Exposed electronic circuit boards and hardware containing possible digital evidence shall not be packaged in plastic evidence bags and must be submitted in paper packaging.
- e. Evidence or property shall be packaged in appropriate sized packaging located in the booking area of the main station. When an item is too large for packaging, a property tag shall be completely filled out and securely attached to the item.
- f. Evidence packaging (plastic, paper bags, boxes, etc.) shall not be sealed using staples, because of the risk of cuts and punctures to those persons handling the package.
- g. Items belonging to various owners shall require separate packaging.
- h. Numerous items of similar character/type may be packaged together if there is no concern of cross contamination or separate ownership. All items in the package shall be described on the evidence sheet as one like item per line.
- i. The evidence packaging will be filled out completely and will match the information listed on the evidence sheet. This will include the Chain of Custody to include date and time of submission or transfer.
- j. Safes and other storage containers shall be opened whenever possible and the contents inventoried and packaged separately.

- k. If it is questionable how an item should be collected and/or packaged an evidence tech can be consulted prior to handling the evidence or property.

## **6. Right of Refusal and Notification of Discrepancies**

- a. The Evidence Section reserves the right to refuse accepting any evidence or property that is not properly packaged or paperwork is incomplete. Once an employee has been notified of any discrepancies, it is their responsibility to make the corrections by the end of their next scheduled work day.
- b. In the case where evidence has been submitted incomplete, the evidence section will notify the deputy and the deputy's first line supervisor of the discrepancies.
- c. In the case where a deputy is on days off or in training when the discrepancies have been found, the evidence tech will allow time for the deputy to return to his/her regular duty day prior to sending out the first notification of the discrepancies.
- d. In cases where a deputy fails to respond to the discrepancy notification, the evidence tech will notify the deputies first line supervisor and carbon copy his/her lieutenant of the discrepancy.
- e. If the discrepancy has not been fixed and resubmitted, the evidence tech will then email the deputies Lieutenant for assistance.

## **7. Storage – Temporary**

- a. All evidence and property that has been collected, documented and packaged properly will be secured in the temporary lockers located at the main station. It is prohibited to store any evidence and/or property in an undesignated location without approval from an immediate supervisor and also advising the Evidence Section as to the circumstances. Assigned Evidence techs shall be the only ones to remove the evidence/property from the temporary lockers to place in the Long Term Evidence Storage-Evidence room.
  - i. Large/bulky items shall be stored in the temporary holding cell next to the Evidence office and secured with the combo lock.
- b. Biohazard evidence will be submitted in accordance with the drying evidence cabinet manual. Biohazard evidence that is wet or damp will be completely dried before being accepted into evidence and labeled with biohazard stickers.
- c. Blood/Urine
- d. Hazardous Materials/Flammables:

- e. Perishables:

## **8. Storage – Long Term**

- a. Evidence
- b. Found Property
- c. Safekeeping

## **9. Narcotics and Paraphernalia**

- a. All narcotics and paraphernalia collected for any reason will be properly submitted into evidence. Each item will be itemized on the evidence sheet, one item per line. All narcotics (drugs) will be packaged in paper and separated from any paraphernalia (hard plastics and metals) which can be packaged in paper or plastic. Any syringes and sharp objects collected will be placed in a sharps container. All owners of the items must be listed to reflect who owns which items.
  - i. Medical Marijuana submissions- Any medical marijuana and/or paraphernalia collected and submitted as safekeeping can be released back to the owner only if the owner has a valid medical marijuana card. It is the responsibility of the Personnel who collected these items to verify that the owner has not violated any conditions to possess these items before authorizing any release. Evidence Personnel will verify the owner's medical marijuana card is valid before releasing back to the owner. If card is not valid, Evidence Personnel will notify the submitting Personnel for any follow up and disposition.
- b. Any felony level narcotics collected shall be weighed and documented on the evidence sheet before and after being packaged and submitted into evidence. Evidence Techs shall document the weight of any felony level narcotics before accepting into evidence. Any discrepancy will be reported to the Evidence Chain of Command. Any misdemeanor narcotics can be weighed and documented before and after being packaged, but is not required.
- c. When narcotics and paraphernalia have been accepted, entered and tagged by Evidence Personnel, these items will be secured in the designated narcotics vault within the evidence room.

## **10. Vehicle's or Large Outdoor Objects**

- a. Vehicles and other large objects unsuited for storage in enclosed facilities may be stored in the DASO Impound Lot. All vehicles and objects stored at the

facility shall be entered into evidence immediately upon being placed within the impound lot.

- b. The case agent shall ensure the tow company's name of whichever tow company was used to tow the vehicle or object to the impound lot is described in the evidence entry.
- c. The evidence form shall be printed out and placed in the evidence lockers and logged in the evidence log form. This will notify the evidence technicians that a vehicle or object has been placed in the impound lot.
- d. All vehicles and objects shall have a weather resistant tag secured to the vehicle's windshield wiper or object
- e. The weather resistant tag shall describe the case or incident number with which the evidence is associated as well as the name and badge number of the deputy placing the item into evidence.
- f. Vehicles and large objects of evidence may only be placed into the impound lot under the authority of the On-Call Detective or Shift Supervisor or, in the alternative, under the authority of any Sergeant or Lieutenant in charge of an investigation requiring the securing of a vehicular or other large objects into evidence.
- g. In order to ensure that property not intended for forfeiture is returned to the owner in a timely manner, the On-Call Detective or Supervisor approving entry of the vehicle or object into the impound lot, shall ensure that any needed processing is carried out in a timely manner.
- h. The On-Call Detective or Supervisor will also ensure the completion of any needed reports, supplements, or property owner notifications are done in a timely manner.

## **11. Firearms/Ammunition (Ammo)**

- a. All firearms will be unloaded and rendered safe before submitting into evidence. Unless extenuating circumstances arise, evidence techs will be notified verbally of the loaded firearm before it will be placed in the temporary lockers.
- b. All emptied magazines will be removed from the firearm and secured within the same gun box as the firearm. If the magazine belongs to the particular weapon, detail the weapon and magazine as one item.
  - i. Unless magazines are collected without firearms, they will be listed as a line item.

- c. All ammo will be described, counted and packaged in paper separate from the firearm and listed on one line of the evidence sheet. Loaded magazines should be photographed and documented to show amount of ammo prior to being unloaded and entered into evidence.
- d. Only ammo recovered as evidence will be accepted. No excessive amounts of ammo will be collected unless justification for the collection is approved by an immediate supervisor or is turned in as found property to be destroyed.
- e. Firearms seized for the purpose of safekeeping will require the approval of the on-duty supervisor and shall be documented as safekeeping. (Seizing firearms for temporary safeguarding is strongly discouraged and the person requesting a firearm placed into safekeeping should be advised to seek an alternate storage location for the firearm.)
- f. Third party transfers are available in instances where the owner of the firearm is unable to carry or possess a firearm legally. In those specific instances, the owner of the firearm shall be present to release the firearm via third party transfer.

## **12.Currency**

- a. Any U.S. currency collected will be counted and verified by two individuals and initial the total amount on the evidence sheet. All currency will be packaged in a money envelope and filled out completely, witnessed and sealed with integrity tape which will be initialed and dated by the submitting employee.

## **13.Jewelry**

- a. All jewelry collected will be generically described as yellow, white, red, blue, etc. and listed one item per line. All jewelry collected will be packaged in a jewelry envelope filled out completely and sealed with integrity tape which will be initialed and dated by the submitting employee.

## **14.Found Property**

- a. All evidence/property that is turned in as "found property" will be treated as evidentiary property. Generally, found property should be held for no more than 90 days. A reasonable attempt to locate the rightful owner should be made by the submitting employee. If an owner is located, the employee needs to advise the evidence techs as soon as possible. If the items have not been claimed after the 90 days has expired, then the finder has right to claim it.

- b. Items a Finder cannot claim are any firearms or any items to be determined as Medical Marijuana. These items will be destroyed in accordance with state law and DASO policy.
- c. If the owner is located, they will need to provide strict proof of ownership to the evidence techs before it can be released.

### **15.Safekeeping**

- a. All property that is turned in as "safekeeping" should be returned to the rightful owner as soon as possible and should be held for no more than 90 days. A certified letter will be mailed to the owner by the evidence tech within 30 days of submission or collection of the property. The owner will have 90 days from the date of collection of the property to reclaim it.
- b. A copy of the letter and or returned letter will be placed in the case file for reference.

### **16.Laboratory Submissions**

- a. It will be the case agent's responsibility to prepare and submit evidence to the laboratory for examinations.
- b. The forms are online and will be submitted in accordance to the laboratories procedures.
- c. All evidence submitted to the laboratory will be signed out from the evidence tech on the evidence laboratory custody form. The laboratory will sign once they have received the evidence and the custody form shall be returned to the evidence tech.

### **17.Case Review and Evidence Release**

- a. Any property needed for further investigation, court, release or other official purpose shall be checked out from the evidence tech. The case agent checking the evidence out, shall sign for the evidence to aid in the accountability and/or uninterrupted chain of custody until final disposition.
- b. Case Agents should notify the evidence tech 24 hours prior to checking out evidence for court in normal circumstances.
- c. When evidence (process/accepted or not) needs to be reviewed, the evidence tech will sign out the evidence to the case agent or any CID supervisor at time of request.

## 18. Dispositions

### a. Purging Review

- i. Once a year, a yearly inventory printout will be given to all employees that have pending evidence. It is the responsibility of the employee to review each case that has evidence or property still pending and will determine the status on the case. (S)He will indicate on the inventory if the items need to continue to be held, release, or destroy. The inventory printout will be returned to the evidence section. The original evidence sheets will be signed and dated as to the status on any evidence or property that is going to be released or destroyed. The inventory printout will permanently remain with the evidence section.

### b. Authority to Purge

- i. Only the submitting employee or the investigator assigned to the case can authorize any releasing or destroying of evidence or property. Under no circumstances will the evidence tech release or destroy any evidence or property until the submitting employee or investigator has signed the evidence sheet indicating the status. Verbal authorization will not be accepted.

### c. Release to Owner

- i. Property released to owners will be released during normal business hours, Monday through Friday.
- ii. Any property or evidence that has been authorized by the employee or investigator to release to the rightful owner will be handled by the evidence tech. It is the responsibility of the evidence tech to verify the owner of the property is the one picking up the items by obtaining a copy of a valid I.D., social security card or any photo identification with their DOB. The owner will sign the evidence sheet and provide a current address at the time they receive their property.
- iii. No property will be released to anyone other than the owner unless the owner is present and authorizes or has designated person to pick it up with a notarized letter or power of attorney.
- iv. The owner cannot authorize a designated person to pick up a firearm or Medical Marijuana.
- v. All property released once signed for, will be released in the designated area of the lobby of DASO.



## 19. Security

- a. All property stored by DASO shall be maintained in a designated secure area. Access to the Evidence Rooms is limited to the Evidence Technicians. Additional individuals may be admitted only on a case by case determination and only while accompanied by one of the above listed individuals.
- b. The name, date and time of entrance and exit, in addition to the reason for entrance into the Evidence Room of these individuals shall be listed on the entry log maintained in the Evidence Rooms. When Evidence Technicians are not in the property room during business hours, the access doors shall be locked.
- c. When all Evidence Technicians are absent from the facility, the property rooms will be locked, and the alarm will be activated. Persons authorized to access the evidence room are assigned a single key that is marked "do not duplicate", or they receive a key card that includes access authority. If a tumbler or mechanical key system is used, the number and location of all keys are documented, maintained, and shall be audited in accordance with provisions of this policy regarding inspections and audit of property and evidence.
- d. Anyone in possession of an issued key or key card to the evidence rooms which becomes lost or stolen will report such loss immediately to the Department Manager or their designee. Upon being notified of a lost or stolen key or key card, the Department Manager or their designee shall take immediate action to minimize any security concerns.
  - i. This may include changing the affected locks or having the affected key card(s) immediately de-activated.
- e. The High-Risk Area is dedicated to the storage of drugs, firearms, and currency, and other items that the evidence technician believes may have a substantial value.
- f. Access to the areas containing these high-risk items is secured within the evidence room in a separate secured room. Currency is secured within the separate room in a locked box for additional security.
- g. Access to the Evidence Drying Room available to Evidence Technicians, the Patrol Division, and the Detective Division while engaged in the submitting of evidence appropriate for the Evidence Drying Room. Additional individuals may be admitted only on a case by case determination and only while accompanied by one of the above listed individuals.

- h. The drying machine is secured with a lock. When in use, the deputy will secure the evidence in the drying rack and lock the door with the lock. The deputy will place the key in the evidence lockers.
- i. Employees shall not, at all times, store property in their personal desks, lockers, vehicles, homes, or other place that are not secure or would interrupt the chain of custody.
- j. Personal use of any property shall be strictly prohibited.
- k. For internal control and inspections of property/evidence collection and retention, see DASO policy (Property and Evidence Inspections, Audits & Destruction).
- l. Forfeited controlled substances, weapons, or explosives for investigative or training purposes will be documented within the initial report of seizure and turned over to the appropriate divisions for conversions.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-053**

**CALEA STANDARD:  
84.1.1, 84.1.6**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Evidence Inspections, Reports, and Destruction

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures that maintain the integrity of the system for controlling, recording, processing, and disposing of property taken into custody by Dona Ana County Sheriff's Office personnel.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain the highest degree of evidentiary integrity over agency controlled property and evidence through periodic and documented inspections, audits, inventories, and destruction.

#### III. DEFINITIONS:

**Inspection** – A formal review of the physical security and condition of the components and equipment of the property and evidence storage areas, tracking systems, procedures, policies, and processes of the Property and Evidence Unit.

**Audit** – A sampling and accounting of the selected pieces of property held by the Property and Evidence Unit.

**Inventory** – A complete accounting of the items physically in the Dona Ana County Sheriff's Office storage areas and those that the computerized property and evidence system(s) indicates are under the control of DASO.

#### IV. PROCEDURE:

##### Inspections of Property or Evidence:

At least once each quarter, the Criminal Investigations Lieutenant, in order to ensure compliance with all property control procedures, will conduct an inspection of the Evidence Rooms and Impound Yard. A checklist maintained by the Accreditation

Manager guides this process.

Inspections are documented in a memorandum and forwarded to the Professional Standards Lieutenant and the Accreditation Manager. The Professional Standards Lieutenant will review the memorandum for compliance and report to the Special Services Captain once complete.

Inspections should determine compliance with the following procedures:

DASO policies on property control procedures are being followed;

1. The area is clean and orderly;
2. Property and evidence is logged into LERMS and its status recorded as soon as the Evidence Technician obtains possession of it, or as quickly as possible thereafter;
3. Property and evidence is being protected from damage or deterioration;
4. Key assignments are updated, locking mechanisms are working properly and visitor logs are maintained.
5. Property labeling contains the required information: case number and storage location.
6. Attempts to notify the owner or custodian of all property and evidence in a timely manner are being made and maintained within the associated case file.
7. The function of obtaining final dispositions on all property and evidence is conducted in a paperless, ongoing method of review by the deputy when the case offense expires, a District Attorney's case disposition if received, or triggered via an inquiry by the property owner or case agent.
8. The ongoing process of identifying evidence with no further evidentiary value is being conducted and disposed of properly.

### **Audit Procedures of Property or Evidence:**

The purpose of the audits is to ensure the continuity of custody and not to require the accounting of every single item of property or evidence. For the purposes of either announced or unannounced auditing; the quantity of high risk evidence selected for audit shall be a minimum random amount of either 100 high risk items or 5% of all high risk items stored shall be audited, whichever is greater. In addition, an audit of general evidence excluding high risk items shall include a minimum random amount of either 100 items or 3% of all items stored shall be audited, whichever is greater.

If an error rate of higher than 4% is discovered during any evidence audit, then a complete audit of the high risk area shall be performed.

When a personnel change occurs with an evidence tech, who is rotated out for any

purpose and replaced with a new evidence tech an immediate audit shall take place prior to the transition to include a minimum random amount of either 200 high risk items or 10% of all high risk items stored shall be audited, whichever is greater. It shall be the responsibility of the Department Manager or Criminal Investigations Lieutenant to give notice of the pending personnel change to the Professional Standards Lieutenant for auditing purposes.

Each audit must be a two-step process. For the purposes of this section, two-step auditing is accomplished by:

1. Step One – Creating a random list of items from the electronic property and evidence system and using that list to verify that each item is physically where the system shows that it is stored.
2. Step Two –Selecting items to verify that the system shows that the item is where the auditor found it. This will be a minimum five percent of high risk items and three percent general property items.

The Criminal Investigations Lieutenant and Department Manager will conduct an annual audit of property, evidence, and property management records. A report in memorandum format will be forwarded to the Professional Standards Lieutenant and Accreditation Manager for review.

Unannounced audits of the property and evidence storage areas are conducted by the Professional Standards Lieutenant, or designee, at least annually, or at the direction of the Sheriff or his/her designee.

The sampling of items will be significant enough to be an accurate depiction of the entire room. Extra attention will be focused on high risk items (Narcotics, Firearms, Currency and Jewelry).

#### **Inventory of Property or Evidence:**

An inventory will be conducted at any time as directed by the Sheriff or his/her designee or when an Annual Audit produces discrepancies exceeding a five percent error rate.

The Evidence Supervisor is the primary custodian of property and evidence. An inventory of property and evidence occurs whenever the primary custodian is assigned to or transferred from the position and is conducted jointly by the newly designated primary custodian and a designee of the Sheriff, not to include the departing custodian.

Whenever a new Evidence Technician is designated, an inventory of money is conducted jointly by the newly designated Evidence Technician, the outgoing Evidence Technician, and the Department Manager.

#### **Destruction of Property or Evidence:**

As a matter of policy, the return of property and evidence to the owner, where appropriate and lawful to do so, is the preferred manner of disposition of all property or evidence controlled by the Dona Ana County Sheriff's Office pursuant to NMSA 29-1-14 and/or forfeiture laws.

Property and evidence with resale value, where the owner is not known or has not responded to mail requests to retrieve their property, (except weapons and contraband) may be sold via the public auction following a legal notice publication.

All property and evidence subject to disposal, should be relinquished within six months of being received by DASO, or within six months of all court or other legal requirements being satisfied.

The Evidence Technician periodically inquires of the submitting deputy as to the status of the associated case and the continued need for secured evidence and property.

Property or evidence classified as "general property" that is not being sold at auction can be destroyed or disposed of by the Criminal Investigations Lieutenant, Evidence Technicians, or other DASO Personnel as assigned.

The final disposition of general property and evidence which cannot be returned to an owner is subject to the following considerations:

1. The apparent value of the item or the lack thereof;
2. The submitting person or a Supervisor has confirmed and documented that the item is appropriate for final disposition;
3. The item is subject to a court order authorizing disposal or destruction; or,
4. The item's owner has requested that the item be disposed of by DASO and documentation exists regarding the owner's intent to have the item destroyed.

Property and Evidence, when appropriate and in accordance with the provisions of this policy, may be disposed of in the below described manners as deemed appropriate and when in accordance with the preceding considerations:

1. Public auction;
2. Shredding;
3. Retained for DASO or County use, only upon written authorization by a Captain or higher;
4. Made inoperable and deposited in trash receptacles;
5. Poured into the sewage draining system (such as in the case of alcoholic beverages);
6. Destroyed by explosive means (drugs and ammunition), or by incineration

(drugs) witnessed by a minimum of an Evidence Technician and another DASO employee;

7. Destroyed by cutting torch or mechanical saw (weapons), which is witnessed by a minimum of an Evidence Technician and a second DASO employee.
8. Hazardous material is released to the established entity for proper disposal;
9. Materials that may be a bio-hazard are stored in approved containers, and subsequently removed by an approved contract vendor.
10. Landfill crush and burial, witnessed by an Evidence Technician and at least one additional DASO employee. The technician shall request a letter of disposal from waste management personnel.

### **Evidence Destruction – General Rule:**

Deputies shall not authorize evidence to be disposed of in any “inactive” cases without being properly reclassified as one of the following case statuses: “Cleared, Closed or Unfounded.” Any case still within the statute of limitations shall not be destroyed, absent justified reasoning. In addition, the destruction of any evidence relating to a felony investigation must be accompanied by a supplemental report stating the reason for said destruction. The supplemental report shall be reviewed and approved by a supervisor prior to the authorization for destruction within the LERMS system being completed.

### **Destruction of Sexual Assault Evidence:**

As a general rule the Dona Ana County Sheriff’s Office does not authorize the destruction of sexual assault evidence or kits unless one of the following has taken place:

1. The statute of limitation has expired,
2. The District Attorney’s Office has authorized said destruction in writing,
3. The case has gone unreported for a period of six or more years (even though the State of New Mexico only requires law enforcement to maintain unreported sexual assault kits for a period of three years),
4. Or the case has been proven to be “Unfounded.”

In successful cases where a verdict of guilty has been rendered, evidence shall be retained until such time the defendant has exhausted their appeal process, and only with the written approval of the District Attorney’s Office. In cases of sexual assault, the supplemental report detailing the reasoning for destruction should be especially detailed as to why the destruction is authorized.

In cases of 1st degree felony where there is no statute of limitations, sexual assault

kits and evidence will be held indefinitely. In these specific incidents, after six years has passed any evidence not directly related to prosecution or of direct evidentiary value to a potential trial may be destroyed with the written authorization of the District Attorney's Office.

### **High Risk Item Destruction:**

Property classified as High Risk, i.e. Narcotics and weapons, shall be destroyed or converted for department use only after a court order is obtained.

### **PROCESS:**

#### **Drugs/Drug Paraphernalia:**

Items identified from the Exhibit list, prior to petitioning for a court order, are located, verified by the Department manager and Evidence Technician. Once verified, the items are placed into a transporting container. Once filled the container shall be sealed with evidence tape and all parties present shall write their initials and the date across the tape to prevent any opening or tampering.

The sealed container(s) shall remain in the approved secure storage area, inside the evidence room, which is until such time; the container(s) are transported for destruction, pursuant to a signed court order. In all cases, the process shall be witnessed, by the Evidence Technician and a minimum of one, DASO Deputy.

Once the items identified for destruction have been destroyed, the Evidence Technician and a witness will sign a Certification of Disposal of Evidence court form that shall be returned to the courts for processing.

Prior to the final destruction of narcotic or drug evidence which had been previously released for laboratory verification, representatives from the METRO narcotics shall conduct a final content verification test of a minimum of five percent of the number of items awaiting destruction. The test will be performed by DASO approved narcotics identification kits. This test shall also verify that the final weight of the evidence is consistent with the original evidence's weight, less a reasonable amount removed during the laboratory testing process or through the normal desiccation process of plant materials or substances containing liquids.

The evidence technician will complete a memorandum, documenting the destruction of evidence by case and type of evidence destroyed, and forward it to the Professional Standards Lieutenant for review.

#### **Weapons:**

Weapons identified for final disposal shall be inspected by the DASO's armorer and command staff for consideration for possible conversion to department use. A separate court order for conversion shall be obtained for weapons that can be converted.



A court order for destruction shall be obtained on the remaining weapons. Converted weapons shall be removed by an Evidence Technician and DASO armorer upon receipt of the court order and immediately entered into the inventory control system. They shall then be secured in the armory.

For weapons to be destroyed, the Department Manager and Evidence Technician will secure the weapons in a transport container for destruction. The Evidence Technician and a DASO certified employee will ensure that the critical functioning components of the firearms being destroyed are made permanently inoperable and unrepairable. The evidence technician will ensure that the physical destruction process is completed and documented by memorandum. The memorandum will document the case and type of evidence destroyed and will be forwarded to the Professional Standards Lieutenant for review.

### **Currency:**

Domestic currency is not destroyed. If ownership is abandoned or never established, the currency is not removed from its evidence container. The currency shall be accounted for and subsequently deposited at least two times per calendar year. This process shall be jointly conducted by the Department Manager and at least one Evidence Technician. The Department Manager transfers the money to the County cashier. A deposit slip is returned to the Evidence Technician and placed in a destruction file.

Counterfeit currency is not destroyed, but forwarded by certified mail to the US Secret Service after a detective has reviewed and returned the currency and attached a printed case supplement to the evidence package.

### **Foreign Currency:**

Foreign coins are generally not accepted at any of the available financial institutions. Paper forms of currency may or may not be accepted at these same institutions. The Department Manager shall make a reasonable attempt to convert this money into American Dollars for deposit. If the conversion of this currency cannot be completed, the foreign paper currency and coins can be submitted for public auction to collectors or other interested parties, or destroyed.

### **Jewelry:**

Jewelry and other items within the high-risk area that can be possessed legally shall be sold at auction. Exceptions that do not fall into any of the specified categories may be disposed of or sold at auction with the approval of the Department Manager. The Department Manager should document these exceptions.

### **APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-054	
<b>CALEA STANDARD:</b> 83.2.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Recording Devices

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines on the usage of recording devices by Dona Ana County Sheriff's Office personnel.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to utilize recording devices only for official capacities.

#### III. PROCEDURE:

Digital recording devices and video cameras may be utilized by DASO employees when body worn camera and in-car camera systems are not available, solely for the purpose of:

1. Recording statements for use in investigating criminal and traffic investigations;
2. As an aid intended to assist in the ultimate arrest, apprehension and prosecution of a suspect or suspects, through the course of any official investigation;
3. Documenting citizen contacts.

The use of recording devices by employees to record conversations with other DASO personnel is strictly prohibited.

DASO issued digital recording devices, such as a smart phone, or other audio and visual device, will be properly maintained, purchased and accounted for. Device damage or malfunction will be reported to the respected supervisor, to include the Damage Equipment Memorandum with relevant information and signatures.

The maintenance and upkeep of personally owned devices is not the responsibility of DASO. DASO provides batteries for the operation of DASO issued equipment only.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-055	
<b>CALEA STANDARD:</b> 82.2.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Phone-in Offense Reports

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide written guidelines governing the utilization of a reporting system involving phone-in offense reports.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to utilize a phone-in report system for selected criminal offenses to lessen the need for deputies to respond to calls for service that are predominately informational in nature.

#### III. PROCEDURE:

##### Determination of Phone-in Suitability:

Phone-in reports can be reported by citizen's through the Mesilla Valley Regional Dispatch Authority (MVRDA) or by calling the Dona Ana County Sheriff's Office directly. The majority of the requests for service are initiated through the MVRDA. The MVRDA Telecommunicators are responsible for screening calls for service and are able to determine the proper response to a request for police action. The Telecommunicator determines, through a process of call screening, those calls for service which are best suited to utilize a phone-in report. Once the Telecommunicator has determined the request can be handled by the phone-in procedure, they forward the call to deputy to assist with the phone call.

If the report is made directly to the Dona Ana County Sheriff's Office, the front desk assistant follows the same screening procedures as MVRDA. If the call is determined to warrant a response, the front desk assistant forwards the call to MVRDA.

It is very important that the Telecommunicates obtain enough information to determine that the incident is best handled by a phone-in report and does not require a deputy to be sent. Suspect information, dollar amount of loss or damage, and

evidence at the scene are the key factors. If a delay in police intervention may cause injury, continued damage, or loss of evidence, a deputy should be sent rather than a phone-in report. The importance of proper call screening cannot be stressed enough. The program's success relies on the questions being asked and the proper information being obtained. If after obtaining the information there is any question as to whether a deputy should be dispatched or a phone-in report used, a deputy should respond to assist with the call.

### **Criteria for Phone-in Reports:**

The phone-in reports are utilized for calls for service that are misdemeanors of a non-emergency nature. Requests for reports for insurance purposes and incidents where there is little or no suspect information nor evidence to be processed are good examples where a phone-in report would be applicable. Below is a list of examples of where a phone-in report could be used:

1. Lost Items;
2. Bicycle Thefts;
3. Frauds (gas, food);
4. Larcenies (less than \$250);
5. Criminal Damage to Property, including graffiti (less than \$1000);
6. Miscellaneous Information;
7. Obscene or Annoying Phone Calls (no threats of violence);
8. Lost or Stolen items (license plates, purses, wallets, driver's licenses, etc.);
9. Shoplifting (suspect not in custody).

### **Report Preparation Procedures:**

Phone-in reports are taken using the same procedures as any other incident/offense report as outlined in policy.

### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-056**

**CALEA STANDARD:  
82.1.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Misuse of Criminal Information Systems

*This policy statement and the procedures there under are intended for Department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

In support of the Dona Ana County Sheriff's Offices mission of public service to the Dona Ana County citizens, the Dona Ana County Sheriff's Office provides the needed technological resources needed to personnel to access FBI CJI systems and information in support of the agency's mission.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to ensure all agency personnel, with access to FBI Criminal Justice Information (CJI) or any system with stored FBI CJI, have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information.

#### III. PROCEDURE:

All technology equipment: computers, laptops, software, copiers, printers, terminals, MDTs, mobile devices, live scan devices, fingerprint scanners, software to include RMS/CAD, operating systems, etc., used to process, store, and/or transmit FBI CJIS is a privilege allowed by the Dona Ana County Sheriff's Office, state CSO, and the FBI. To maintain the integrity and security of the Dona Ana County Sheriff's Office's and FBI's CJIS systems and data, this computer use privilege requires adherence of relevant federal, state and local laws, regulations and contractual obligations. All existing laws and Dona Ana County Sheriff's Office regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply to personal conduct.

Misuse of computing, networking or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while

under investigation. Additionally, misuse can be prosecuted under applicable statutes. All files are subject for search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse of Dona Ana County Sheriff's Office's computing and network resources and FBI CJIS systems and/or data will be directed to those responsible for taking appropriate disciplinary action.

### **Examples of Misuse with access to FBI CJI**

1. Using someone else's login that you are not the owner.
2. Leaving computer logged in with your login credentials unlocked in a physically unsecure location allowing anyone to access Dona Ana County Sheriff Office's systems and/or FBI CJIS systems and data in your name.
3. Examples of systems that contain or store FBI CJI:
  - a. OpenFox Messenger (Full Access)
  - b. LEADS (Inquiry Only)
  - c. Mobile/CAD
  - d. LERMS (RMS)
  - e. Beacon (Jail Management)
  - f. Alfresco
4. Allowing unauthorized person to access FBI CJI at any time for any reason. Note: Unauthorized use of the FBI CJIS systems is prohibited and may be subject to employment suspension, termination or criminal and/or civil penalties.
5. Allowing remote access of Dona Ana County Sheriff's Office issued computer equipment to FBI CJIS systems and/or data without prior authorization by Dona Ana County Sheriff's Office.
6. Obtaining a computer account that you are not authorized to use.
7. Obtaining a password for a computer account of another account owner.
8. Using the Dona Ana County Sheriff's Offices network to gain unauthorized access to FBI CJI.
9. Knowingly performing an act which will interfere with the normal operation of FBI CJIS systems.
10. Knowingly propagating a computer virus, Trojan horse, worm and malware to circumvent data protection or compromising existing security holes to FBI CJIS

systems.

11. Violating terms of software and / or operating system licensing agreements or copyright laws.
12. Duplication of licensed software, except for backup and archival purposes that circumvent copyright laws for use in Dona Ana County Sheriff's Office, for home use or for any customer or contractor.
13. Deliberately wasting computing resources to include streaming audio, videos for personal use that interferes with Dona Ana County Sheriff's Office network performance.
14. Using electronic mail or instant messaging to harass others.
15. Masking the identity of an account or machine.
16. Posting materials publicly that violate existing laws or Dona Ana County Sheriff's Office's codes of conduct.
17. Attempting to monitor or tamper with another user's electronic mail or files by reading, copying, changing, or deleting without explicit agreement of the owner.
18. Using Dona Ana County Sheriff's Office's technology resources to advance unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
19. Unauthorized possession of, loss of, or damage to Dona Ana County Sheriff Office's technology equipment with access to FBI CJI through unreasonable carelessness or maliciousness.
20. Maintaining FBI CJI or duplicate copies of official Dona Ana County Sheriff's Office files in either manual or electronic formats at his or her place of residence or in other physically non-secure locations without express permission.
21. Using Dona Ana County Sheriff's Office's technology resources and/or FBI CJIS systems for personal or financial gain.
22. Deliberately failing to report promptly any known technology-related misuse by another employee that may result in criminal prosecution or discipline under this policy.
23. Using personally owned devices on Dona Ana County Sheriff's Office 's network to include personally-owned thumb drives, CDs, mobile devices, tablets on Wi-Fi, etc. Personally owned devices should not store Dona Ana County Sheriff's Office data, State data, or FBI CJIS.

The above listing is not all-inclusive and any suspected technology resource or FBI CJIS system or FBI CJIS misuse will be handled by Dona Ana County Sheriff's Office on a



case by case basis. Activities will not be considered misuse when authorized by appropriate Dona Ana County Sheriff's Office officials for security or performance testing.

## **Privacy**

All agency personnel utilizing agency-issued technology resources funded by Dona Ana County Sheriff's Office expressly acknowledges and agrees that such service, whether for business or personal use, shall remove any expectation of privacy. Use of Dona Ana County Sheriff's Office systems indicates consent to monitoring and recording. The Dona Ana County Sheriff's Office reserves the right to access and audit any and all communications including electronic and physical media at rest, in transit and at end of life.

Dona Ana County Sheriff's Office personnel shall not store personal information with an expectation of personal privacy that are under the control and management of Dona Ana County Sheriff's Office.

## **Personal Use of Agency Technology**

The computers, electronic media and services provided by Dona Ana County Sheriff's Office are primarily for business use to assist personnel in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

For further information on NCIC Policies, refer to the CJIS Security Policy; <http://172.22.1.21:8888/NMLETS06/index.html> from any Dona Ana County Sheriff's Office's authorized computer.

## **Misuse Notification**

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, Dona Ana County Sheriff's Office shall:

1. Establish an operational incident handling capability for all information systems with access to FBI CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities;
2. Track, document, and report incidents to appropriate agency officials and/or authorities.

ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure DASO's institute the CSA incident response reporting procedures at the local level.

All Dona Ana County Sheriff's Office personnel are responsible to report misuse of Dona

Ana County Sheriff's Office technology resources to appropriate Dona Ana County Sheriff's Office officials.

Local contact-DASO: nicoles@donaanacounty.org

Phone: 575-525-8842

State contact-CSA ISO: regina.chacon@state.nm.us

Phone: 505-827-9297

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-057	
<b>CALEA STANDARD:</b> 82.1.1,82.1.2,82.1.6 82.2.1,82.2.2,82.2.3 82.3.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Records Division

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To describe the function of the Records Division.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to review, control, maintain, retrieve and release reports and related documentation generated by the Dona Ana County Sheriff's Office.

#### III. PROCEDURE:

The Department Manager, who is under the command of the Administrative Services Captain, supervises the Records Division.

#### The functions of Records include report review, control, maintenance, and records retrieval:

1. Report Review - The report review process begins with shift supervisors who review the reports in New World Mobile. The reports are written in Mobile, and reside on the New World Mobile Server, located at the Mesilla Valley Regional Dispatch Authority. The Shift Supervisor then reviews and approves the reports causing a change in the status to Accepted. The reports remain on the Mobile Server until such time they are merged. Each business day reports are merged by a records technician, by migrating reports from the Mobile server to LERMS (Law Enforcement Records Management System). Additionally, the records technician confirms migration of the reports in LERMS, by verifying that all documents submitted are accounted for and contain proper UCR classification codes;
2. Report Control - Records personnel control the availability and confidentiality of all reports and records per the New Mexico Inspections of Public Records Act.

3. Records Maintenance - Records personnel maintain all police reports and records identified in this policy;
4. Records Retrieval - Records personnel use the case number reporting system identified in this policy.

**Incident Report/Case Offense Report Numbering System** – Mesilla Valley Regional Dispatch Authority, through the use of the CAD System, uses a case numbering system which requires the assignment of a date sequential number to every reported incident. For example, the first reported incident for 2000 is 2000-00001. Each offense incident thereafter, regardless of type, is assigned the next sequential number. When an offense report is required to be written for an incident, the same number carries through to the final offense report.

**Incident reports** requiring an offense report are written on the Mobile Software via a laptop or desktop. Report forms to be used, information required in reports, procedures to be followed in completing reports and procedures for submitting and processing reports are included in the Mobile Software training, conducted in the academy and post-academy, which all employees attend if needed.

**Reports** are submitted by the authoring deputy no later than by the end of the Deputy's shift.

Offense reports in the form of citations are submitted no later than the end of the Deputy's shift. Any exception to these requirements must be approved, in advance, by the Deputy's supervisor and only upon a showing of because that warrants such a delay and upon a clearly designated and agreed upon appropriate date and time by which the report shall be required to be submitted.

All offense reports are stored in LERMS which is backed up daily by personnel at the Mesilla Valley Regional Dispatch Authority.

**Supplemental reports** carry the same case number as the original report and are subject to the same review process as preliminary case reports. The supervisor of the employee responsible for the completion of a supplementary report shall ensure that it is completed, reviewed, and accepted on the Mobile Server in a timely fashion. Records personnel, upon receiving a supplementary report, merge it on to LERMS as they would an original case report.

Each business day a list of merged reports is provided to the Detective Supervisor by the merging records technician. The list identifies the documentation that was merged into LERMS; Detective Division supervisors are responsible for assigning cases in LERMS for follow-up investigative efforts. They may review the status of investigative cases and may determine if appropriate and timely supplementary reports have been filed.

The Detective Division retains investigative copies for continuing follow-up use, which are scanned and digitally stored under the offense report number in LERMS when inactivated. Sensitive or confidential investigative reports, i.e. intelligence, vice, narcotics are maintained by the appropriate division and forwarded to Records on completion, if applicable to the Records function.

**Traffic Accident** Reports are submitted to Records electronically via crash reporting software located on Deputy's mobile laptops, or desktops in the Booking Room. The crash reporting software uploads the report to the LexisNexis web portal. Traffic accident reports are auto populated with a New Mexico crash report number (blocks of crash report numbers awarded to DASO by NMDOT and are loaded into the software by LexisNexis).

Traffic accident and enforcement analysis information may be obtained from the LexisNexis Admin Portal through various query commands. The Dona Ana County Traffic Engineering Department has access to the LexisNexis Admin portal for the purpose of analyzing the accident data and, upon request, provides this information to DASO for review.

### **Distribution:**

Records technicians are responsible for the release and distribution of all offense reports and other records. Distribution procedures are as follows:

Internal distribution - Records personnel ensure that printed offense reports contain all attachments required before they are available for distribution to courts, prosecuting attorneys, or referred agencies.

External distribution - Records personnel ensure that reports are releasable and do so in accordance with the New Mexico Inspection of Public Records Act. The release of reports to media personnel conforms to procedures as dictated in the Public Information policy and procedure.

### **Privacy and Security:**

Providing security for all areas that are used for the storage of records exempt from public disclosure and from disclosure to unauthorized DASO personnel.

All such areas will have at least electronic locking devices or deadbolt locks with codes/keys regulated by the Department Manager.

A list of the personnel allowed access to restricted records areas will be maintained by the Department Manager. Access to restricted record storage areas will include the following personnel:

1. Records Section personnel
2. Sheriff
3. Command Staff
4. Personnel having a command function over the secured area
5. Other listed personnel based on an identified and valid need.

Any person who is not authorized access to the restricted area and who desires access for the purpose of conducting business must first obtain permission from the Sheriff or his/her designee and be maintained under constant observation while in the secure area.

Records requiring confidential treatment (e.g., personnel files, Internal Investigations files, Criminal Intelligence files, Informant files, etc.) will be given secured storage, either through containment in cabinets that are equipped with locking devices or within areas that are individually locked or alarmed. Access to any record classified as confidential under the law or DASO policy will only be allowed to personnel having responsibility over the secured record or those having a lawful right and official need for access.

Cleaning and other maintenance personnel may only be admitted to restricted areas under the direct and continuous observation of personnel assigned responsibility for that area.

Records Section personnel are available and will respond to request for Records information during normal business hours on business days.

Whenever there is no one on duty in the Records Section, access shall be granted to the on-duty Lieutenant for the purpose of obtaining information pertinent to, and urgently needed for, in-progress investigative activities.

When the Records Section is closed, appropriate/authorized Supervisors will have access to the area. Personnel needing Records access/information will contact their Supervisor for assistance.

All sworn personnel have computer access to records via the computers' Record Management System (RMS), on a 24 hour/365-day basis.

### **Security of Central Record Computer System:**

The Dona Ana County Information Management shall conduct backups of systems as follows:

1. A back-up of all servers every 24 hours;
2. The RMS system will be backed up every 24 hours

Secure storage of computerized data will be the responsibility of County Information Management. There is a computer server room located within Dona Ana County.

Access to system applications is controlled by assigning each employee a user profile name and password.

Computer applications utilized by the DASO shall use an automated password system (active directory) which requires the user to select a new password every 90 days.

### **Forms:**

The Department Manager has the on-going responsibility for accountability of printed DASO forms. Forms are stored in electronic format on the "G" drive with restricted access to modify forms is controlled by the Department Manager. Printed DASO forms have the latest revision date with the approval of the Sheriff. The Department Manager conducts an annual audit and evaluation of the forms for applicability followed by a report forwarded to the Sheriff for review. All DASO employees are encouraged to provide continuous feedback regarding the need for, or lack thereof, DASO forms.

An employee who identifies a need for the creation, deletion or modification of a DASO form should submit, through their chain of command, a memo stating the rationale for the needed change. Development, deletion or modification requests are submitted to the Department Manager and forwarded to the Sheriff. The Sheriff may then, at his/her discretion, approve implementation, modification, deletion of the form, or defer it to Command Staff for recommendations. Upon approval by the Sheriff, implementation of any new forms or modifications to existing forms will be preceded by sufficient training in the utilization of the new or modified form so as to ensure understanding and compliance by affected employee groups.

## **Retention:**

DASO adheres to the records retention schedule issued by the New Mexico Commission of Public Records, unless otherwise authorized by the Sheriff or the County Legal Department.

### **1. ACCIDENTS AND INCIDENTS:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to accident reports and incidents.
- c. Retention: destroy 10 years from date file closed

### **2. ACCIDENTS AND INCIDENTS - FATALITY:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to accident reports and incidents involving fatalities.
- c. Retention: destroy 25 years from date file closed

### **3. CASE FILES - LAW ENFORCEMENT:**

- a. Category: Public safety services - law enforcement
- b. Description: Law enforcement case files.
- c. Retention: destroy 10 years from date file closed

### **4. CITATION MANAGEMENT:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to the management of citations, including, but not limited to, parking, traffic or game and fish violations; does not include DUI citations.
- c. Retention: destroy three years from date file closed

**5. CITATION MANAGEMENT - DUI:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to the management of DUI citations.
- c. Retention: destroy 55 years from date file closed

**6. CRIME REPORTING:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to the central repository for the reporting of crime.
- c. Retention: destroy 99 years from date file created

**7. EVIDENCE:**

- a. Category: Public safety services - law enforcement
- b. Description: Records relating to the tracking and disposition of evidence.
- c. Retention: destroy three years from the close of the fiscal year in which file closed

**8. FINGERPRINT IDENTIFICATION - CRIMINAL:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to criminal fingerprint identification.
- c. Retention: destroy 99 years from date file created

**9. FINGERPRINT IDENTIFICATION - NON-CRIMINAL:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to non-criminal fingerprint identification.
- c. Retention: destroy upon completion of report

**10. SEX OFFENDER REGISTRATION:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to sex offender registration.
- c. Retention: destroy 99 years from date file created



## **11.VICTIM NOTIFICATION:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to victim notification program files.
- c. Retention: destroy one year from date file created

## **12.SURVEILLANCE - LAW ENFORCEMENT:**

- a. Category: Public safety services - law enforcement
- b. Description: Records related to surveillance not identified in other classifications.
- c. Retention: destroy two years from date file closed

## **13.LAW ENFORCEMENT:**

- a. Category: Public safety services - training management
- b. Description: Records related to training for law enforcement.
- c. Retention: destroy 10 years from date individual is no longer certified

### **File Maintenance:**

Records information is accessible to personnel at all times by means of computer terminals located throughout DASO. DASO maintains an alphabetical name index file in Records Management Software, which includes the names of persons identified in all police records. The name index contains jacket numbers for adults and juveniles which contain all DASO documents pertaining to that individual. This automated file index is accessible through Alfresco, LERMS, Mobile and CAD Software.

DASO maintains an automated index of incidents by location through the Records Management Software. This index can provide summaries of all verified offenses and services.

DASO maintains an automated index of incidents by type through the Records Management Software. This index is used to produce a report of the information prepared by DASO to the National Incident Based Reporting System (NIBRS).

Records personnel compile and submit NIBRS data reports monthly, via the Federal Bureau, in accordance with the Criminal Justice Information Services Uniform Crime Reporting Handbook.

Records personnel compile statistics and complete the report monthly. The report is signed by the employee completing the report, as well as the Sheriff.

DASO maintains an automated index file through the Records Management Software for reported stolen, found, recovered, and evidentiary property.

DASO maintains arrest records through the Records Management Software which also produces a monthly report of arrests by offense; juvenile or adult.

**Citations:**

The Uniform Traffic Citation is a single document comprised of the original face-page and three, self-duplicating, copy pages.

The citation books, which are secured in the supply room, are available during normal business hours and are issued to each Deputy by a check out procedure. The Supply Technician shall indicate on the Citation Book Check Out log the date the book is being issued and the beginning through ending numbers of the citation book. The Deputies shall sign and indicate their "PSN" number.

The Deputy to whom citations have been issued is responsible for the security and disposition of every citation issued to him or her. Citations which are under the care of the Deputy, for reasonable reasons determined by the Deputy, no longer intended to be completed, issued to a defendant, entered into the criminal judicial system, are clearly marked "VOID" across the front, identified by the Deputy, by signature, PSN number, dated, and turned into Records Division as they would any other completed citation.

Deputies are prohibited from destroying citations. Citations lost, inadvertently destroyed, or otherwise unavailable for return to the Records Division are documented by memorandum to the deputy's supervisor and to the Records Division.

Upon issuance of any Uniform Traffic Citation to an offender, the issuing Deputy returns all appropriate copies of the issued citation to the Records Division via the secured, issued citations box provided for receiving and securing the issued citations. Deputies are required to place issued citations into the secured, issued citations box prior to leaving work at the end of their work assignment.

The Records Division obtains issued citations from the secured, issued citations box on every business day and is responsible for the proper and timely dissemination of citation copies to the appropriate agency or entity designated upon the citation copies.

The Records Division is responsible for the overall accounting of issued and used citation books. The Records Division ensures proper accountability for the use and disposition of citations by conducting periodic audits of citations issued to deputies. The presence of a statistically significant number of anomalies revealed in the audit triggers a broader audit of the Deputy or DASO's issued citations.

The original Traffic Citation face-page and attached, self-duplicating pages are distributed as indicated below:

1. Original and second copy - Forwarded to the appropriate court by Records personnel;
2. Third copy - Issued to the violator;
3. Fourth copy – Scanned to the electronic ticket entry in LERMS.

## **E. Citation Program:**

DASO's paperless citations are by use of the National Model TraCS (Traffic and Criminal Software) software system. Traffic citations issued through TraCS are signed by the violator on scene, given a copy of the citation, and the citation is subsequently uploaded directly to the TraCS server upon the deputy's submission. The Records division personnel monitor TraCS for statistical purposes only.

## **Criminal Information System:**

DASO has access to local, state and federal criminal justice systems by means of National Law Enforcement Teletype Systems (NLETS), National Crime Information Center (NCIC) and the Computer Aided Dispatch System (CAD).

Records maintains the computerized National Criminal Information System for wanted or missing persons, stolen articles, stolen vehicles, stolen license plates, and stolen guns. The Terminal Agency Coordinator reports directly to the Department Manager and is responsible for entry, validation, and clearance of all criminal information system records. The Terminal Agency Coordinator is also responsible for maintaining records related to the entries and coordinates the records keeping system with Mesilla Valley Regional Dispatch Authority. After hour access to these records is obtained via Mesilla Valley Regional Dispatch Authority.

## **Warrants:**

All Dona Ana County Sheriff's Office misdemeanor and felony warrants are delivered to the Records Division for entry into the Records Management Software system. All warrants will remain active until served and pulled by the issuing Court. Warrants are logged, entered and transported to the Mesilla Valley Regional Dispatch Authority each business day. Original warrants are maintained and confirmed by personnel at Mesilla Valley Regional Dispatch Authority.

Any duplicate copy of a warrant must be stamped, "COPY". Copies of warrants will be placed in the case folder.

Court judges are the only person that is able to quash a warrant. The presiding judge will notify the Records Division that a warrant is canceled. The Records Division will contact dispatch and have the original warrant pulled. The Records Division will cancel the warrant.

After hour warrants will be entered and maintained at Mesilla Valley Regional Dispatch Authority. A copy of the warrant will be maintained in the case file.

## **Juvenile Records:**

Juvenile arrest records will be maintained in the same manner as adult arrest records except that all juvenile criminal history records or jackets containing fingerprints, photographs and other forms of identification or information, whether automated or in hard copy, will be stamped or otherwise clearly marked "JUVENILE". DASO directives, administrative procedures and state law will be adhered to in the maintenance, control and release of juvenile records.

1. Computer entries of juvenile criminal records within the Records Management System (RMS) are flagged "juvenile".
2. If a juvenile has been fingerprinted and photographed on the basis of an arrest or custody, the fingerprints, photographs, and "other records" relating to the arrest or custody must not be disclosed.
3. Other than the documents listed above, all juvenile records pertaining to the arrest are treated no differently than adult arrest records as they pertain to discovery or public disclosure.
4. Access to juvenile records shall be maintained in the same manner as adult records.
5. After the juvenile offender reaches adult age, the juvenile records shall be maintained in the Records storage area and disposed of in accordance with the Dona Ana County Records Retention Schedule.
6. Juvenile records will be expunged or sealed only by Court order and in accordance with the directives described in the Court order.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-058**

**CALEA STANDARD:  
73.1.1, 73.4.2,  
73.5.12, 73.5.18**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Court Security

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the operations of Court Security.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide security services to the Courts. Deputies assigned to Court Security are Commissioned Deputies.

#### III. PROCEDURE:

##### FRONT ENTRANCE SECURITY

Court Security will provide the safety of District Court Judge's, a safe environment for employees and staff, attorneys and litigants, and the general public who would be conducting daily business at the 3rd Judicial District Court.

This will be accomplished by assigning Court Security Deputies to various areas of the 3rd Judicial Court complex to ensure the safe and orderly operation of the facility.

Duties and responsibilities for each assignment will ensure the overall daily operations of the Courthouse and will be conducted in a safe and professional manner. Hours of scheduled assignments will be determined by the Division Supervisor and will be adjusted accordingly.

In the event additional personnel are required, it will be at the Division Supervisors discretion to supplement additional security with Dona Ana County Sheriff's Deputies.

1. Deputies assigned to the front entrance are responsible for the initial safety of the Courthouse and must remain alert and vigilant at all times.
2. Constant monitoring of the parking lot and front hallways is necessary to detect any suspicious or unusual activity. Response to any such activity will be radioed and handled immediately.
3. The Court Screening Policy of all visitors to the Court will be authorized by Dona Ana County Sheriff's Office. The Third Judicial District Court will assist in the structure of the Policy.
4. The Front Entrance will be manned by no less than two (2) Deputies at all times. The Deputies will be required to operate and monitor the following equipment.
  - a. X-Ray Scanner
  - b. Metal Detector Handheld metal detectors or "wands"
  - c. Camera
  - d. Monitor Telephone
  - e. Handheld Radio
5. Any other equipment deemed necessary by the Division Supervisor.
6. Deputies assigned to the Front Entrance are to ensure prohibited items do not enter the courthouse in any manner, per the Screening Policy. Directing individuals to remove the contents of their pockets to include removing their coats and belts then placing the items on the x-ray scanner belt accomplish this.
  - a. Close inspection of key rings should be conducted to look for items such as handcuff keys, pepper spray, pen knives, key knives or batons.
  - b. If any of these items are present, the individuals will be directed and required to return these items to their vehicle and/or otherwise appropriately dispose of these items before they are allowed to enter the courthouse.
7. At no time will Deputies take possession of, discard, or retain any personal property.
  - a. The Deputy will observe if metal is detected and determine if further inspection of the person is required utilizing a hand held metal detector or "wand".
  - b. The individual will be directed to step forward, and walk through the metal detector with their arms raised up in the air.

- c. The metal detector will be audible, visual and specific to the location of metal.
- d. The wand will be used if the metal detector indicates the presence of metal.
- e. Only the area of the body that the metal detector signaled will need to be checked with the hand held metal detector.
- f. The Deputy will use "Officer Safety Tactics" depending upon the area of the visitor's body that will need to be checked.
- g. The Deputy will instruct the visitor to place their hands out to the side.
- h. The Deputy will wand the area on the person that was alerted, to ensure no weapons, metal, or contraband are concealed.
- i. If the wand alerts, the Deputy will request the item to be removed.
- j. Any items removed will be placed on the scanner for screening.
- k. Any items found to be contraband or weapons, will seized as evidence and the visitor will be placed in an investigative detention.
- l. The on duty Supervisor will be notified immediately.
- m. Further investigation will be completed, to include an arrest if warranted.
- n. If no items are found, individuals will be allowed to enter.

### **Prohibited Items**

1. Illegal drugs or narcotics. (Prescribed medication must be for and in the possession of the individual).
2. Any weapons or items that may be used as a weapon.
3. Cellular phones or any other phone accessories such as a Smart Watch, Bluetooth speakers and headphones.
4. Any electronic devices to include: laptops, tablets, iPod, recording devices, cameras.
5. Purses, handbags, backpacks, fanny packs, wallet chains.

### **Courtroom Workgroup Exceptions to Prohibited Items**

1. Attorney's, their Legal Assistants or staff, and State or Local Government personnel, County or Municipal employees upon identifying themselves as such and are conducting business with the courts, are allowed to keep in their

possession prohibited items, other than weapons.

2. Pro-se litigants will require prior approval from a District Court Judge to bring in a prohibited item(s).

### **Media Exceptions to Prohibited Items**

1. Members of the media are permitted to enter the Courthouse with recording and/or video equipment while on assignment.
2. The District Court Judge will authorize one member of a television media outlet access inside their courtroom for the purpose of recording video.
3. Other Media sources will not be allowed into the courtroom with any video recording cameras.
4. Cell phones are allowed inside the courtroom, but may not be used for video recording.
5. Other media TV stations or news media will request video footage from the media station that received permission to record.

### **COURTROOMS**

1. The 3rd Judicial Courthouse is comprised of nine (9) Court Rooms, two (2) Hearing rooms with nine (9) assigned judges and two (2) Special Commissioners or "Hearing Officers". The Division Supervisors will ensure, when feasible and as manpower allows, assigning a Court Security Deputy to each courtroom that is in session. A weekly court security job assignment will be posted by utilizing the weekly District Court Docket Hearing Schedule for each individual Judge/courtroom generated by a Judge's TCAA (Trial Court Administrative Assistants).
2. The type of hearings scheduled for the courtroom will determine the number of Deputies required to provide security. Criminal cases, with two or more defendants in custody will require no less that two (2) Deputies assigned in the courtroom. Domestic matters or civil will ordinarily require one (1) Deputy, if manpower allows. Additional Deputies may be assigned when requested by a District Court Judge or at the direction of the Division Supervisors.
3. Following are legal matters heard at 3rd Judicial Court:
  - a. (CR) Criminal Matters
  - b. (JR) Juvenile Criminal Matters
  - c. (LR) Lower Court Appeals or Bond Hearings
  - d. (ER) Warrant Hearings



- e. (DM) Domestic Matters
  - f. (DV) Domestic Violence Protection Order Hearings
  - g. (JQ) CYFD Sequestered Matters
  - h. (PQ) Sequestered Adult Guardianship
  - i. (PB) Probate Matters
  - j. (SI) Sequestered Competency Matters
  - k. (SA) Sequestered Adoptions
  - l. (YR) Youthful Offender
  - m. (ADC) Adult Drug Court
  - n. (JDC) Juvenile Drug Court
4. Deputies assigned to courtroom hearings shall prepare and be aware of scheduled hearings, have knowledge of scheduled matters, scheduled time and potential conflicts between litigants.

## **Juveniles**

1. Deputies assigned to juvenile criminal cases shall adhere to duties as outlined in adult criminal cases. In custody juveniles will be supervised as follows:
2. Any juvenile received from the detention center shall remain in restraints in the holding cell and while in escort to the courtroom jury room.
3. Deputies will only escort the minimum number of juvenile prisoners to the jury room. One Deputy for every three juveniles.
4. Juveniles will be consulted in the jury room by defense council and will remain there until their individual case is called.
5. The District Judge shall determine if the juvenile will remain restrained or unrestrained during the proceedings.
6. All restraints will be removed in the jury room when the individual juvenile's case is called.
7. The juvenile will be escorted to the courtroom and shall remain with defense counsel.
8. Upon completion of the proceedings, the juvenile shall be escorted to the jury room, restrained, and escorted back to the holding cell by the Deputy.

9. As in all custody cases, juveniles will not be permitted to have physical or verbal contact with any adult inmate or any visitors of the courthouse.
10. In-custody juvenile females and males shall be held in separate holding cells and separate from all adults.

### **Juvenile Shackling Order**

1. The District Attorney's office may submit a shackling order for a juvenile that meets the necessary statutory requirement during a court hearing.
2. If information is learned from the detention center concerning a juvenile's current behavior, or a Deputy observes a violent behavior from the juvenile, a shackling order will be requested.

### **Transporting Agencies**

1. Dona Ana County Detention Center Officers or other transport agencies will transport in-custody individuals to District Court via the sally port.
2. Dona Ana County Detention Center officers will provide a DACDC scheduled transport list to the assigned Deputy indicating the days transport schedule.
3. The assigned Deputy shall open the sally port door to allow transport vehicles to enter and close the door before in-custody individuals are unloaded from the vehicles.
4. Deputies shall ensure all outside agencies properly secure all firearms and tasers inside the wall locker, prior to accepting any individuals.

### **Back Security/Holding Cells-**

1. Back security or the BACK Security Office is located on the Southwest corner of the courthouse and primarily consist of a Sally Port, five (5) Holding Cells, and Security Office.
2. Deputies assigned to Back Security are responsible for maintaining accurate accountability of all incoming and outgoing in-custody individual(s) transported to District Court by Detention Center transport officers, state agencies or other law enforcement agencies for the purpose of attending scheduled hearings.
3. Hours of operation shall be from 0700 hrs. -1700 or as determined and scheduled by the Division Supervisor or designee.
4. In the event a court hearing is in progress past the hours of 1700, the assigned Deputy shall maintain the Back Security Office in operation until conclusion of all hearings.

5. Deputies shall utilize, monitor, and/or operate the following equipment; Security Cameras, handheld radios and chargers, base radio, computer, telephone (land line) safety restraints.
6. Prior to receiving in-custody individuals at the beginning of operational hours, Deputies shall:
  - a. Inspect and ensure holding cells are in good operating condition
  - b. Clear all trash or debris, contraband, and weapons, or any man-made weapons
  - c. Doors and locks are operating properly, and inspect if any damage to cells in general has occurred.
  - d. Cell inspection shall be entered on the Cell Inspection Log located in the Back Security Office.
  - e. Review and read all Judges' daily dockets provided by the Judges TCAA, to determine the hearings and destination of in-custody individuals.
  - f. Check daily Deputies schedules and advise assigned Deputies of in-custody individuals scheduled for their courtroom.
  - g. Deputies shall pat down in-custody individuals to ensure contraband or weapons are not present, prior to placing each person in a holding cell
  - h. Utilizing the jail list and information provided by transport officers, the assigned Deputy shall determine which in-custody individuals will be held in the same holding cell or be separated from each other.
  - i. All in-custody female individuals will be held in a separate holding cell separate from male in-custody.
  - j. In-custody juvenile females and males shall be held in separate holding cells and separate from all adults. Refer to 72.1.1-73.3.1 Holding Facilities for juvenile detention requirements.
  - k. Juvenile and adult contact shall not be allowed. Caution shall be used while escorting in-custody juveniles to and from the holding cells while in-custody adults are present in hallways and holding cells.
  - l. Record juveniles who are held in secure setting using the New Mexico Juvenile Holding Log.
  - m. In the event in-custody individuals are not found on the Judges docket, the Deputy should contact the Judge's TCAA to verify if the individual is needed.

- n. Back Security Deputies should remain in contact throughout the day with the Judge's TCAA for any updates or additions to the daily docket and advise courtroom Deputies of any changes.
- o. If an in-custody is required to be transported for a hearing, the assigned Deputy shall contact the Detention Center officers or other agencies, and advise of the addition. Any additions should be indicated on the jail list. Accountability of in-custody individuals is essential. The assigned Deputy shall indicate on the jail list or court docket the individual arrival to District Court, when escorted to the courtroom, when returned to the holding cells and when the in-custody individuals scheduled hearing is complete and returned to the detention center via transport.
- p. Deputies assigned to Back Security and Deputies escorting in-custody individuals to the courtroom shall check the restraints, belly-chains, handcuffs, and leg irons to ensure they have been placed correctly and are double locked. Before exiting the holding cell area, the deputy shall ensure the back hallway to the courtrooms is clear of non-security staff before allowing escorting deputy to continue. The assigned deputy will maintain a visual of the escorting deputy and in-custody individuals for added safety during escort. Upon completion of hearings, the back security deputy shall meet with escorting deputy at the secure hallway door and return the in-custody individuals to their respective holding cells.
- q. The assigned deputy shall contact the Detention Center or transporting agency and advise the in-custody individuals have completed their hearings and are ready to be transported.
- r. All in-custody individuals shall remain fully restrained while in the holding cell area. Restraints will only be removed when an in-custody individual requests to use the toilet facilities and only the restraints necessary to facilitate the request will be removed. Upon completion, the deputy shall restrain the individual and ensure the restraints are double locked. Only one inmate at a time will be taken out of restraints for the purpose of using the toilet.
- s. In the event an individual in a courtroom is taken into custody on an active warrant or at the direction of a District Judge, the courtroom deputy shall escort the individual to the Back Security Office. The escorting deputy shall conduct a search of the individual and ensure no contraband or weapons are present. The Division Supervisor shall be immediately notified in the event any contraband or weapons are discovered. The assigned Back Security Deputy shall begin the booking process by completing the DACDC Booking Authority form and the Evidence and Property Control form. The deputy shall ensure the forms are complete and correct. The escorting deputy shall remain if the individual is combative, argumentative, belligerent, or displaying violent

tendencies. Restraints shall remain on the individual during the booking process and until the individual is transported to the Detention Center. Restraints will only be removed to allow individual to remove personal items (i.e. body piercings) and only if the individual is compliant. When a juvenile is taken into custody, a Parental Notification form shall be completed in addition to the booking form and property form.

7. Detention Order or Release Order forms will be provided by the District Court Judge for individuals being detained or released. These will be logged on the Detention/Release log located in the Back Security Office. Detention/Release forms shall be turned over to Detention Center transport officers. In-custody individuals will not be released from District Court. In-custody individuals shall be transported to the detention center and released from that location.
8. Periodic rounds, at least once an hour, of the holding cells shall be conducted by the assigned deputy while in-custody individuals are present. Deputies shall be alert for signs of medical or psychological distress, assaults, disorderly conduct, and/or possible holding cell vandalism. In the event of a medical issue where an emergency medical response is required, the Detention Center transport team shall be immediately contacted and advised of the emergency. Detention Center officers shall assume responsibility of the escort to the medical facilities. The Division Supervisor shall be immediately notified of any emergency medical response.
9. Upon conclusion of all scheduled hearings and all in-custody individuals have departed District Court, the assigned deputy shall inspect all holding cells for trash or debris, vandalism, and cell door or lock malfunction. The deputy shall indicate findings, if any, on the holding cell inspection form. The deputy shall ensure sally port door is closed and unnecessary equipment is turned off.

### **Emergency Evacuation:**

1. In the event an emergency evacuation of the courthouse is required, the assigned Back Security Deputy shall follow duties and protocol as outlined in Policies and Procedures governing Emergency Evacuations for Fire, Bomb Threats, and Active Shooter.

### **Special Directives:**

1. Back Security Deputies shall remain alert and attentive to their duties to ensure all in-custody individuals are accounted for during movement to and from courtrooms. In-custody individuals held in separate holding cells shall be closely monitored during movement to avoid possible conflicts or assaults. Assigned deputy shall ensure the sally port door is not opened during loading or unloading of transport vehicles. At no time will adult or juvenile females be held in the same holding cells as adult or juvenile males. At no time will juveniles be held in the same holding cell as adults.

2. Assigned deputies shall not leave the Back Security unattended while in-custody individuals are being held in the holding cells. In case of an emergency, the assigned deputy shall contact the Division Supervisor or designee and request a relief. Only authorized personnel shall be allowed in the holding cell area while in-custody individuals are present.
3. Assigned deputies shall assist in monitoring the back security cameras and alarms and will alert available deputies to any alarm activation or unusual activity. Deputies shall avoid lengthy conversations with deputies or other staff members which will distract them from their primary duties. Personal phone or landline use will be kept to a minimum.

### **Alarms and Courtroom Checks**

1. To ensure Third Judicial District Courthouse is safe, secure and operationally sound, Court Security Deputies shall be assigned to inspect all courtroom and courthouse security door alarms. Deputies shall conduct courtroom checks prior to normal courthouse operational hours as scheduled by the Division
2. Supervisor or designee. Deputies shall also conduct an outside perimeter check of the courthouse to ensure the outside integrity is safe and secure.
3. Panic alarms are located in courtrooms #1 (one) through #9 (nine), hearing rooms A and B, clerks' office, mediation office (second floor) and the self-help center (pro-se).
4. Courthouse security door alarms are located on the southeast double doors, South door (Lucero St.), Southwest door (judges entrance), West doors (Alameda), North Double doors (Picacho), and North door (employee entrance). Deputies will activate door alarms by opening and closing the doors. Deputies shall ensure doors are securely closed before departing the area. Back Security deputies shall acknowledge activation. Other doors equipped with alarms are mechanical and electrical rooms located in the vicinity to the South (Lucero St.) entrance and Southwest (judges entrance) doors. Deputies need only check to ensure doors are secure while conducting a courthouse perimeter check or if alarm is activated. Deputies shall log in activation and reset checks in the Daily Courtroom Check List located in the Back Security Office. Any malfunctioning alarm or door shall be noted and the Division Supervisor or designee shall be notified.

### **Courtroom Checks:**

1. Deputies shall conduct an inspection of all courtrooms during the course of checking courtroom panic alarms. Areas to be checked include the gallery (public seating area), jury box, council tables, witness box, court reporter station, and Judge's bench. Attorney rooms located at the entrance of the courtroom and the jury room shall also be inspected. Courtroom doors shall be checked to ensure doors are locked and secured.

2. Public seating, jury box and attorney rooms shall be checked for possible hidden items such as illegal drugs or narcotics, weapons of any kind, hidden restraint keys or other forms of contraband. Council tables shall be checked for laptops, pens or pencils, legal pads etc... any item which may have been left by litigants. Jury room shall be checked for possible items of contraband.
3. Non-contraband items should be gathered and turned in to the back security office. The Division Supervisor shall be immediately notified in the event any weapons and/or illegal drugs or narcotics are discovered.
4. In the event courtroom trial proceedings are continuing from the previous day, deputies shall leave items relatively undisturbed. Any hidden items, weapons or narcotics discovered shall be immediately seized.
5. Deputies shall enter courtroom inspection in the Courtroom Inspection Form located in the courtroom. Any discovered items shall be indicated and/or any maintenance issues shall be reported.

### **Perimeter Checks:**

1. Deputies shall conduct an outside perimeter inspection of the courthouse and check all access doors to the courthouse to ensure doors are locked and secure. Deputies shall look for any broken windows, vandalism, graffiti or any possible mechanical or maintenance issues. Deputies shall look for discarded drug paraphernalia and/or drugs and narcotics. In the event items of this nature are discovered, deputies are to dispose of them properly. The Division Supervisor shall be advised of the discovery. Deputies shall look for suspicious packages or items that may be capable of concealing firearms, knives, weapons of any kind, IEDs or explosives i.e.: backpacks, sealed boxes, sealed bags or pipes.
2. In the event any suspicious packages or items are discovered, Deputies shall use caution approaching the item or package in an attempt to identify or determine the contents. If unable to ascertain the contents, Deputies are to contact Central Dispatch and advise of the discovery and request a patrol deputy at the location. Deputies shall not move, open, kick or otherwise disturb or handle the suspicious item or package. The Division Supervisor shall be immediately notified.
3. Deputies shall also be aware of a possible homeless person seeking overnight shelter around the outside of the building. In the event one is encountered, the deputy shall use caution and ascertain the welfare of the individual. The deputy shall then advise the individual their presence is unauthorized and directed to leave.
4. Deputies shall report any discrepancies or maintenance issues when discovered. In the event an access door is discovered unsecure or open, Deputies shall check the interior of the building and/or room. If unauthorized entry has occurred, the Division Supervisor and Central Dispatch shall be notified.

## **Special Directives:**

1. Deputies shall ensure all courtrooms and alarms are inspected and logged in the individual Courtroom Inspection Forms and Daily Courtroom Checklist. Any malfunctioning alarm or device shall be logged and reported. The Division Supervisor shall be notified of any discovery of weapons, explosives or IEDs, narcotics, drugs or drug paraphernalia, vandalism or damage to the courthouse. Deputies shall ensure all access doors are secure and all courtroom doors are secure prior to the commencement of daily hearings. Cell phone use for texting, video recording or for personal matters while in the process of panic alarms, courtroom and perimeter inspection is prohibited.
2. North Entrance is used during early morning hours for court staff. On busy days related to jury selection, this will save time for employees to enter the courthouse without delay. Regular screening will take place at this location. One deputy is assigned there each day from 7:30 am till 8:10 am
3. This location is also used as a jury entrance after selection, which will continue till the end of a trial. Bailiff will meet the jury members at this location, and escort to the jury room assigned to each group.
4. A Master Security Camera system is in the Back Security office, and when available, will be manned by a deputy. If there is not a deputy available, it will be the duty of the Back Security Deputy assigned that day. There is also a Front Camera System that will be monitored by the Front Deputy position. Deputies will keep visual of the entire courthouse to ensure normal activity is occurring. Cameras are located throughout the building to include all courtrooms, interior hallways, clerk's office windows, pro-se, jury office and mediation, as well as outside perimeter, parking lots, judges secure area and Sally Port. Deputies will alert available if any questionable activity is detected, give location and brief description of the activity taking place. Monitoring of the activity will continue until such time a responding deputy arrives to investigate.
5. Deputies will not use the security cameras for any other reason other than monitoring courthouse activity. Recording of Security Camera footage by deputies or any other persons by means of cell phones, cameras, or any other recording media is strictly prohibited. Requests for security camera video footage can be made through the Inspection of Public Records Act (IPRA) Requests.

## **Rover**

1. To ensure all areas of the 3rd Judicial Court are adequately monitored to and personnel are available, the division supervisor shall assign a deputy as a Rover to these responsibilities.
2. The assigned deputy shall be responsible for but not limited to conducting frequent patrols of all inside areas of the courthouse. And outside perimeter checks.



3. Deputies conducting outside perimeter checks of the courthouse, shall check all access doors to include any electrical or maintenance doors to ensure doors are locked and secure. Deputies shall look for discarded drug paraphernalia and/or drugs or narcotics. In the event any are discovered, the division supervisor shall be advised.
4. In the event of an assigned deputy's absence, the Rover will assist by covering that position in courtrooms, escort-in custody individuals to and from destinations, relieve deputies for breaks or emergencies as directed by the division supervisor. Deputies shall also assist at the Front Entrance during peak hours or as needed.

### **Courthouse Closing (end of day preparation)**

1. To ensure all court rooms, courthouse access doors, clerk office, court house offices and auxiliary rooms to Third Judicial District Court House are secure, the Division Supervisor or designee shall assign a deputy(s) to conduct courthouse inspections and checks.
2. Deputies shall be assigned to check and inspect all areas of the court house at the conclusion of regular court house operational hours.
3. The assigned deputy(s) shall report to the front entrance no later than 1700 hours and relieve the assigned Front Entrance deputies and remain until such time all court hearings have concluded and non-court staff or general public have departed the court house.
4. Once clear of non-court house staff or public, the assigned deputy will commence court house closing checks and inspections.

### **Courthouse Closing:**

1. The assigned closing deputy(s) shall systematically check all areas of the court house. How the court house checks are conducted shall be determined by the individual deputy. Areas to be checked are, the front hallway, courtrooms, back secure hallway, judges' chambers hallway, grand jury/pro-se area, clerks' office and clerks' walkway all located on the first floor. Deputies shall check the judges' chambers hallway, court room nine (9) and mediation office, jury division office and administration/finance/drug court areas all located on the second floor.
2. Deputies shall check all areas of the front hallway and ensure assembly rooms #1 (one) and #2 (two) are unoccupied and doors are secure. Any non-essential equipment shall be turned off. Bathrooms shall be checked to ensure they are unoccupied and look for any sustained damage or vandalism which may have occurred and lights are off. Bailiff Room and District Attorney Computer room shall be checked to ensure they are unoccupied and secure. Hearing rooms A and B, Meeting Rooms A and B shall be checked and secured. All non-essential equipment and lights shall be turned off. Deputies shall ensure the Southeast

access door to the court house is secure. All non-essential equipment and lights in the front hallway shall be turned off.

3. Deputies shall check all courtrooms to include front attorney rooms and jury rooms. Deputies shall ensure courtroom entrance doors and jury room doors are secured and all non-essential equipment is turned off.
4. Deputies shall check the courtroom for any personal or unauthorized items which may have been left behind. If personal items are discovered, they shall be turned into the front desk with a note indicating the date, time and location the items were discovered. Deputies shall ensure all lights are turned off. In the event unauthorized items are discovered, i.e.... weapons, drugs and/or drug paraphernalia the Division Supervisor shall be immediately notified for further instructions.
5. Deputies shall check the back secure hallway and judges' chambers hallway. Offices and judges' chambers doors shall be checked but not entered unless necessary or to ascertain the welfare of the judge or occupant. Deputies shall check the South access door (Lucero St.) and the Judges Entrance and ensure they are secure. Deputies shall ensure all jury room doors leading to the secure hallway are secure.
6. Deputies shall check the Grand Jury and pro-se area to include the West (Alameda St.) access doors, Grand Jury Room, Courtroom #1 jury room and all auxiliary room doors are secure. Deputies shall ensure all non-essential equipment and lights are turned off.
7. Deputies shall check the Clerks' Office and turn off any non-essential equipment. Deputies shall check and ensure the North Double Doors (Picacho St.) and Clerks Library access doors are secure. Deputies shall look for court staff remaining or present in the clerks' office and ensure all lights are off if court staff is not present.
8. Deputies shall check the clerks' walkway and ensure the North (Employee Entrance) access door is secure. Deputies shall also check the patio door located in the vicinity of the vending machine area and conduct a cursory check of the vending machines. Deputies shall ensure entrance doors to Courtroom #1 are secure.
9. Deputies shall check the second floor judges' chambers secure hallway and ensure Courtroom #9, Mediation Room and the Jury Division doors are secure. Deputies shall check the Administration/Finance/Drug Court areas and ensure non-essential equipment is turned off.
10. Deputies shall conduct a check of the Back Security Office to ensure non-essential equipment is off and the Sally Port door is secure.

## **Special Directives:**

Deputies assigned to courthouse closing shall ensure all access doors are secure, all lights and non-essential equipment are off.

In the event any malfunctioning equipment or personal items are discovered, deputies shall ensure the Division Supervisor is aware of the discovered items or malfunctioning equipment.

In the event unauthorized items, weapons, drugs or drug paraphernalia is discovered, the Division Supervisor shall be notified immediately for further instructions. The use of State of New Mexico or Dona Ana County computers, telephones, security cameras or equipment for personal matters is prohibited. Personal cell phone use shall be limited to checking official text or e-mail messages or emergency communications.

The use of personal cell phones for texting, video or audio recording or to engage in any form of social media is prohibited. In the event of a personal emergency the assigned deputy shall contact the Division Supervisor and request a relief.

## **Training**

Any Deputy newly hired into the Courts Division will be assigned to a Field Training Officer (F.T.O.). The new Deputy will be required to receive training and later (within his/her probation period) show proficiency in that training using the Court Security Policy and Procedures.

Attached to this policy is the DASO Court Security Trainee Evaluation Form.

## **External Communications**

### **Handheld Radio**

1. Handheld Radio's are used in the courthouse to communicate with all deputies. It is important to monitor radio communications and is essential to transmit and/or relay information to appropriate personnel. 10 codes are used to transit information.
2. Front and Back telephone system is for official business only. Deputies will monitor and direct any phone call to proper sections or divisions within the courthouse.
3. Back Office telephone will receive calls from Detention Center Transport Officers regarding communication about inmates.
4. Back Office telephone is also used to receive calls about possible bomb threats or unruly subject who may be causing problems in Clerk's Office or Pro-se. These calls are a priority and must be acted on immediately.
5. Private individuals requesting use of the telephone will be directed to the

Clerk's Office where a public telephone is located.

### **Wave System (System notifying staff of emergencies)**

1. The 3rd Judicial District Courts have panic alarms assigned to it. The locations are listed below.
2. The panic devices consist of a rectangular push button operation. These devices are always in the armed position until pressed, at which time they enter the alarm condition thru the WAVE System. This is controlled by the Executive Staff at the Courthouse.
3. Courtrooms: When any panic device enters the alarm condition it sends notification to the Court Security Deputies stations in the Front and Back locations, as well as the Deputies handheld radios, the courthouse staff on their work computer screens. It simultaneously sends a notification via text message to the security staff, Lieutenant, Sergeants and Courthouse Staff. The Deputies will respond immediately to the location of the alarm.

### **District Court Duress Button Locations**

<b>Button Name</b>	<b>Location</b>
Court Room 1	On the edge of the Judge's bench
Court Room 2	On the edge of the Judge's bench
Court Room 3	On the edge of the Judge's bench
Court Room 4	On the edge of the Judge's bench
Court Room 5	On the edge of the Judge's bench
Court Room 6	On the edge of the Judge's bench
Court Room 7	On the edge of the Judge's bench
Court Room 8	On the edge of the Judge's bench
Court Room 9	On the edge of the Judge's bench
Hearing Room A	On the edge of the Judge's bench
Hearing Room B	On the edge of the Judge's bench
Pro Se Area	Pro-se Desk
Jury Office	Below window
Mediation Rooms	Outside mediation room #2

Clerk's Office North	On pillar next to postage machine
Clerk's Office South	Next to clerk window
Drug Court area	Pillar outside office
Green mile south	Outside office near copy machine
Judge's Chambers area 1st floor	Window sill hallway just before steps
Judge's Chambers area 2nd floor	On fire extinguisher box by copier
Jury Assembly 1	South wall by closet
Jury Assembly 2	On wall by window/counter

### **Arrests**

All arrests shall be made pursuant to a lawful arrest warrant issued by a Court of competent authority and jurisdiction, or without a warrant in conformance with applicable New Mexico State Law.

Arrest can be made by Order of the Court. Examples are Contempt of Court, Failure to Appear, Failure to Pay Fines, Violation of Court Order. This list is not exhausted.

### **Handcuffing**

1. All persons who are arrested and taken into custody shall be handcuffed behind their backs.
2. Exceptions can be made, but only after approval from the on duty Supervisor. Since the Courts are in a controlled environment, the on duty Supervisor must be readily available.
3. Officers will not for any reason utilize a "hog tie" restraint on any arrestee nor shall any arrestee be secured to any object or another arrestee.
4. Only double locking handcuffs, leg restraints and belly chain/belt are approved restraint devices during arrestee transports.
5. All handcuffs and leg restraints utilized will be double locked and checked for tightness prior to transport.

### **Searches of New Arrestee**

1. Any new arrestee and their property are subject to searches for booking purposes.
2. Pat Searches are the most common type of search used in while receiving a new arrestee. A pat searches should be conducted by Deputies whenever a new

arrestee is taken to the secured area, pursuant to the search incident to arrest.

3. Searches should be conducted by Deputies of the same sex as the arrestee, if possible. If a Deputy of the same sex is not available, then the search of the arrestee should be witnessed by another Deputy. The subject should not be touched any more than is necessary to conduct a comprehensive search of their person.
4. Put on gloves. While the arrestee is handcuffed, remove all of their personal property as follows
5. Stand behind the individual being searched.
6. Run hands under the shirt collar and upper part of the arm to the wrist. Bring hands back along the underside of arms and armpits, sweeping hands down the front of the shirt to the belt from front to back. Run hands down the front and back of the legs to the shoe tops and back up along the sides of the legs, sweeping the hands from the collar to the belt. If an object is detected, try to identify it by gently squeezing it before attempting to remove it.
7. Remove shoes and socks.
8. Examine hat, shoes, socks and other articles.
9. Do not allow arrestee to intermingle during searches. Any other arrestees that have not been searched, shall not be allowed to mingle with those who have.
10. After the search is complete, check the area for contraband that may have been dropped or discarded by the arrestee(s).

### **Disposition of Contraband**

1. All contraband found during a search incident to arrest shall be confiscated. Illegal contraband will be handled as evidence; turned over to a Certified/Commissioned Deputy for investigation and prosecution.
2. A Chain of Custody form for all contraband shall be completed.
3. The chain of custody for all contraband shall be properly handled and entered into evidence.
4. A detailed incident report shall be completed by all Deputies who are involved with the incident.

### **Supervisor Responsibilities**

1. The supervisor shall ensure all procedures are being followed accordingly on a daily basis by court security deputies assigned to him/her.
2. The supervisor shall be in charge of making the weekly schedule for the court

security deputies, which is comprised of courtroom assignments, front security post, back post, cameras, and various assignments of alarm checks and perimeter checks.

3. The supervisor is responsible for timekeeping of all employees via Kronos time keeping system daily.
4. The supervisor shall coordinate ongoing training for court security deputies, and conduct monthly meetings along with staff.
5. Will evaluate court security deputies annually per Count HR policy.
6. The supervisor shall cover and assist in courtrooms when needed, in the event a docket has been added or an officer is not able to cover.
7. Responsible for making daily bank deposits for the courts finance department.
8. Attend District Court meetings when it pertains to security issues within the courthouse, as well as Drug Court staffing and court.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022

Kim Stewart – Dona Ana County Sheriff

DASO COURT SECURITY TRAINEE EVALUATION			
<b>Trainee Name:</b>		<b>PHASE</b>	
<b>Training Deputy Name:</b>			
<b>Date of Review:</b>		<b>Report #</b>	
<b>RATING INSTRUCTIONS:</b> Rate observed behavior with the least satisfactory being "1" and most satisfactory being "7". Comment on any behavior, however a specific comment is required for ratings of "1" or "7".		<b>Write "N.O." if not observed.</b> <b>If trainee fails to respond to training, write "N.R.T." and comment below.</b>	
AREA	SCORE	AREA	SCORE
<b>APPEARANCE</b>		<b>PERFORMANCE</b>	
General Appearance		Forms: Organization/Accuracy/Completeness	
<b>ATTITUDE</b>		Forms: Appropriate Time Used	
Acceptance of Feedback		Officer Safety: General	
Attitude toward Job/Position		Officer Safety: Prisoners or New Arrestee	
<b>KNOWLEDGE</b>		Control of Conflict: Voice Commands	
Verbal/Written/Simulated Testing		Control of Conflict: Physical Control	
Field Performance		Court Security Functions: Non-Stress Conditions	
<b>USE OF RESTRAINTS</b>		Crowd Control	
Verbal/Written/Simulated Testing		Security Gadgets	
Field Performance		Bomb Threat	
<b>CODE OF COURT PROCEEDINGS</b>		Fire Hazard	
Verbal/Written/Simulated Testing		Problem Solving/Decision Making	
Civil Cases		Time Management	
Divorce Cases		Communications: Articulation	
Criminal Cases		Critical Incident Management	
Sequestered Cases		<b>RELATIONSHIPS</b>	
Juvenile Criminal Cases		With Visitors/Citizens in general	
Youthful Offender Cases		With Sheriff Department Members	
Probate Cases		With Outside Agency Employees	
Sequestered Probate		With Court Staff	
Sequestered Adoption			
Involuntary Commitment Cases			
Jury Orientation			
Grand Jury Orientation			
Jury Selection			
Jury Panel			
Field Performance			
<b>Best</b>			
<b>WORST</b>			
<b>Training Officer</b>		<b>Date</b>	
		<b>Date</b>	
<b>Trainee</b>		<b>Date</b>	





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-059	
<b>CALEA STANDARD:</b> 71.1.1, 71.2.1, 71.3.1 71.3.2, 71.3.3, 71.4.1 71.4.2, 71.4.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Processing and Temporary Detention

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for processing and the use of temporary holding cells within the Dona Ana County Sheriff's Office.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish safe conditions for the processing and the use of the holding cells.

#### III. PROCEDURE:

During normal operations, DASO personnel will only use those areas within the DASO facilities that have been designated by the Sheriff for processing and testing detainees. These areas include the interview and interrogation rooms, the Breathalyzer area within processing area, and within the Detention Center. Additionally, it is recognized that there may be a necessity to utilize additional space such as offices within DASO; however, once the testing/processing procedure is completed, the detainee must be released or transported to a holding facility. No detainee will be left unattended at any time during processing.

1. Deputies will conduct a search of the holding cell to look for any contraband and ensure the safety of the inmate and Deputy prior to placing a prisoner inside.
2. After the prisoner has been removed and secured in a holding cell, a thorough search of the transporting unit will be conducted to ensure that no contraband/evidence has been hidden/concealed.

3. Deputies will document the reason, date and time in and out of the holding cell, and any meals, if any, that were provided during the temporary detention.
4. Deputies will supervise and be accountable for the processing, searching, and temporary detention of individuals within the facility.
5. Deputies will not leave any subject unattended during the temporary detention process.
6. During the time a detainee is held within the holding cell, deputies will secure detainees to the fixed rings with handcuffs.
7. Females, males, and juveniles shall be detained separately in different holding cells.
8. Adults and juveniles shall not have sight or sound contact when detained in the holding cells.
9. If transporting prisoner from DASO holding cell to the Detention Center, upon arriving and turning over the prisoner to the Detention Center, a thorough search shall be made to ensure that no contraband/evidence has been hidden/concealed by the prisoner.

### **Additional Requirements for Juveniles**

1. Status offenders shall not be placed in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object.
2. A status offense is a runaway, incorrigible child, curfew violator, or habitual truant.
3. Delinquents may only be held for up to six (6) hours for processing purposes.
4. Sight and sound separated from adult offenders
5. Record juveniles who are held in secure setting using the log posted on the wall outside of the holding cells.
6. New Mexico Secure Juvenile Holding Log shall be submitting monthly to the New Mexico Compliance Coordinator in accordance with New Mexico statute 32A-2-4.1 by the Patrol Day Shift Lieutenant.

### **Weapon Control**

It will be the sole discretion of the deputy/investigator whether or not he/she maintains his/her authorized department weapon(s) on their person while in the processing/holding cell area. Should the deputy/investigator elect to remove their weapon(s), it shall be properly secured in their unit lock box. The Dona Ana County Detention Center policy concerning weapons shall be followed while at that facility.

## **Physical Conditions**

Each holding cell is equipped with a latrine and drinking fountain. If a detainee is within a room that does not provide these comforts, it is the responsibility of the deputy to ensure these comforts are provided in a timely manner.

## **Inspections**

The Patrol Day Shift Lieutenant shall inspect holding cells utilized for temporary detention monthly, to ensure cleanliness and to determine if any unsafe conditions are developing.

The monthly review will insure that DASO's policies and procedures governing the holding cells are being followed and that the original intent for the authorization and use of the facility continues to be adequate for DASO's needs.

## **Fire Prevention/Suppression**

In case of an emergency such as a fire, the overall county fire evacuation plan shall be followed.

Detainees shall be secured and escorted out in accordance with the emergency evacuation plan. The detainee will be escorted and held away from other county employees until the detainee can be secured in a patrol unit.

## **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-060	
<b>CALEA STANDARD:</b> 72.1.1,72.4.1,72.5.3 73.3.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Holding Facilities

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide the standardized use of and training requirements for holding cell facilities located within the Doña Ana County Sheriff's Office main station, Anthony station, District Court and Magistrate Court.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide all personnel with the necessary and required training to perform the duties and responsibilities and the established utilization of each holding cell facility.

#### III. PROCEDURE:

##### Weapon Lockboxes at District Court and Detention Center

1. Deputies will secure their firearms in the lockboxes provided at the booking facility or correctional facility.
2. The lockbox located in the sally port are for the various transporting agencies that bring prisoners to District Court.
3. Prior to accepting prisoners from other agencies, Deputies will ensure the transporting agency locks their firearms in the sally port lockboxes.
4. If booking a new arrestee at any other holding facility (Main station or Anthony Station), the Deputy will secure their weapons inside the established lockbox. If a lockbox is not available, the Deputy may secure their weapon inside of their vehicle's lockbox if the vehicle is secured inside the sally port.
5. Weapon lockboxes are also located in the front lobby of District Court.

6. The lockbox located behind the front security desk are for Law Enforcement agencies to utilize.
7. While at District Court, all Law Enforcement Officers who have a weapon will be required to secure their weapons. The only exception would be to attend meetings or file paperwork at Clerk's Office
8. A Law Enforcement Officer who needs to enter any courtroom, subpoenaed for a court hearing, Grand Jury or visits to a Judge's chambers will secure their weapons in the lockbox and take the key.
9. Weapons include Handgun, Taser, and Baton.

### **Upon arriving to booking or correctional facility**

1. Once all documents have been verified for accuracy and completeness, all relevant documentation will be turned over to the booking officer from the receiving agency.
2. The receiving agency will be notified when feasible of a prisoner/detainees potential medical or safety (security) risk, as well as supply any paperwork that the Deputy might have supporting that enhanced risk.
3. The prisoner's restraints will be removed once the intake/booking officer has control of the arrestee.
4. Once a prisoner has been removed from the transporting vehicle, a thorough search shall be made to ensure that no contraband/evidence has been hidden/concealed by the prisoner.
5. Any property belonging to the prisoner that is not allowed at the Dona Ana County Detention Center, will be entered into DASO for safekeeping.

### **Court Holding Facility (Receiving a Prisoner)**

1. The transport unit will be searched for any contraband, while parked in the sally port of the facility.
2. Once all documents have been verified for accuracy and completeness, all relevant documentation will be turned over to the booking officer from the receiving agency. Any documentation from the facility concerning the prisoner will be collected.
3. The Deputies will inquire from the receiving agency any information pertaining to the prisoners/detainees potential medical or safety (security) risk, as well as supply any paperwork that the Deputy might have supporting that enhanced risk.

4. The Deputy will not receive and take into custody any of the prisoner's personal belongings, which are not permitted inside the Dona Ana County Detention Center.
5. Once it is determined what property is permitted into the Dona Ana County Detention Center, the Deputies will search the prisoner's property before placing into the transport unit. The property will be placed in a secured area away from the prisoner.
6. Property that is not allowed at the DACDC, will be left at the receiving facility.
7. The restraints (handcuffs, belly chain and leg shackles) will be placed on the prisoner once the intake/booking officer has relinquished custody to Dona Ana County Sheriff's Department Deputy's control.
8. The Prisoner will be searched.
9. After completion of the transport, and after the prisoner is removed from the transporting vehicle, a thorough search shall be made to ensure that no contraband/evidence has been hidden/concealed by the prisoner.

### **Sight and Sound Separation for Adults**

1. If male, female or juvenile prisoners are being transported, the holding areas must be separated by sight and sound. Segregation is to ensure the separation of the detainee types for safety purposes.
2. Sound separation, for the purpose of this, is defined as normal/loud conversations, but doesn't include deliberate yelling or screaming. The monitoring Deputies should control the prisoner/detainee who are yelling or screaming.

### **Sight and Sound Separation for Juveniles**

1. Juveniles will not be processed with adults or in the presence of adult prisoners or detainees. Juveniles will only be processed at the main station or in the deputy's vehicle. Deputies must adhere to the segregation in accordance with the New Mexico 32A-2-4.1.
2. A child arrested and detained for an alleged delinquent act may be temporarily held in an adult jail or holding cell for no longer than six (6) hours. A child who is detained in an adult jail or holding cell shall be placed in a setting that is physically segregated by sight and sound from adult offenders.
3. An adult jail or holding cell used as a temporary holding facility for alleged delinquent offenders shall file an annual report regarding its compliance with federal requirements. The juvenile justice advisory committee and the department shall determine the format of the annual reports.

4. The New Mexico CYFD and Delinquency Prevention Act Secure Juvenile Holding Log will be filled out for each Juvenile that is detained or temporarily housed. Each month the Log will be sent via email to the current Compliance Coordinator.
5. The statutory six (6) hour rule for a temporary detained Juvenile does not pertain to Court hearing purposes while in the courtroom.
6. Sound separation for the purpose of this policy is defined as normal/loud conversations, but does not include deliberate yelling or screaming. The monitoring Deputies should control the prisoner/detainees that are yelling or screaming.

### **Deputy Training**

The in-house training for all new Deputies during the Field Training Program will cover the Following:

1. Inmate booking procedures for both adults and juveniles.
2. Safety techniques in dealing with belligerent or violent inmates.
3. Temporary housing procedures for adults and juveniles.
4. New arrestee and in-custody inmate transport.
5. Use of handcuffs, belly chains, and leg shackles.
6. Fire suppression and equipment provided for use.
7. Any other tasks assigned.

Deputies will receive additional training in accordance with the following schedule:

1. Annually Biennium Training
2. CYFD, Juvenile Compliance Training

### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-061	
<b>CALEA STANDARD:</b> 73.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### District Court Emergency Evacuation

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To establish and standardize the evacuation protocol at the 3rd Judicial District Courthouse in case of a fire, active shooter, bomb and other circumstances. The purpose of this manual is to provide an outline of the duties and responsibilities of Court Division personnel. It provides a source of information and reference, which will enable the Bailiff/Security Team/Courthouse Staff to develop an understanding of his/her role as a member of the Court, as well as providing an overview and the background information necessary to work within the legal and organizational framework of the Courts Division.

This manual provides an understanding of procedures and measures to be used in the courtroom and building in regards to security, fire procedures and other emergency situations.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to respond to all emergency situations and follow the specific job responsibilities as outlined in this policy.

#### III. PROCEDURE:

##### Bomb Threats

1. In the event the Bomb Threats are called into the Clerk's Office, they will immediately fill out the Bomb Threat Report Form and notify the Court Security Deputy assigned to Back/Holding area, by calling the extension.
2. Whenever the Court receives a bomb threat call, the Court employee will elicit as much information as possible from the caller/suspect by way of the Bomb Threat Report Form. Examples are:



- a. Male/Female, language, accent, age;
  - b. Location of devices;
  - c. Type of explosive, and number of device(s);
  - d. Time/deadline given.
3. The Deputy will immediately contact the on duty supervisor.
  4. Two Deputies will check the perimeters of all exit areas of the courthouse.
  5. The Deputy assigned to the "Back" is responsible for the return of all inmate(s) to the holding cells.
  6. The "Back" Deputy will call the Detention Center for their team to return the inmates back to the Dona Ana County Detention Center.
  7. The Deputy will radio to each Courtroom, one at a time and request the inmates be returned to the holding cell.
  8. The "Back" Deputy will coordinate the return of all inmates.
  9. Inmates will be secured in the holding cells if possible, until the Detention Center can arrive and take custody of inmates.

**If inmates cannot be secured in the holding cells:**

1. The Deputy(s) will utilize the "Rope" in order to secure each inmate on the line.
2. Deputies will escort the inmates to the Judge's parking lot and have them sit next to the west side wall, until the Detention Center arrives.

**When all the inmates have returned and secured:**

1. The Bomb Evacuation Alarm will be activated through the WAVE System by the on duty supervisor, if not possible a Deputy can activate.
2. In addition, order to evacuate will be passed along by word of mouth if possible and handled in an orderly manner to prevent panic and unnecessary injury.
3. Court House staff has an emergency plan they will follow for evacuation and supervisors will do an employee count at their evacuation location.

**Locations for evacuation are as follows:**

1. Judges are to meet at the "Judge's South Door."
2. A Deputy(s) will meet the Judges and proceed to a transport van. Deputy will drive the Judges to a pre-arranged location.

3. Deputy(s) will remain with the Judges until given the order to return to the Courthouse.
4. Pro-se employees, attorneys, Bailiff's will exit south west doors and cross the street into empty lot behind business.
5. Clerk Office employees will exit thru two white doors heading out north to Picacho Ave, cross over Alameda to empty lot on corner.
6. 2nd Floor-Jury Office, all offices including executive staff, mediation, finance and drug court, exit down stairs on East Side of building and out Northeast door, cross Picacho Ave. to parking lot.
7. Any personnel assigned to the Courtrooms 1 – 8, shall exit out the front doors if able to, and proceed to the Public Library.
8. Care must be taken to ensure that all occupants are out of the building or hazardous/danger area and that they are not allowed to re-enter without permission of the Bomb Team Commander or his or her designee.
9. It is the responsibility of Emergency Responders and facility occupants to always look for secondary devices in all places, especially along evacuation routes and in evacuation areas.
10. Evacuees will be taken a minimum of three-hundred (300) feet from the scene (500 feet, if possible) and directed to seek and stay behind cover.

**Other factors to consider when determining a safe distance for evacuation may include:**

1. The proximity to other potentially hazardous areas,
2. The location of adjacent/adjoining buildings
3. The proximity to occupied areas
4. The scope and magnitude of the threat
5. The availability of adequate cover

A Deputy will be sent to each entrance/exit door, in order to secure the Courthouse from anyone entering the building.

The Dona Ana County Sheriff's Department Bomb Squad will be notified by the on duty supervisor, in accordance with the Specialized Units Call-Out Criteria.

**Bomb Team call-outs may include but are not limited to:**

1. Suspicious packages or devices
2. Found or located military ordinance
3. Found or located explosives
4. Homemade explosive devices such as pipe bombs or any other type of Improvised Explosive Device (IED).
5. Assisting other Bomb Teams (in accordance with the Mutual Aid Act).
6. Bomb Threats
7. Dignitary protection support
8. Post blast investigation

**The Incident Command System (ICS) and Bomb Team Responses**

1. The Incident Command System will be utilized on all Bomb Team responses as determined by the Bomb Team Commander or his or her designee.
2. In all Bomb Team related events within Dona Ana County in which the ICS is implemented, an Officer from the Dona Ana County Sheriff's Department will function in the role of Incident Commander and will act as the Incident Commander either independently or as part of a Unified Command. The Department's Incident Commander will have the final word in all incident related decisions and will act as the Spokesperson from Command and general staff members into the Unified Command.
3. Members of the Bomb Team shall establish inner and outer perimeters at all Bomb Team scenes.
4. The Incident Command Post will be established outside the inner perimeter in an area designated by the Bomb Team.
5. Bomb Team operations will be established outside of the inner perimeter and inside the outer perimeter an area designated by the Bomb Team.

**When a suspected device has been reported at the Courthouse, the following responses shall be initiated:**

1. Notification to Mesilla Valley Regional Dispatch Authority (MVRDA).
2. Whenever a suspect device threat has been made directly to the Courthouse, the call taker will attempt to elicit the information required from the Bomb Threat Report Form.

3. Dispatch a Patrol Officer to the scene.
4. Notify the on-duty Shift Commander and/or Operations Commander.
5. If requested or needed at the scene, notify the Bomb Team to respond to the scene.
6. Relay information from the on-scene Patrol Officer, Shift Commander or Operations Commander to the Bomb Team in a timely manner.
7. Notify other personnel in accordance with the following General Orders

**Initial Response. Upon arrival, the on-scene Patrol Officers shall:**

1. Power off all radio transmitter equipment and cellular phones within 500 feet of the response location.
2. Always look for and be alert to the possibility of secondary devices that may present at, near or around the scene.
3. Attempt to locate and interview the person who located the suspected device or who received the bomb threat in order to verify the original information and to obtain all additional pertinent information. The Officer should also attempt to locate, identify and interview any other witnesses to the incident.

**When the existence of a suspected package or device is confirmed at the scene, the on-scene Patrol Officers will:**

1. Seek a safe place from behind cover from which to control the scene.
2. Maintain a safe distance of a minimum of three-hundred (300) feet and avoid Physical contact with, close examination of, or movement of the suspected device. DO NOT TOUCH THE DEVICE. This restriction shall apply to ALL personnel except for Certified Bomb Technicians of a certified Bomb Team.
3. Advise MVRDA that the Bomb Team will be needed on the scene and to advise the on-duty Shift and/or Operations Commander.
4. Provide MVRDA with information on the situation/device including the incident risk potential which may be established as follows:
  - a. No immediate hazard to persons or property (e.g., the suspect device is located on vacant property at a safe distance from persons, animals, structures and property).
  - b. No immediate hazard to persons or animals, however, potential hazard exists to structures or other personal property (e.g., the suspect device is located in or near a structure or vehicle with persons a safe distance away).
  - c. Potential hazard to human life (e.g., the suspect device is located in a

populated area or in a building which has not been evacuated).

5. Secure the scene and not release the scene until they are relieved by the on-duty Shift or Operations Commander AND a certified Department Bomb Team Technician.

## **FIRE**

### **Actions to be taken by deputies in the event of a fire:**

1. There are two ways evacuation may be done in the Courthouse. One could be from the Fire Alarm System and the second would be from fire or smoke observed by staff or deputy.
2. If a Court Security Deputy becomes aware of a fire in his/her area, he/she is to call 911. When connected to Central Dispatch you give the location to District Court – 201 W. Picacho, Las Cruces, NM. You need you provide exact location of the fire and if there are any injuries. Then contact the Court Security Sergeant or Lieutenant. The Supervisor over Courthouse staff should be notified. A list of designated assignments will be posted and you will report as ordered.
3. Court House staff has an emergency plan they will follow for evacuation and supervisors will do an employee count at their evacuation meeting place.

### **Locations for evacuation are as follows:**

1. Judges are to exit thru the Judge's South Door, meet a Deputy at this location and proceed to a van, where a Deputy will drive them to one of three locations until given the all clear.
2. Pro-se employees, attorneys, Bailiff's will exit southwest door and cross the street into empty lot behind business. Clerk Office employees will exit thru two white doors heading out north to Picacho Ave, cross over Alameda to empty lot on corner.
3. 2nd Floor-Jury Office, all offices including executive staff, mediation, finance and drug court, exit down stairs on East Side of building and out NE Door. Cross Picacho Ave to parking lot.
4. Any personnel assigned to the courtroom in courtrooms 1 – 8 shall exit out the front doors if able to, and proceed to straight out the doors and walk to either the park in front of City hall, or cross Picacho Ave. and go to the parking lot on the North side of the courthouse.
5. In the courtrooms, the deputy shall advise the Judge of the fire, and advise the Judge Deputies will be moving the inmates to the holding cells, or safe area after securing all inmates. The INMATES IN CUSTODY ARE the Deputy assigned to the "BACK" RESPONSIBILITY! The Detention Center transport division will be contacted immediately to respond to the District Court Sally Port and pick up the inmates.
6. The Deputies will prepare to evacuate the inmates if he/she believes the situation

warrants moving them. If the inmates are in the courtrooms, then the Deputy assigned to that courtroom will bring the inmates to the BACK Holding area. It is imperative to remember small fires can often spread rapidly. In the event there is a fire.

7. The inmates will be removed from the holding cells, and taken to the "Judges Secured parking lot" only after all inmates are handcuffed or leg ironed. Inmates will be secured/monitored until all clear is given or the Detention Center Transport arrives.
8. If caught in smoke, the inmates will be advised to take short breaths, breathe through their nose, and crawl to escape. Air is better near the floor.
9. The Back Deputy will lead the chain and the 2nd assigned Deputy will bring up the rear. The Deputy will feel all doors with the back of his/her hand before opening it. If it is hot, DO NOT OPEN IT. If it is cool, open the door slowly and stay behind the door. If heat or pressure comes through the door, slam it shut.
10. The Deputy will not fight the fire – he/she is not to put his/her life or the inmate's life in jeopardy.
11. The Deputy SHALL familiarize himself with the exits of all Court buildings.
12. Once the Deputy has returned the inmates to the jail/court holdover area, he/she will check with the supervisor for further instructions and assignments.

### **LOCK DOWN**

1. The Dona Ana County Sheriff's Office will initiate a lockdown or shelter in place using the WAVE System and the hand held radios to communicate with other officers. This will be done by contacting the Deputy CEO, or Court Manager to send out a message identifying the lockdown. All alarms or announcements require immediate attention.
2. In the event that the Dona Ana County Sheriff's Office issues a lockdown order, all employees shall immediately shelter in place. Employees shall not move throughout the building and must remain sheltered in place until accounted for and given further instructions.

### **Courtroom:**

1. The courtroom doors shall be locked by the bailiffs, or if possible by a Deputy. If there is not a Bailiff in the Courtroom, the deputy assigned to that courtroom will secure the doors. Counsel shall remain in the courtroom.
2. If inmates(s) are present, the Deputy will escort back to the holding cells. Stay quiet and listen for further instruction by the Dona Ana County Sheriff's Office. When the situation is controlled, you will hear "all clear" and once again the designated Court Personnel will send out message of all clear via the WAVE System.

## **Jury:**

1. The bailiff shall escort the jury to the deliberation room, and remain there with them. If the jury is in the jury deliberation room already, the bailiff shall join them. Bailiff shall lock all doors. Stay quiet and listen for further instruction by the Dona Ana County Sheriff's Office. When the situation is controlled, you will hear "all clear" or be send a message through the WAVE System "all clear." This notification will be sent by contacting Deputy CEO or Court manager.

## **Judge and staff:**

1. Go immediately to the Judge's chambers. Stay quiet and listen for further instruction by the Dona Ana County Sheriff's Office. When the situation is controlled, you will hear "all clear"

## **ACTIVE SHOOTER**

1. Deputy or staff worker shall push the "Active Shoot Button" which will send alert to Mesilla Valley Regional Dispatch Authority which will alert all surrounding Law Enforcement Agencies.
2. The WAVE System will send out an immediate alert via computer system to all employees within the courthouse as well as a text message to all staff alerting Active Shooter.
3. The State employees working at the courthouse have gone through Civilian Response Training using the Run/Hide/Fight steps:
  - a. **Run/Avoid**
    - i. If possible, exit the facility immediately.
  - b. **Hide/Deny**
    - i. Lock doors, turn off lights and remain quiet (Bailiff or Court Monitor will escort the people in the courtroom into the secure holding area between courtrooms).
  - c. **Fight/Defend**
    - i. As a last resort, use improvised weapons and attempt to disarm the shooter
4. **Courtroom:**
  - a. Courtroom doors shall be locked. Everyone in the courtroom shall be escorted to the Jury Rooms or secure sally port and remain in that area until given further instruction by the Dona Ana County Sheriff's Office.

## 5. Judges:

- a. Immediately go to their Judges Chambers and lock the doors. If the office is on the second floor, go to a secured jury room and lock the doors.

## THREATS

1. All threats against the courthouse and members of the Court will be considered legitimate, valid threats, until proved otherwise. All threats against the courthouse or members of the Court will be documented. A Phone Threat Checklist, a Preliminary Threat Report and a Bomb Threat Report are attached to this policy.

## WEATHER/FLOOD, TORNADO, EARTHQUAKE DISASTER, HOSTAGE, PROTEST

If an above disaster occurs and the Judicial Courts are closed, this procedure will be followed by the Court personnel:

1. All personnel shall initiate plans to insure the safety of their family members and the safety of personal property.
2. All days off, vacation, and holidays are canceled until further notice.
3. Personnel will perform eight (8) hour watches until further notice.
4. Personnel will report in uniform along with rain gear, flashlights.

A list of designated assignments will be posted and you will report as ordered.

In the event of a weather emergency/tornado, the staff will take shelter in the middle of the building such as jury rooms, holding cells or Courtroom 8 if needed.

## HOSTAGE SITUATIONS

1. A hostage situation in the Courts Division can come from many fronts. The obvious hostage situation is that of an inmate taking a Deputy or Court Officer as his/her hostage. The threat of a hostage taker could also come from a disgruntled employee. The use of a weapon by the hostage taker can range from nothing more than physical force all the way to a firearm. The best defense against a hostage situation is stopping it before it takes place. Following established security procedures and keeping "your eyes open" will accomplish this.
2. If a situation escalates into someone taking a hostage, the Deputy will immediately quarantine the area and notify a Courts Division Supervisor. The Courts Division Supervisor will evaluate the situation and make the necessary notification to the Chain of Command and Hostage Negotiation Team.



## **DEMONSTRATIONS/PROTEST**

Most are peaceful, and everyone shall attempt to carry on with business as usual. Avoid provoking or obstructing the demonstrators. Notify Court Division Supervisor and Central Dispatch/LCPD immediately of any threatening situations.

### **The WAVE Secure Tech System**

The 3<sup>rd</sup> Judicial District Court has panic alarms assigned to it. The locations are listed below. The panic devices consist of a rectangular push button operation. These devices are always in the armed position until pressed, at which time they enter the alarm condition thru the WAVE System. This is controlled by the Executive Staff at the Courthouse.

Courtrooms: When any panic device enters the alarm condition it sends notification to the Court Security Deputies stations in the Front and Back locations, as well as the Deputies handheld radios, the courthouse staff on their work computer screens. It simultaneously sends a notification via text message to the security staff, Lieutenant, Sergeants and Courthouse Staff. The Deputies will respond immediately to the location of the alarm.

### **District Court Duress Button**

### **Location**

Court Room 1	On the edge of the Judge's bench
Court Room 2	On the edge of the Judge's bench
Court Room 3	On the edge of the Judge's bench
Court Room 4	On the edge of the Judge's bench
Court Room 5	On the edge of the Judge's bench
Court Room 6	On the edge of the Judge's bench
Court Room 7	On the edge of the Judge's bench
Court Room 8	On the edge of the Judge's bench
Court Room 9	On the edge of the Judge's bench
Hearing Room A	On the edge of the Judge's bench
Hearing Room B	On the edge of the Judge's bench
Pro Se Area	Pro-se Desk
Jury Office	Below window
Mediation Rooms	Outside mediation room #2
Clerk's Office North	On pillar next to postage machine
Clerk's Office South	Next to clerk window
Drug Court area	Pillar outside office
Green mile south	Outside office near copy machine
Judge's Chambers area 1st floor	Window sill hallway just before steps
Judge's Chambers area 2nd floor	On fire extinguisher box by copier
Jury Assembly 1	South wall by closet
Jury Assembly 2	On wall by window/counter

## BOMB THREAT REPORT FORM

**Instructions: Be calm and courteous. Listen and do not interrupt the caller. Notify Supervisor/Security by prearranged signal while the caller is on the line.**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**EXACT WORDS OF THE CALLER:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### QUESTIONS TO ASK:

1. **When is the bomb going to explode?** \_\_\_\_\_
2. **Where is the bomb now?** \_\_\_\_\_
3. **What kind of bomb is it?** \_\_\_\_\_
4. **What does the bomb look like?** \_\_\_\_\_
5. **Why did you place the bomb?** \_\_\_\_\_

Try to determine the following (Circle as Appropriate)

<b>Caller's identity:</b>	Male Female Adult Juvenile Age _____
<b>Voice:</b>	Loud Soft High Pitched Deep Raspy Pleasant Intoxicated Other _____
<b>Accent:</b>	Local Not Local Foreign Region _____
<b>Speech:</b>	Fast Slow Distinct Distorted Stutter Nasal Slurred Lisp
<b>Language:</b>	Excellent Good Fair Poor Foul Other _____
<b>Manner:</b>	Calm Angry Rational Irrational Coherent Incoherent Deliberate Emotional Righteous Laughing Intoxicated Other _____

### Background Noises:

Office Machines Factory Machines	Bedlam Trains Animals Music
Quite Voices Mixed Airplanes	Street Traffic Party atmosphere

**Additional Information:** \_\_\_\_\_

### Notify your supervisor IMMEDIATELY AFTER THE CALL:

Person receiving the call: \_\_\_\_\_ Telephone number \_\_\_\_\_

**PRELIMINARY THREAT REPORT**

**Victim Information**

Last Name.	Position:	Sex:
First Name:	Title:	Notified: ___Yes ___No
Middle Name:	Race:	Date Notified:

**Additional victims:** \_\_\_\_\_

**Threat Information**

Threat Date:	Threat Time:	Court #:
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**Type of Threat**

___Threat ___Inappropriate Communication ___Bomb threat ___Suspicious
Activity/Package_____

**Method of Threat**

___Mail ___ Computer ___ Informant ___ Phone ___Pkg/Parcel ___ Verbal ___ Fax ___ Other
---

**Location Threat Received:** \_\_\_\_\_

**Suspect Information**

Last Name:	Race:	SSN#:
First Name:	Sex:	FBI#:
Middle Name:	DOB:	SPN#:

**Organization**

___Prisoner___Prison Gang_____Local Terrorist Group
___International Terrorist Group_____Individual
___Local Drug Organization_____International Drug Organization
___Street Gang_____Motorcycle Gang
___Organized Crime_____Unknown___Other_____

**PHONE THREAT CHECKLIST**  
**Dona Ana County Sheriff's Department**

1. DATE OF CALL: \_\_\_\_\_

2. TIME OF CALL: \_\_\_\_\_

3. COURT #: \_\_\_\_\_

4. EXACT WORDS OF CALLER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*ASK THE CALLER: (*ask these questions in the following order*)

5. Who are you talking about?

\_\_\_\_\_  
\_\_\_\_\_

6. Why are you making these comments?

\_\_\_\_\_  
\_\_\_\_\_

7. Is there any other way to help you'?

\_\_\_\_\_  
\_\_\_\_\_

8. What is your name and telephone number'?

\_\_\_\_\_  
\_\_\_\_\_

9. Are you really **threatening** someone?

\_\_\_\_\_  
\_\_\_\_\_

**\* NOTE THE FOLLOWING:**

Male  Female Estimated Age: \_\_\_\_\_ Accent \_\_\_\_\_

Speech Pattern:

Slow  Excited  Disguised  Broken  Normal  Rapid  Loud

Slurred  Sincere

Background noises: \_\_\_\_\_

NAME OF PERSON RECEIVING CALL: Office \_\_\_\_\_ Phone \_\_\_\_\_

**EMERGENCY RESPONSE TEAM**

<b>DISTRICT COURT:</b>	
Primary:	Court Executive Officer
In Absence:	Deputy Court Executive Officers
Alternate:	Court Manager
<b>DISTRICT ATTORNEY'S OFFICE:</b>	
Primary:	District Attorney
In Absence:	Chief Deputy District Attorney
Alternate:	District Office Manager
<b>DONA ANA COUNTY:</b>	
Primary:	Building Maintenance Supervisor
In Absence:	Physical Plant Department Head
Alternate:	Dona Ana County Manager
<b>COURT SECURITY:</b>	
<b>Primary:</b>	Court Security Supervisor
In Absence:	Support Service Supervisor
Alternate:	Support Services Commander

**IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart - Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-062**

**CALEA STANDARD:  
81.2.1,81.2.2,81.2.3  
81.2.4,81.2.5,81.2.6  
81.2.7,81.2.10,  
81.2.11,81.2.13  
81.3.1,81.3.2**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Communications

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines to satisfy the immediate information needs of the Dona Ana County Sheriff's Office in the course of normal daily activities and during emergencies.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to participate in continuous 24-hour communications between DASO and on-duty personnel, persons requesting police service, other agencies, and electronic police information.

#### III. PROCEDURE:

##### Administration:

The Mesilla Valley Regional Dispatch Authority (Communication Center) provides the communications for the Dona Ana County Sheriff's Office. The Communication Center provides emergency communication services within Dona Ana County and is headed by a Communications Director who answers to a Board of Directors.

The Sheriff or his/her designee is DASO's representative on the Board of Directors. The Board of Directors is responsible for reviewing policy matters and for the management of the Mesilla Valley Regional Dispatch Authority. The Communication Center operates within compliance of all applicable law enforcement accreditation standards pursuant to the Mesilla Valley Regional Dispatch Authority Standard Operating Procedures manual.

### Communications Center Operations:

The Communications Center provides emergency dispatch communication services to include:

1. Two-way radio communications on a 24 hour, seven days a week basis.
2. Telephone communications on a 24 hour, seven days a week basis.
3. Teletype and automated data communications.

The Communication Center provides 24 hour, toll free telephone access for emergency calls for service. The single emergency telephone number for the Communications Center is 911.

The Communications Center telephone system is designed to separate emergency from non-emergency calls. The wireless 911 number has multiple lines available. Separate lines are available for surrounding agencies who utilize the Mesilla Valley Regional Dispatch Authority services. Separate phone lines are maintained for administrative and nonemergency use.

The Communications Center maintains the capability of immediate playback of recorded telephone and radio conversations. All telephone conversations and DASO radio transmissions are recorded and maintained for seven (7) years, per NMAC 1.19.8.813 and NMAC 1.19.8.815. Recordings are obtained by the use of multi-channel 24-hour recording equipment that is located and maintained at the Communications Center.

Any request for a copy of a recorded telephone or radio transmission must be made through authorized DASO personnel. Procedures for reviewing recorded conversations are established by the Communications Center. If immediate review is vital to a particular investigation or emergency, a shift supervisor may directly contact the on-duty Communications Center Supervisor to arrange for the immediate review of the recorded radio traffic or telephone conversation. However, no copies are made without previous authorization.

The Communications Center is responsible for making tapes and ensuring master tapes are not erased prematurely or inadvertently. No re-recording of preserved, recorded material may leave the premise without being properly logged and approved by the Communications Center's Administration.

The Communications Center is responsible for restricting access to master tapes, master tape recording and copying equipment. DASO has access to local, state and federal criminal justice systems by means of National Law Enforcement Teletype Systems (NLETS), National Crime Information Center (NCIC) and the Computer Aided Dispatch System (CAD).

The Communication Centers Telecommunicators have immediate and direct access to the following DASO resources:

1. DASO supervisors.
2. Duty roster of shift personnel.
3. Contact numbers for all DASO personnel.

Various services, external to DASO, may be required on a regular or occasional basis. Such services include the following:

1. Requests for fire department and ambulance services.
2. Helicopter, environmental, and disaster services where a request is initiated by a DASO Supervisor and the Telecommunicator will refer to other Communications Center documents to determine the procedure to follow.
3. A general service resource directory is maintained at DASO. Phone numbers for taxis, authorized towing services etc., are available through the Communication Center.
4. Emergency service request calls that are received at DASO are routed to the Communication Center.

A listing of telephone numbers of emergency service agencies is available to the Communications Center personnel both through hard copy and through the CAD system for easy access.

Emergency calls that are received at the Communications Center from outside its jurisdiction will be governed by Communications Center directives.

When calls for service are received at the Communications Center, information is recorded via the CAD system to include:

1. Date and time of request; Name and address of complainant (when obtained);
2. Type of incident reported.
3. Location of incident reported.
4. Pertinent information regarding the request.
5. Time of dispatch.
6. Time of Deputy arrival.
7. Time of Deputy return to service.
8. Disposition or status of reported incidents.



All of the above information is entered into CAD on what is commonly known as a CAD card, which is a computer display of the call for service and all information pertaining to that call. This is also referred to as a CAD entry/incident record.

The CAD system automatically assigns a sequential incident number for each call for service received. These numbers range from 1-999999. At the request of the deputy, the incident number is assigned as a case number when an offense report is to be written.

The Communications Center has the capability to communicate via radio to other agencies. This is done by "patching" other agencies to unassigned radio frequencies in the Communications Center.

All Deputies and personnel assigned to DASO will be assigned call signs. Call signs will be the badge number, or other designator, assigned by the Sheriff.

The CAD system records all status changes made by deputies in the field. Computer recorded status changes include but are not limited to:

1. Available.
2. Busy (includes a comments field).
3. (DP) Dispatched to a call.
4. (E) Enroute to call.
5. (S) On scene of call.
6. (K) Status available/scene.
7. (O) Out of Service.
8. (OV) On-View.
9. (T) Traffic Stop.
- 10.(P) Parking Violation.
- 11.(PU) Purge Unit.

The CAD system identifies the backup deputies assigned to assist primary deputies on dispatched calls for police service.

Deputy status indicators are readily available to the Communications Center Telecommunicators by means of the CAD system. Status changes are automatically recorded and are easily accessible to Communications Center personnel, as well as to the monitor located within the Sheriff's Office.

While a CAD card is open, the Telecommunicator logs any assigned assisting or backup deputy's status, so that it is displayed on the CAD incident history printout.

The Communications Center Telecommunicators are instructed to elicit as much information as possible from callers for officer safety purposes and to assist in anticipating conditions that may be encountered at the scene. Procedures for obtaining this information are identified in the Communications Center operations manual.

Communications Center personnel have access to operations manuals that identify procedures for performing telephone, radio, teletype and automated data communications duties. Communications Center personnel receive certified training in the job performance requirements of their communications duties.

The Communications Center assists in the delivery of emergency messages upon request from other agencies or outside official sources. These requests are routed to the proper department for appropriate action.

When a citizen contacts the DASO regarding an emergency message, they will be directed to the Communications Center. No message is delivered that cannot be verified via telephone or teletype with an outside agency.

The Dona Ana County Sheriff's Office, in cooperation with the Mesilla Valley Regional Dispatch Authority, will provide information on victim/witness assistance in the case of a time delay between victimization and preliminary investigation. Information on available assistance is accessible to victims and witnesses by means of the Communications Center (dispatch). By contacting dispatch, the caller may obtain the following 24 hours daily:

1. Information necessary to establish if the caller requires an emergency or non-emergency response.
2. Service available through the Dona Ana County Sheriff's Office.
3. Provide information concerning victim/witness referral services or by referring them to the Victim/Witness Program through the Dona Ana County District Attorney's Office.
4. Notify the caller of DASO's intended response to their request.

Communications Center Telecommunicators may provide emergency first-aid instruction over the telephone, as needed. Telecommunicators are trained and certified in use of the Medical Priority Dispatch System, and have immediate access to the system's flip-card protocol manual.

Maps detailing DASO's service area are available to the Communications Center Telecommunicators.

DASO responds to activated security alarms in its service area. The alarm computer is maintained by an independent alarm system company contracted by individuals and businesses to provide the link between security alarm systems and the law enforcement agencies serviced by the Communications Center. In the event of an alarm, the alarm company contacts the Communications Center as needed, and the Communications Center then dispatches, as the situation dictates.

### **Facilities and Equipment:**

The Communications Center implements security measures to protect the Communications personnel and equipment located in the Center itself and also to protect remote tower sites utilized by the Center.

1. Entry into the Communications Center is gained through two secured doors. All windows in the Communications Center contain bullet resistant glass;
2. Power sources for the Communications Center are underground and the transmission lines are overhead in a fenced enclosure. Remote tower sites are fenced and the buildings are alarmed to warn of any possible intrusion;
3. The fuel source for running the back-up generator is located within the confines of the Communications Center property in a fenced secure area.

If normal electrical service is interrupted at the Communications Center, the emergency generator is automatically activated and, following a brief line stabilization interval, emergency electric service should become available. Should the power be disrupted at one of the primary radio tower sites, backup battery power should start immediately. All systems are maintained on a regular schedule, the care and maintenance of these systems are outlined in the "Equipment Maintenance Plan" retained at the Communications Center.

The Communications Center also employs the use of uninterrupted power supply systems to operate the essential dispatching equipment until the emergency power generator system stabilizes and comes fully on line.

Visitors are authorized entry to the Communications Center by the Communications Administration, Board of Directors, or an on duty Communications Center Supervisor.

All radio operations are conducted in accordance with Federal Communications Commission procedures and requirements.

DASO personnel utilize portable and mobile two-way radios.

The Communications Center maintains the NATIONAL LAW ENFORCEMENT COMMUNICATIONS channel, which allows access to various departments in the Dona Ana County area.

## **Clearing Radio Channels:**

Communications Center personnel shall immediately and automatically clear a radio channel or frequency under the following emergency circumstances:

1. Deputy or Law Enforcement requests needs help
2. Pursuits
3. Tactical Operations Emergency situations
4. Any emergency requiring restricted radio traffic

Communications Center personnel will clear and restrict the channel upon the request of any field unit. Upon clearing and restricting a channel, Communications Center personnel will confirm with the on-duty Shift Supervisor that he or she is aware that a channel has been cleared and restricted and that he or she is aware of the situation causing the action.

During the time a channel or frequency has been cleared and restricted, units not directly involved shall be directed to an alternate channel for normal and non-emergency radio traffic.

At the conclusion of the emergency that required the clearing and restricting of a radio channel, Communications Center personnel shall re-open the channel when so advised by the on-scene or Shift Supervisor. Upon being advised the cleared/restricted channel is to be re-opened to normal traffic, Communications Center personnel shall contact all units operating on other channel(s) and advise them to return to their normal radio channel and resume traffic.

## **Radio Communications**

1. All Deputies will radio the Communications Center when they are in service and out of service. This informs all on duty personnel who is available and in service.
2. Each member of DASO shall notify the Communications Center via the radio when their status changes. (i.e. arrival, made contact, traffic stop, arrival at scene, completion of assignment, etc.).
3. Anytime a Deputy is called by the Communications Center they shall respond with their call sign.
4. All Deputies assigned to patrol operations will have constant access to radio communications.
5. Each patrol car will be equipped with a mobile radio that will serve as the primary means of communication.
6. Patrol Deputies will also be issued a portable radio for use when away from their patrol car.

7. Deputies will maintain the ability to communicate with the Communications Center. They shall attempt to notify their Supervisor or the Communications Center when conditions may limit their ability to do so.
8. In certain areas of the County, radio reception may be insufficient or inadequate to maintain communications with the CDC. In such instances, Deputies shall periodically check in with the Communications Center by whatever means necessary.
9. Buildings may also limit radio communications capabilities. Deputies shall check-in with the Communications Center periodically and/or provide a telephone number where they can be reached.
10. Deputies shall notify the Communications Center and provide their location when they are not available for radio contact such as when they are in Court or giving depositions or assigned to stake-outs, surveillances or other special assignments.
11. In the event of radio failure, Deputies shall notify their Supervisor and the Communications Center as soon as possible.

Deputies equipped with a mobile data terminal shall leave the terminal on throughout the shift indicating their location through an automated vehicle locator (AVL) device equipped within the MDT.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-063**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Mounted Patrol

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures applicable to Mounted Patrol Unit (the "MPU" or "MP") members associated with the Dona Ana County Sheriff's Department (the "Department", or "DASO").

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide guidelines for the approval of persons who wish to volunteer as a Mounted Patrol deputy, their conduct as Mounted Patrol deputies, their removal, and the internal governance of the Mounted Patrol unit. These policies and procedures shall not be construed as creating an employment contract or any expectation of continued association for any period of time with the Department as a Mounted Patrol deputy or otherwise. Any Mounted Patrol deputy is subject to removal or dissociation with the Department for any reason or no reason by the Sheriff.

#### III. DEFINITIONS:

Pursuant to NMSA 1978, § 4-41-10, "any sheriff is authorized at any time to appoint respectable and orderly persons as special deputies to serve. Any particular order, writ or process or when in the opinion of any sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace ...."

Pursuant to the authority granted to the Sheriff of Dona Ana County (the "Sheriff") in NMSA 1978, § 4-41-10, the Sheriff desires, from time to time, to appoint certain respectable and orderly persons as special deputies -- historically referred to in the Department as "Mounted Patrol deputies" -- to serve at the invitation and pleasure of the Sheriff, and subject to the Sheriff's direction and control as such direction and control may be delegated to the Sheriff's certified, full time deputies.

For purposes of these policies and procedures, a "Mounted Patrol deputy" is a person

who has been issued an identification card by the Sheriff appointing him or her as a Mounted Patrol deputy, and whose authority to act as a Mounted Patrol deputy has not been revoked by the Sheriff.

The Mounted Patrol deputies as a group constitute the "Mounted Patrol Unit" of DASO.

#### **IV. PROCEDURE:**

A Mounted Patrol deputy has such power and authority as the Sheriff may direct. The primary function of a Mounted Patrol deputy is to provide backup and support to certified deputies on patrol. Generally, a Mounted Patrol deputy may not act outside the direct and immediate supervision of a certified deputy. However, the Sheriff may, from time to time, authorize Mounted Patrol deputies as a whole, or individual Mounted Patrol deputies on a case-by-case basis, to participate in special projects where a Mounted Patrol deputy may act outside of the direct and immediate supervision of a certified deputy. The Sheriff may also authorize an individual Mounted Patrol deputy to engage in collateral activities such as training or participation with a specialized unit of the Department such as SRT or K-9 upon invitation of the supervisor of such unit. No Mounted Patrol deputy has any right or expectation to participate in the activities of any such specialized unit without invitation by the supervisor and authorization of the Sheriff, which, once given, may be revoked in the Sheriff's discretion. The appointment of a person as a "Mounted Patrol deputy" shall never be construed as conferring on such person any right to continued association with the Department, and such persons are subject to removal or disassociation with the Department for any reason or no reason by the Sheriff.

These policies and procedures supersede any previously adopted policies or procedures, rules, regulations, or bylaws. They supplement the policies and procedures applicable to certified deputies employed by the Department. These policies and procedures do not confer on any Mounted Patrol deputy any right to continued association with the Department. All Mounted Patrol deputies serve at the invitation and pleasure of the Sheriff and are subject to disassociation at any time for any reason or for no reason.

These policies and procedures may be amended from time to time by the Sheriff and/or the Mounted Patrol. No Mounted Patrol deputy shall have any "vested rights" or expectation of continued association with the Department under these policies and procedures or any previous rules and regulation or "bylaws," or any future policies and procedures, rules, regulations, and bylaws (whether written or otherwise).

Nothing in these policies and procedures shall be construed as preventing the Sheriff to act and operate through one or several designees, whether the authority of such designee is conferred on such designee orally or in writing, and the reference to "the Sheriff" in these policies and procedures shall be deemed to include any duly authorized designee of the Sheriff.

#### **Eligibility to be a Mounted Patrol Deputy:**

To be eligible to serve as a Mounted Patrol deputy with the Department, a person must,

1. Submit a complete written application, with any and all requested releases, fingerprint cards, and other documentation to the Sheriff;
2. Submit to an oral interview before a board of review to include a representative appointed by the Sheriff, nominally the Sheriff designated DASO Deputy liaison to the MP;
3. Be a respectable and orderly person as determined in the sole discretion of the Sheriff;
4. Provide proof of U.S. Citizenship;
5. Successfully pass a background check as may be prescribed by the Department, minimum NCIC.
6. Not have ever been convicted of a felony;
7. Not have been convicted of an offense involving operation of a motor vehicle while intoxicated or impaired within 3 years of the date of application;
8. Not be prohibited by federal or state law from possessing a handgun or other firearm;
9. Possess a valid, current, New Mexico driver's license;
10. Own a functional motor vehicle registered and insured in New Mexico/Texas;
11. Have a telephone number at which the person can be contacted directly, and which is associated with a voice-mail system or message recording device;
12. Have an e-mail address and account which can be regularly accessed;
13. Comply with these policies and procedures, and any other policies or procedures applicable to the Department;
14. Be commissioned by the Sheriff and not have such appointment be revoked by the Sheriff;
15. Not be employed in a capacity that would result in a conflict of interest (e.g., a criminal defense attorney would have a conflict of interest); and
16. Not have been discharged from the armed forces of the United States on other than honorable terms.

**Persons serving as a Mounted Patrol Deputy:**

1. No person shall serve as a MPD (Law Enforcement Officer (LEO)) unless and until such person has been commissioned by the Sheriff, has been administered the oath of office, and holds a non-revoked commission card (as authorized by the Sheriff).



2. Any person may serve in Non-Law Enforcement Officer (N-LEO) capacity such as Search and Rescue missions, participating in training (especially training to achieve LEO, N-LEO assignments, and LEO required assignments as long as a DASO Deputy (LEO), Reserve Deputy (LEO) or Mounted Patrol Deputy (LEO) are on duty for said assignment and/or mission.

### **Education and Training:**

1. While all the training and education identified below is wanted it is categorized by law enforcement, search and rescue, and desirable. Law Enforcement Officer, Search and Rescue is the goal for every MP member. However, it is only achieved when the DASO Training Unit provides and invites the Mounted Patrol Unit and/or MP member to participate. To this end the Mounted Patrol will provide a Mounted Patrol Training Coordinator (MPTC). The MPTC shall have authorization to coordinate directly with the DASO Training Unit for education and training. It is incumbent upon both DASO Training Unit and MPTC to inform chain-of-command by schedule and/or roster when MP participates in education and/or training. Therefore, educations and training may consist of but not limited to instruction in the following areas:
  2. Law Enforcement (\*Required to carry service sidearm.)
    - a. \*Firearms (sidearm: day, night) (optional: shotgun and/or rifle)
    - b. \*Defensive Tactics (arrest, handcuff, baton, etc.)
    - c. \*Crime Scene Security
    - d. \*Patrol Tactics
    - e. \*Officer Safety
    - f. \*Use of Force
    - g. \*Basic Radio Procedures (10 codes and other codes)
    - h. Defensive Driving/Off Highway Vehicle
    - i. ATV Training (Individual and Team)
    - j. Probable Cause & Laws of Arrest
    - k. Mentally Ill, Interaction with
    - l. Ethics and Public Relations
    - m. Domestic Violence
    - n. Child Care

### 3. Search and Rescue:

- a. ICS 100, Introduction to the Incident Command System [Emergency Management Institute (WBT)]
- b. Rotary Wing Landing Operations
- c. NM SAR Qualification
- d. Tracking - Day
- e. Map Reading
- f. First Aid
- g. CPR/AED

### 4. Desirables:

- a. Criminal Law (search and seizure including arrest and investigatory detention; criminal procedure; civil rights; evidence; common crimes and offenses; motor vehicle code;
- b. ICS 200, ISC for Single Resources and Initial Action Incidents [Emergency Management Institute (WBT)]
- c. ICS 700, National Incident Management System (NIMS) an Introduction [Emergency Management Institute (WBT)]
- d. ICS 800, National Response Plan NPR), an Introduction [Emergency Management Institute (WBT)]
- e. Uniform and Equipment Wear and Maintenance
- f. Constitutional Laws and Interviews
- g. Departmental policies and procedures
- h. Venomous Animals of the Southwest
- i. Arrestee Handling and Processing
- j. Prisoner Custody and Transport
- k. Legal updates (as required)
- l. Emergency Response Guide

- m. Knots, 10 Most Common
- n. Corrections Procedures
- o. Less than Lethal Force
- p. Motor Vehicle Laws
- q. Warrantless Arrest
- r. Sexual Harassment
- s. NFPA 704 Placard
- t. Court Procedures
- u. Laws of Evidence
- v. Narcotics Basics
- w. Tracking - Night
- x. Traffic Control
- y. Fingerprinting
- z. Investigations
- aa. Traffic Stop
- bb. Civil Rights
- cc. Hate Crime
- dd. Narcotics
- ee. Taser

5. Each Mounted Patrol deputy or member shall endeavor to complete 20 hours of continuing education every 2 years. Such training may be in the areas of firearms, investigations, liquor control, law, crime scene control, special response and tactics, K-9, narcotics, defensive tactics, gang identification and interdiction, first aid, search and rescue, human tracking, and anything other applicable training approved by the Department. To the maximum extent possible, the Department shall make applicable continuing education available to the Mounted Patrol members in order to meet this requirement.

**ATV Team:**

1. MP member issued a DASO ATV are responsible for its up keep. It must be kept

in running condition and full of fuel.

2. DASO vehicles, ATVs, and POVs: fluids, lights, and tires will be checked prior to mission deployment.
3. MP members shall wear a helmet, body armor, boots, and eye protection when operating an ATV.
4. No MP Member may ride an ATV for the MP without first completing a department approved ATV course.
5. There will be no reckless activity that might put yourself or other riders at risk. You may be removed from the ATV team at any time for reckless behavior while on the ATV. Any further reckless activity will result in your removal from any Mounted Patrol field missions permanently.

### **Horse Team**

1. MP Horse Team members must have their own horse and have a way to transport to each call out.
2. MP Horse Team members must have their own equipment saddle, headstall and or bridal hackamore and boots that can allow for safe mounting and dismounting of horse.
3. Horses must have transport permits from the New Mexico livestock board.
4. Horses must be in good health and have its required vaccinations.
5. MP Horse Team members must demonstrate proficient riding skills before being allowed to participate.
6. Any mistreatment of animals will not be tolerated.
7. There will be no reckless activity that might put yourself or other riders at risk. You may be removed from any Mounted Patrol field missions and the horse team permanently with any type of reckless behavior.

### **Equipment**

1. MP members will need to provide their own equipment, weapons, SAR packs, etc.
2. Equipment issued including but not limited to body armor, ATV, radios, traffic vest, traffic wands, is the MP member's responsibility. If MP member has or received damaged equipment, report it to Command Staff immediately. If you fail to report, the MP member may be financially responsible for the repair or replacement of the equipment.

### **Service and Training**

1. The Mounted Patrol Unit shall report hours of service and training to the Department each month. The monthly meeting minutes serves as the report. Hours reportable are, but not limited, to patrol duty, participation in sobriety checkpoints, saturation patrols, SRT call-outs, personnel records maintenance, crime scene security, search and rescue, community activities, national night out, education, training, command staff meeting, monthly member meeting, training coordination meeting, report writing, etc., and such other activities authorized by the Sheriff.
2. Reportable hours shall be tracked by service and training. Each MP member shall submit a monthly hour report electronically or in writing at each monthly meeting for the previous month. MP members shall submit a report even if they have no hours to report. MP member not in attendance at the monthly meeting will submit hours report at next earliest convenience.
3. The Mounted Patrol Lieutenant or designated Sergeant will verify and concur each member's report. The Secretary will maintain the records for minimum of two years. The Secretary will roll up service and training hours, total hours, and then equate to a financial burden not paid out by DASO and report out at each monthly meeting. The DASO MP Liaison and Undersheriff will receive a copy of the monthly meeting minute's hardcopy and/or electronic (email).
4. Unless prior approval for an absence from a ranking Mounted Patrol Command Staff (Captain, Lieutenant, or Sergeants) MP members are expected to attendance all service and training sessions and as otherwise directed. The only bases for excused absences may be a family emergency, work schedule conflict or personal commitment previously arrange prior to knowledge of aforementioned service or training.

### **Chain of Command**

1. The Sheriff will appoint a member (whose title will be "Mounted Patrol Captain") to be administratively in charge of the Mounted Patrol Unit. Such member may, with the consent of the Sheriff, appoint such lieutenant(s) and sergeant(s) as may be necessary to conduct the administrative affairs of the Mounted Patrol. The following factors shall be considered in appointment of the Mounted Patrol Captain, Mounted Patrol Lieutenant(s), and Mounted Patrol Sergeant(s):
  - a. Formal education;
  - b. Military service;
  - c. Length of service as a Mounted Patrol deputy;
  - d. Commitment to service as a Mounted Patrol Deputy;
  - e. Demonstrated ability to communicate clearly and in grammatically correct written and spoken forms of the English language;

- f. Compliance with these policies and procedures and others of the Department;
  - g. Recommendation of certified deputies as applicable; and
  - h. Reputation among certified deputies as applicable.
2. Mounted Patrol Command Staff shall not wear insignia of rank on uniform. Every MP member will know the MP organizational, command, and command staff structures.
3. All Mounted Patrol members shall use the chain-of-command applicable to the circumstances. Unless otherwise specified, the following chains of command apply:
  4. General, day-to-day, administrative chain of command: Mounted Patrol member to Mounted Patrol Sergeant to Mounted Patrol Lieutenant to Mounted Patrol Captain to DASO MP liaison to Undersheriff or to Sherriff. Under extreme circumstance, any Command Staff may go directly to the Undersheriff and/or Sherriff.
  5. Patrol chain of command: Mounted Patrol member to DASO Deputy to Shift Supervisor (may be corporal or sergeant) to Shift Lieutenant to the Patrol Captain to the Sheriff or Undersheriff.
  6. Special project chain of command: Mounted Patrol member to Mounted Patrol Command Staff or MP member in charge to DASO Deputy in charge to Shift Supervisor to Undersheriff or Sherriff.
  7. Exceptions: in a bona-fide emergency, when a Mounted Patrol member is approached by a superior concerning a particular matter, or when expressly authorized by a Mounted Patrol rank-holder, "jumping" the chain of command is forbidden and may result in removal of the Mounted Patrol member. Convenience of the Mounted Patrol member is not a bona-fide emergency. Provided however, nothing herein shall be construed as prohibiting a Mounted Patrol member from reporting to certified department personnel any illegal or unethical conduct.
8. Mounted Patrol members shall follow the chain of command as instructed.

## **Duty Injury**

1. The county endeavors to provide a policy of insurance to cover, within the policy limits, injuries sustained by a Mounted Patrol deputy or member while on duty. Any Mounted Patrol deputy or member who sustains an injury while on duty shall, unless incapacitated by such injury, notify anyone in the Command Staff verbally or in writing (or by e-mail) immediately or as soon as practical of such injury. Command Staff shall notify DASO Liaison at earliest opportunity not to exceed 24 hours; immediately preferred. A Mounted Patrol member who is injured on duty shall diligently pursue treatment of such injury and shall cooperate fully with

any insurer. Any MP member's injury resulting in death shall be reported direct to the Undersheriff or Sherriff within immediately.

### **Monthly Meetings:**

1. A monthly meeting of Mounted Patrol unit shall be held on the date and time established by the Mounted Patrol Unit Captain. Typically, the monthly meeting is the first Monday of each month unless that day is a holiday then the monthly meeting will be held the following Monday. Mounted Patrol members shall attend each meeting unless the excused attendance is coordinated with a Command member. The Secretary or Treasurer are not ranking command.
2. The MP Secretary will prepare a monthly meeting agenda and monthly meeting minutes. The monthly meeting agenda and meeting minutes will be distribution in hard copy at each meeting with an honest effort to distribute before the monthly meeting electronically (email).

### **Disability, Resignation and Leave of Absence**

1. Any Mounted Patrol member who presents a medical condition as an excuse for not attending service or training activities, shall upon the request of a ranking MP Command, or Staff representative, present a document signed by a medical doctor. The medical doctor must be licensed in the USA stating in substance, that such Mounted Patrol member's medical condition prevents such person from fulfilling the functions of a Mounted Patrol member.
2. During the period of disability, the Mounted Patrol member will be excused from service and training. However, if authorized by his or her doctor may participate in such "light duty" projects as may be available and authorized by Command Staff.
3. No Mounted Patrol member who has been excused from the service or training as a result of such document shall, after the period of disability ends, perform any function as a Mounted Patrol member except such "light duty" assignments as maybe authorized by Command Staff. If the Mounted Patrol member presents upon request of a ranking Command Staff representative another document signed by a medical doctor licensed to practice in the USA stating that there are no known medical limitations on such person's ability to perform the duties of a Mounted Patrol member.
4. A Mounted Patrol member who, as a result of change of employment, medical condition, or other change of circumstance, or believes they will be unwilling or unable to meet service and training expectations over a period of 4 or more months, shall request in writing a leave of absence. The leave of absence will specify the reason for the leave and the duration of the requested absence. The Mounted Patrol Command Staff may authorize in writing such leave to the extent that the Mounted Patrol Command Staff deems in their sole discretion, legitimate.
5. A Mounted Patrol member who receives such written leave of absence may,

within the 12-month period commencing on the date such leave of absence is authorized, re-apply in writing for authorization to commence assumption of duties as a Mounted Patrol member. Based on such application, and depending on the circumstances; the Command Staff, DASO MP Liaison, Undersheriff, and/or Sheriff may, or may not, authorize such person to resume the duties with Mounted Patrol Unit or without qualification.

6. During a leave of absence, a Mounted Patrol member shall regularly apprise the Mounted Patrol Command Staff of the status of the circumstances giving rise to the leave of absence.
7. Any MP member who ceases association with the MP otherwise than in writing setting forth the reasons for the disassociation will not be considered for re-appointment as a Mounted Patrol member.

Regardless of the circumstances under which a Mounted Patrol member becomes disassociated with the MP Unit, the MP Captain, Undersheriff or Sherriff is not obligated to reinstate such Mounted Patrol member.

Any Mounted Patrol member who voluntarily becomes disassociated with the MP is eligible, upon approval by the ranking MP Command Staff and forfeiture of any badge deposit to the MP Unit be allowed to retain such badge as a memento of service.

Upon becoming disassociated with the DASO MP, the member shall immediately return to any rank holder any and all department issued equipment or gear, or any equipment or gear owned by the MP Unit or DASO. Failure to do so can result in charges for embezzlement or theft.

The consumption of alcohol while on duty or in uniform will not be tolerated and will result in the MP member's immediate termination. MP member will not work or wear the uniform of the MP if you have consumed any alcohol within 8 hours prior.

MP members will not use foul language in the view or towards any member of the public.

**Shall and Shall-Nots:**

1. In addition to the other obligations of a Mounted Patrol member set forth herein, a Mounted Patrol member shall:
2. Keep in mind at all times that service as a Mounted Patrol member is a PRIVILEGE, not a right.
3. Abide by these policies and procedures and any other directives or policies or procedures promulgated or approved by the MP Command Staff and/or Sheriff as they presently exist or as they may be amended from time to time.
4. Display good judgment in their personal affairs and while on duty as a Mounted Patrol member.



5. Exhibit professionalism and integrity while on and off duty.
6. Report for duty in the authorized uniform in good repair and in a "squared away" condition. At a minimum, the uniform shall be cleaned and pressed with badge, proper patches, and name tag, and proper footwear. To the greatest extent practicable, Mounted Patrol members shall wear the same type of uniform as the DASO Deputy with whom they appear. An alternative "call out" uniform is authorized for crime scene security, search and rescue, special response team support, and other "call outs." MP Command Staff will broadcast alternative uniform/equipment call real time.
7. Be courteous and respectful to members of the public, DASO Deputies, Reserve Deputies, Mounted Patrol members, and county personnel.
8. Maintain qualifications and proficiency in the use of service fire arms carried on duty: sidearm, shotgun, and/or rifle.
9. Not engage in any activity on or off duty that would bring discredit, dishonor, embarrassment, or shame to your family, the MP Unit, DASO, Dona Ana County, and/or the State of New Mexico.
10. Follow lawful orders of superiors.
11. When in service or training MP member are refer or present oneself as:
12. MP members who are Non-Law Enforcement Officers, "Mounted Patrol Member <last or first-last name>", Dona Ana County Sheriff's Department".
13. MP members who are Law Enforcement Officers "Mounted Patrol Deputy <last or first-last name>, Dona Ana County Sheriff's Department."
14. Foster and maintain good working relationships with the DASO Deputies, DASO Reserve Officers, DASO Administrative Staff.
15. Comply with any written policies, procedures, or written directives concerning, among other things, driving of county-owned vehicles, use of radios including radio frequencies assigned to DASO, issued MP or DASO equipment.
16. MP members will wear body armor any time you are in uniform, on the firing range, on horseback, or operating an ATV.
17. MP members shall respond to any form of communication (emails or phone calls) requesting a response even if the member cannot participate in the event.
18. In addition to the other prohibitions on a Mounted Patrol member set forth herein, a Mounted Patrol member shall not:
19. Use the position as Mounted Patrol member to obtain any money, remuneration, or services. Provided however, this provision shall not be construed as preventing

a Mounted Patrol member from performing a duty authorized by the MP Command Staff and/or Sheriff, the result of which is a contribution to the MP Unit, from accepting a discounted beverage or meal while on duty, or from accepting a "law enforcement discount" from hotels, rental car companies, or retail dealers.

20. Show a badge or other indicia of association with MP Unit or DASO as a Mounted Patrol member in an intentional attempt to obtain favorable treatment in connection with any traffic or other offense.
21. Project any MP or DASO authority except while on duty in uniform or as otherwise directed by the Sheriff. Provided however, this provision shall not prevent a Mounted Patrol member who is on his way to or from a uniformed assignment from briefly stopping at a restaurant, gas station, convenience store, grocery store, or the like for personal reasons. The latter is discouraged however acceptable.
22. Carry a concealed weapon except in accordance with the New Mexico statutes governing the carrying of concealed weapons. Warning: the status as a Mounted Patrol member does not authorize the carrying of a concealed weapon.
23. Carry a concealed weapon while displaying a badge, identification card, or other indication suggesting or implying that the person is a Mounted Patrol member is carrying such concealed weapon as a result of the status of Mounted Patrol member.
24. Attempt to pull traffic stops or warn other drivers of infractions while in a privately owned vehicles.
25. While operating a privately owned vehicle, assist or attempt to assist a DASO Deputy or DASO Reserve Officer on a traffic stop, or contact central dispatch concerning such stop, except in a true emergency (e.g., deputy calls "10-18" or DASO Deputy or DASO Reserve Officer is observed in a struggle).
26. Operate departmental motor vehicles or radios except in compliance with policies and procedures adopted by DASO.

### **Discipline:**

1. Failure to comply with these policies and procedures, and DASO policies and procedures or other policies and procedures applicable to Mounted Patrol members may result in discipline ranging from a verbal reprimand, a written reprimand, or disassociation with the MP Unit thus DASO. The Sheriff may recommend to the MPs ranking Command Staff disassociation of a Mounted Patrol member from the MP Unit even if such MP member follows these policies and procedures, and there is no requirement for "progressive discipline".
2. The Sheriff may appoint a DASO Deputy or a MP ranking Command Staff member to investigate any alleged infraction by another Mounted Patrol member. All

Mounted Patrol members shall cooperate in any such investigation. Failure to cooperate may be grounds for disassociation of such Mounted Patrol member from the MP Unit and DASO.

3. All sanctions imposed, including but not limited to a decision by the Sheriff to disassociate a Mounted Patrol member from the MP Unit and/or DASO, shall be final and unappeasable.

**Reports:**

1. An After-Action Report (AAR) will be prepared after every MPU call out, training, and law enforcement mission. The MP member in command of the mission will prepare or may delegate assignment of the AAR to be prepared. The AAR is due to command within 7 days of completed mission.
2. At least once every year the MP Commander will meet with the Sheriff to deliver the Mounted Patrol Unit's annual report.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**200-064**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**  
**All related  
directives.**

### Theft of Identity

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide procedures for the investigation and handling of reported Theft of Identity, as defined by Section 30-16-24.1, NMSA 1978.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to thoroughly investigate Identity Crimes where either suspects or victims are identified in our jurisdiction, to accurately document cases of reported Identity Theft, and to attempt to provide the citizens of Dona Ana County and the general public with information on how to safeguard against the consequences of identity theft.

#### III. PROCEDURE:

##### Identity Theft Investigation/Reporting

Identity crime is a rapid growing and the most serious economic crime in the country. Identity crime is the number one source of consumer fraud as reported to the Federal Trade Commission (FTC). Federal and New Mexico laws regarding this crime are as follows;

##### Legal Prohibitions

Identity Theft and Assumptions Deterrence Act of 1998: Identity Crime is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law."

Fair and Accurate Credit Transactions Act (FACT Act or FACTA) of 2003: Establishes requirements for consumer reporting agencies, creditors, and others to help remedy damages resulting from identity crimes. The FACT Act requires local law enforcement agencies including the Department of Public Safety and the New Mexico State Police to provide police reports to victims of identity theft.

Identity Theft Penalty Enhancement Act of 2004: Amends the Federal criminal code to establish penalties for the crime of "aggravated identity theft."

NMSA 1978 30-16-24.1 Theft of Identity: Theft of identity consists of willfully obtaining, recording or transferring personal identifying information of another person without the authorization or consent of that person and with the intent to defraud that person or another or with the intent to sell or distribute the information to another for an illegal purpose.

Identity theft, an element in identity crime, is a federal and state criminal act that is always a precursor to the commission of other crimes. Because of this, investigations into identity theft shall be conducted to the fullest extent possible.

The following procedures will be followed by a deputy/detective when taking an identity theft report:

1. An assessment of the facts, circumstances, and jurisdiction of the incident will be made by the initial investigating deputy. Relevant information includes, but is not limited to the following:
  - a. Obtain as much information that identifies the victim including date of birth, social security number, drivers' license number, other photo identification, current and prior addresses, telephone numbers, and email addresses.
  - b. Find out the nature of the identity crime committed in the victim's name such as when and how it was discovered, what information was used, how the victim information was obtained and what financial institutions or related entities are involved.
  - c. Document what types of personal identifying information may have been used such as social security number, drivers' license number, birth certificate, credit card numbers, etc. and whether any of these have been lost or stolen.
  - d. Find out if the victim has allowed anyone else to use his or her personal name and information and document the circumstances.
  - e. Find out whether the victim knows or thinks that a specific person(s) has used his/her identity to commit fraud or other crimes and obtain the suspects information.

- f. Discuss with the victim if they are willing to assist in the prosecution of any suspect who may be identified in the investigation of the crime.
2. Find out if the victim has reported the crime with any other agency and if they may have any other documentation supporting their claim of identity theft.
  - a. If the determination is made that there is jurisdiction as well as sufficient facts and circumstances to warrant a criminal investigation, then one will be carried out.
  - b. If the determination is made that a criminal investigation is not warranted, or if the victim is simply requesting police documentation of the matter, the incident will be documented in an offense/incident report pursuant to County policy.
  - c. If the case is referred to the Criminal investigation division by the Uniform Bureau it will be screened by an IB supervisor utilizing the same criteria as listed on page 2; Section B. Felony Cases.

The CID supervisor will ensure that any identity theft investigations referred by the Uniform Bureau have been documented in an offense/incident report assessing the case.

Investigating deputy/agents shall coordinate their efforts with other agencies, as necessary, to share information and successfully resolve identity theft investigations. To do this the following procedures should be followed:

1. The investigating officer/agent assigned to the case shall first determine the original location of the crime, and then evaluate whether other federal or state agencies should be involved or included in the investigation.
2. Once this has been determined, the investigating officer/agent should then coordinate any required assistance from these or other agencies, as necessary.

Deputy/agents will also provide assistance, as requested or necessary, to other agencies similarly coordinating identity theft investigations encompassing Dona Ana County jurisdiction.

Investigating deputy/agents shall provide the victim with information on obtaining a copy of the report and information, as is available, to assist in bringing the incident to resolution. For further information on victim assistance, please refer to

**PRS: 28 Victim/Witness Assistance.**

31-26-15 Identity theft passport; database NMSA 1978 requires that selected victim information along with a copy of offense/incident reports regarding Identity Theft shall be provided to the office of the New Mexico Attorney General.

1. This information and report will be submitted by the Records Bureau to the Attorney General's Office who will maintain it in a database of identity theft victims to provide an Identity Theft Passport to victims. The passport will contain a picture of the person to whom it was issued and other information as deemed appropriate by the Attorney General. Deputy shall accept this passport as evidence of identity.
2. Investigating deputy/agents shall properly indicate on the offense/incident report that the report involves Identity Theft.

The victim or any member of the public shall be directed to the New Mexico Attorney General website at <https://www.nmag.gov/identity-theft.aspx> to access information on identify theft and prevention and to obtain a copy of an Identity Theft Prevention and Repair Kit. Further information on the prevention of identity theft can be located on the Federal Trade Commission website located at [www.ftc.gov/bcp/edu/microsites/idtheft/](http://www.ftc.gov/bcp/edu/microsites/idtheft/).

Uniform deputies are encouraged to consult with the Investigative Services Division for investigative assistance relating to identity theft.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 200-065	
<b>CALEA STANDARD:</b> 42.2.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Patrol Case Management

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines with oversight for patrol personnel and supervisory staff regarding case management, warrant processes, district attorney reviews and associated paperwork.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to monitor and follow-up with all cases assigned to deputies within DASO.

#### III. PROCEDURE:

##### Case Management:

Supervisors shall on a weekly basis review all open cases assigned to their respective subordinates. This is done to ensure that deputies case assignments are followed-up on in a timely manner and that all open cases are appropriately reclassified to one of the four approved case dispositions (excluding the status of Open):

Closed, Cleared, Inactive or Unfounded.

Ultimately, it is the responsibility of the individual deputy to properly manage and complete his or her own case assignments and caseloads. This process is undertaken in the LERMS Records Management System through the following process:

1. Sign into LERMS, choose "Case Management" from the drop down menu and select the "Case Assignment Search" option;
2. Once in the "Case Assignment Search" box, select an individual's name in the "Officer" drop down menu;



3. Click "Open" in the Case Status check box and hit search; and
4. This same process can be used to search your inactive, cleared and unfounded cases as well.

**District Attorney Referrals and Reviews:**

The District Attorney's Office shall only be utilized based upon the following criterion:

1. Deputies shall first consult with their immediate supervisor.
2. Investigations/Warrants will only be referred with supervisor approval.
3. Deputies will email or directly meet in person with the appropriate District Attorney.
4. If after hours, email the applicable on-call District Attorney; and
5. Deputies will notify their immediate supervisor of the DA's opinion.

**Warrant Process:**

1. Felony and Domestic Violence warrants shall be completed by the end of the applicable shift.
2. Misdemeanor Warrants shall be completed by the end of the deputies' work week.
3. Search Warrants shall be completed as soon as possible or no later than the end of the applicable workweek with their immediate supervisor approval.

Supplemental reports shall be completed outlining the aforementioned outcome of items 1-3 and any changes to the case status prior to the conclusion of the deputy's applicable shift; and the only exceptions to these items being completed within the deputy's workweek is with the expressed approval of their immediate supervisor.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-066**

**CALEA STANDARD:  
46.1.11, 46.1.12**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### 200-066 Crowd Management/Operations/Identification

*This policy statement and the procedures there under are intended for DASO use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines to Dona Ana County Sheriff's Office personnel regarding acceptable crowd control and management operations.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a demonstration. The Dona Ana County Sheriff's Office will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

#### III. DEFINITIONS:

**Crowd Control:** Techniques used to address unlawful public assemblies, including a display of formidable numbers of deputies, crowd containment, dispersal tactics, and arrest procedures.

**Crowd Management:** Techniques used to manage lawful public assemblies before, during, and after an event for the purpose of maintaining the event's lawful status. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

**Demonstration:** A public display of a group's or individual's feeling(s) toward a person(s), idea, cause, etc. and includes, but is not limited to, marches, protests, student walk-outs, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons including participants, onlookers, observers, media, and other persons who may agree or disagree with the point of view of the activity.

**First Amendment Activities:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the New Mexico Constitution. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

**Unlawful Assembly:** The definition of an unlawful assembly has been set forth in New Mexico State Statute 30-20-3, which states that unlawful assembly consists of three or more persons assembling together with intent to do any unlawful act with force or violence against the person or property of another, and who shall make any overt act to carry out such unlawful purpose.

#### **IV. PROCEDURE:**

The Dona Ana County Sheriff's Office Crowd Management/Crowd Control Policy consists of the general principles identified as follows:

##### **A. Planning for Response to Demonstrations and/or Crowd Events**

1. The Sheriff shall be notified immediately of large or potentially disruptive demonstrations and or crowd events.
2. The Incident Commander shall be responsible for the development of a written operations plan.
3. DASO shall make every effort to follow the principle of establishing contact and communication with the event or demonstration planners.
4. Spontaneous demonstrations or crowd events, which occur without prior planning and/or without prior notice to the Dona Ana County Sheriff's Office, present less opportunity for DASO planning efforts. Nonetheless, the same policies and regulations concerning crowd management, crowd control, crowd dispersal, and DASO responses to violence and disorder apply to a spontaneous demonstration or crowd event as they would to a planned demonstration or crowd event.

##### **B. Authority for Deployment of Resources to Address Crowd Containment**

1. Decisions regarding crowd dispersal, general strategies regarding crowd containment or crowd redirection, multiple simultaneous arrests, planned individual arrests, or planned use of force shall be made by the Incident Commander or higher authority.
  - a. If such decisions are made by the Sheriff who is not at the scene, the Incident Commander must first be consulted about the state of affairs in the field and the potential consequences of the decision.

b. All such decisions shall be documented in writing with regard to time, the identity of the person making the decision, and the precise decision and directions given. Such documentation shall be made at the time of the decision or as soon thereafter as possible and included in an after action report.

2. This directive shall not preclude individual supervisors and deputies from defending themselves or others from imminent danger when the delay in requesting permission to take action would increase the risk of injury.

### **C. Conducting Crowd Control and Management**

1. When a large group of potentially disruptive demonstrations and/or crowd events are identified, a sufficient amount of resources should be available to make multiple simultaneous arrests where such arrests are a reasonable probability. However, this need must be balanced against the fact that a large and visible law enforcement presence may have a chilling effect on the exercise of free speech rights. Where additional resources are needed, they should be deployed to the greatest extent possible so they are not readily visible to the crowd. When possible, deputies should be at their posts well in advance of arriving participants.

2. In general, DASO deputies shall work together in squads or platoons when policing a demonstration.

3. Each deputy shall wear a badge, nameplate, or other device on the outside of his or her uniform or on his or her helmet which bears the identification number or the name of the deputy. The number or name shall be clearly visible at all times. The letters or numerals on helmets, jackets, and vests shall be clearly visible at a distance sufficient to provide a measure of safety for both deputies and demonstrators/observers and, under no circumstances, shall be less than two inches in height on helmets.

4. Crowd control and crowd dispersal, as well as a show of force in crowd control situations, should be accomplished whenever possible using the assistance of mutual aid from surrounding agencies or the New Mexico State Police rather than on-duty patrol deputies.

5. It is essential to recognize that all members of a crowd or demonstrators are not the same. Even when some members of a crowd engage in violence or destruction of property, other members of the crowd are not participating in those acts.

6. Deputies shall avoid negative verbal engagement with any member of the crowd. Verbal abuse against deputies shall not constitute a reason for an arrest or for any use of force against such individuals.

7. Deputies must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members. Unprofessional behavior can inflame a tense situation and make control efforts more difficult and dangerous.

8. Strong supervision and command are essential to maintaining unified, measured, and effective response. A response incorporating strong leadership and based upon teamwork is crucial to maintaining control and safety. Impulsive or independent actions by deputies are to be avoided.

9. The Incident Commander and supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible with the highest regard for the human dignity and liberty of all persons and with minimal reliance on the use of physical force. The use of force shall be restricted to circumstances authorized by law and to the degree reasonably necessary in light of the circumstances confronting members.

10. This directive does not preclude personnel from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

#### **D. Responses to Crowd Situations**

##### 1. Spontaneous Event or Incident

a. The shift supervisor shall respond to the scene of spontaneous events, when practical, and take command of the incident as the Incident Commander.

b. The Incident Commander shall declare over the police radio that he or she has assumed command of the incident. When practical, a command post shall be established as soon as possible.

c. An immediate assessment of the situation is essential for effective response. The Incident Commander must ascertain the following information at the earliest possible time:

1) The location and type of event.

2) Evaluate First Amendment activities to determine the lawfulness of the actions by groups and individuals.

3) The approximate number of specific individuals engaged in lawful or unlawful conduct.

4) The likelihood that unlawful behavior will spread to other crowd participants.

5) Immediate threats to the safety of the public and/or deputies.

6) The number of structures or vehicles involved.

7) The size of the involved area.

8) The number of additional deputies and police resources needed as well as requirements for specialized units (Traffic, SRT, Negotiators, etc.)

9) The appropriate manner of response (Emergency or Non-Emergency).

10) The staging area.

11) The location for a media staging area.

12) The ingress and egress routes.

13) Additional resources needed (paramedic, fire department, outside agencies, etc.)

## 2. Planned Event Involving Potentially Large Crowds

a. Representatives with the Dona Ana County Sheriff's Office should make every attempt to meet with the planners of the event well before the event is to occur. DASO members should go over the necessary paperwork with the event planners and outline any rules, procedures, and expectations of the group.

b. The Incident Commander will contact the Sheriff who will request mutual aid from surrounding agencies and/or the State Police, as needed. The Sheriff or designee shall develop a written operations plan. The Incident Commander of planned events shall be responsible for the overall coordination of the event, as well as for crowd control and management. Operations plans for large events requiring the redeployment of personnel from regular assignments shall be approved by the Sheriff.

### **E. General Crowd Control and Crowd Dispersal Strategies**

1. In the event of a declared unlawful assembly, it is the general policy of the Dona Ana County Sheriff's Office to use individual arrests or multiple simultaneous arrests to deal with a non-violent demonstration that fail to disperse and/or voluntarily submit to arrest as a form of political protest, rather than dispersing the demonstrators by using weapons or force beyond what is necessary to make the arrest.

2. The Incident Commander shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. Crowd size and available DASO resources will also factor into the type of response. Commanders shall constantly reassess and adjust tactics, as necessary, as the crowd's actions change. The Incident Commander shall consider and take reasonable and appropriate steps to ensure the safety of bystanders.

### **F. When an Unlawful Assembly May be Declared**

1. The mere failure to obtain a permit, such as a parade permit or assembly permit, is not a sufficient basis to declare an unlawful assembly. There must be criminal activity or a clear and present danger of imminent violence.

2. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

3. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution and the First Amendment activity can continue.

4. If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is unlawful assembly and the required official declaration has been adequately given.

## **G. Declaration of Unlawful Assembly/ Crowd Dispersal Operations**

1. Crowd dispersal operations shall not be initiated until DASO deputies have made repeated announcements to the crowd asking members of the crowd to voluntarily disperse and informing them that if they do not disperse, they will be subject to arrest.
2. These announcements must be made using adequate sound amplification equipment in a manner that will ensure that they are audible over a sufficient area. Announcements must be made from different locations when the demonstration is large and noisy. The dispersal orders should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements shall also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.
3. It is the responsibility of the on-scene DASO supervisor to ensure that all such announcements are made in such a way that they are clearly audible to the crowd.
4. Unless an immediate risk to public safety exists, sufficient time will be allowed for a crowd to comply with police commands before action is taken.
5. Dispersal orders should be given in English and in other languages that are appropriate for the audience.
6. The Incident Commander should ensure that the name of the individual making the dispersal order and the date/time each order was given is recorded.
7. Dispersal orders should not be given until deputies are in position to support/direct crowd movement.
8. Personnel shall use the following Departmental dispersal order:

I am (rank/name), a deputy with the Dona Ana County Sheriff's Office. I hereby declare this to be an unlawful assembly and command all those assembled at (location) to immediately leave. If you do not leave, you may be arrested or subject to other police action, including the use of force which may result in serious injury. The following routes of dispersal are available. (Give routes.) You have \_\_\_\_\_ minutes to leave. If you refuse to move, you will be arrested.

## **H. Approved Tactics and Weapons to Disperse or Control a Non-Compliant Crowd**

1. If negotiation and verbal announcements to disperse do not result in voluntary movement of the crowd, deputies may employ additional crowd dispersal tactics, but only after orders from the Incident Commander or designated supervisory officials. The use of these crowd dispersal tactics shall be consistent with the DASO policy of using the minimal law enforcement intervention needed to address a crowd management or control issue. The permissible tactics to disperse or control a non-compliant crowd include all of the following (not in any specific order of use):

a. Display of law enforcement (forceful presence).

1) Once this tactic is selected, deputies should be assembled in formation at a location outside the view of the crowd. The formation may then be moved as a unit to an area within the crowd's view. This tactic should not be used unless there are sufficient personnel to follow through with dispersal. Do not bluff a crowd. If a display of law enforcement, motorcycles, and police vehicles, combined with a dispersal order is not effective, more forceful actions may be employed.

2) Generally, deputies should be assigned to squads of sufficient size to be effective.

b. Arrests

1) Encirclement and Arrest

a. If the crowd has failed to disperse after the required announcements, deputies may encircle the crowd or a portion of the crowd for purposes of making individual or multiple simultaneous arrests.

b. Persons who make it clear (e.g., by sitting down, locking arms) that they seek to be arrested shall be arrested and not subjected to other dispersal techniques, such as the use of batons or chemical agents.

c. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of control holds.

d. Control holds should only be used when a supervisor or commander determines that control holds are necessary to accomplish the goal after other methods of arrest have failed or are not feasible under the circumstances and when the use of control holds would be a lawful use of force.

e. In the event control holds are necessary, precautions should be taken to assure that arrestees are not injured or subjected to unnecessary or excessive pain. A decision to authorize control holds, and the reasons for said decision, should be documented.

2) Individual Arrest / Multiple Simultaneous Arrest Operations

a. When a large-scale event involving possible arrests is to be conducted, DASO planners will estimate the number of potential arrestees and will configure arrest teams capable of managing multiple arrests safely.

b. Prior to initiating multiple simultaneous arrests, DASO planners should consult with administrators at the Dona Ana County Detention Center in order to facilitate transportation and detention operations, as necessary.



c. When arrests are necessary, the Incident Commander shall attempt to ensure that sufficient numbers of law enforcement are present to effect arrests. This tactic can be effective in dispersing the remaining crowd members wanting to avoid arrest.

d. When multiple arrests are contemplated in advance and it is impracticable for arrestees to be cited at the scene as further discussed below, pre-arrangement of transportation shall be made.

e. The maximum recommended arrest per one (1) deputy is five (5) subjects. Approval for arrests above five (5) must come from the Incident Commander.

f. The Incident Commander shall make the decisions to engage in selective individual arrests or multiple simultaneous arrests as a crowd control technique with consideration given to the following factors:

(a.) The likelihood that law enforcement action will improve the situation relative to taking no action.

(b.) The seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by crowd members.

(c.) Whether individual or mass arrests will be more effective in ending the criminal activity at issue.

(d.) Whether clear and secure escape routes have been established for the crowd and law enforcement.

(e.) Whether communication has been established with crowd representatives.

(f.) What contingency plans are available.

(g.) What types of force can be used in effecting arrests, if necessary.

(h.) Although dealing with passive resistance may frustrate deputies, civil disobedience is usually a nonviolent means of making a political statement, and deputies shall remain neutral, non-antagonistic, and professional at all times in their response.

### 3) Use of Handcuffs

a. All people's subject to arrest during a demonstration or crowd even shall be handcuffed in accordance with DASO policy, orders and training.

b. Deputies should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move, sometimes simply in response to pain from the cuffs themselves.

c. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available. The deputy applying flex-cuffs shall write his badge number in marker on the cuffs whenever used. When arrestees complain of pain from overly tight flex cuffs, deputies shall examine the cuffs to ensure proper fit.

#### 4) Arrest of Juveniles

a. Juveniles arrested in demonstrations shall be handled consistent with DASO policy on arrest, transportation, and detention of juveniles.

#### b. Law enforcement formations and Use of Batons

1) If a crowd refuses to disperse after the required announcements, the police may use squad or platoon formations (skirmish line, wedge, echelons, etc.) to move the crowd along.

2) Batons shall not be used for crowd control, crowd containment, or crowd dispersal except as specified below:

a. Batons may be visibly displayed and held in a ready position during squad or platoon formations.

b. When reasonably necessary for protection of the deputies or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing or jabbing motion. Baton jabs should not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive, refusing to follow lawful commands, or are actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is physically unable to disperse or move because of the press of the crowd or some other physical obstacle.

c. Batons shall only be used as set forth in DASO Policy Use of Force: Impact Weapons and as instructed through DASO training.

d. Deputies shall not intentionally strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the left armpit except when the person's conduct is creating an imminent threat of serious bodily injury or death to a deputy or any other person.

e. Batons shall not be used against a person who is handcuffed.

#### **d. Aerosol Hand-Held Chemical Agents**

1) Aerosol hand-held, pressurized, containerized chemical agents that emit a stream may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.

2) Deputies should not use more the objectively reasonable amount of the chemical agent necessary to overcome the subject's resistance.

3) Aerosol chemical agents shall not be used in a demonstration or crowd situation or other civil disorders without the approval of a supervisor.

4) When possible, persons should be removed quickly from any area where hand-held chemical agents have been used. Deputies shall monitor the subject and pay particular attention to the subject's ability to breathe following the application of OC. As soon as practical, deputies shall obtain professional medical treatment for all persons who have had OC applied to them.

5) A subject who has been sprayed with hand-held chemical agents shall not be left lying on his/her stomach once handcuffed or restrained with any other device.

#### **e. Non Hand-Held Crowd Control Chemical Agents**

1) Crowd control chemical agents are those chemical agents designed and intended to move or stop large numbers of individuals in a crowd situation and administered in the form of a delivery system which emits the chemical agent diffusely without targeting a specific individual or individuals.

2) Chemical agents can produce serious injuries or even death. The elderly person or infant in the crowd or the individual with asthma or other breathing disorder may have a fatal reaction to chemical agents even when those chemical agents are used in accordance with the manufacturer's recommendations and DASO's training. Thus, crowd control chemical agents shall be used only to protect from imminent threat to loss of life or serious bodily injury or as determined by the Incident Commander.

3) Deputies shall use the objectively reasonable amount of chemical agent necessary to obtain compliance.

4) Indirectly delivered or crowd dispersal spray and/or discharge of a chemical agent shall not be used in demonstrations or other crowd events without the approval of a supervisor or Incident Commander.

5) Chemical agents shall not be used for crowd control or dispersal without first giving audible warning of their imminent use and giving reasonable time to the crowd, media, and observers to disperse.

6) If chemical agents are contemplated in crowd situations, DASO shall have medical personnel available prior to their use and shall make provision for decontamination and medical screening to those persons affected by the chemical agent(s).

#### **f. Hand-Thrown Chemical Agents or Pyrotechnic Gas Dispersal Devices**

1) Hand-Thrown chemical agents or pyrotechnical gas dispersion devices shall not be used for crowd control or crowd dispersal without the approval of a supervisor or Incident Commander.

2) The use of hand-thrown chemical agents or pyrotechnic gas dispersal devices may present a risk of permanent loss of hearing or serious bodily injury from shrapnel. Said devices shall be deployed to explode at a safe distance from the crowd to minimize the risk of personal injury and to move the crowd in the direction that will accomplish the objective.

3) Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall not be used for crowd control without first giving audible warnings to the crowd and additional reasonable time to disperse.

4) Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall be used only if other techniques such as encirclement and mass arrest or police formations have failed or will not accomplish the goal as determined by the Incident Commander.

## **I. Weapons Prohibited for Crowd Control**

### 1. Canines

a. Canines shall not be used for crowd control, crowd containment, or crowd dispersal.

### 2. Fire Hoses

a. Fire hoses shall not be used for crowd control, crowd containment, or crowd dispersal.

### 3. Motorcycles and Police Vehicles

a. Motorcycle and police vehicles may not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

### 4. Electronic Control Weapons (ECW's)

a. ECW's such as Tasers or stun guns, shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events.

### 5. Specialty Impact Less-Lethal Weapons

a. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels, Stinger Grenades, and similar munitions).

1) Any and all less-lethal specialty impact weapons designed to be skip fired or otherwise deployed in a non-directional non-target specific manner shall not be used during demonstrations or crowd events.

b. Uses of Direct Fired Specialty Impact Less-Lethal Munitions

1) Direct fired less-lethal munitions (bean-bag rounds, baton rounds, and similar munitions) are designed to be direct fired at a specific target. They should not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events unless there are articulable, extenuating facts that it necessary. These rounds may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive. The decision to use these weapons may only come from the direction of a supervisor.

2). Direct fired less-lethal munitions may be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to others or who are engaging in substantial destruction of property which creates an imminent risk to the lives or safety of other persons. In such instances, direct fired less-lethal munitions shall only be used when other means of arrest are unsafe and when the individual can be targeted without endangering other crowd members or bystanders.

3) The use of direct fired less-lethal munitions must cease when the violent or destructive actions cease. These weapons must not be used for the purpose of apprehension or to otherwise prevent escape unless escape would present a substantial risk of continued imminent threat to loss of life or serious bodily injury.

4) When circumstances permit, the supervisor on the scene shall make an attempt to accomplish the policing goal without the use of direct fired less-lethal munitions as described above, and if practical, an audible warning shall be given to the subject before deployment of the weapon.

5) Any person struck by a round shall be transported to a hospital for observation and any necessary treatment.

6) No deputy shall use direct fired less-lethal munitions without formal training.

7) Direct fired less-lethal munitions shall not be used against a person who is under restraint.

8) Deputies shall not discharge a direct fired less-lethal munition at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.

## **J. Use of Lethal Force**

### 1. Lethal Force

a. The use of lethal force by DASO is governed by the Department's Use of Force policies. Nothing about a crowd control situation eliminates or changes any of the constraints and criteria governing the use of lethal force in the Department's Use of Force policies.

## **K. Documentation**

### 1. Video and Photographic Recording

- a. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
- b. Deputies shall utilize recording devices in accordance with DASO policy In-Car, Video and Body-Worn Cameras.
- c. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with Department policies.

## **REPORTING**

1. The Incident Commander shall ensure that the Sheriff is notified of the incident in a timely manner.
2. DASO deputies involved in demonstrations or crowd events shall prepare offense reports, supplemental reports, and/or use of force reports as required by Department policy.

## **PUBLIC INFORMATION AND THE MEDIA**

1. The media have a right to cover demonstrations, including the right to record the event on video, film, or in photographs.
2. DASO deputies shall accommodate the media in accordance with Department policy.
3. The media shall be permitted to observe and shall be permitted close enough access to view the arrests. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made unless their presence would unduly interfere with the enforcement action.
4. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person or citizen. Said personnel must comply with all dispersal orders similar to any other person or citizen. A supervisor or Incident Commander may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order if circumstances permit and if the person's presence would not unduly interfere with the enforcement action.
5. The media, legal observers, crowd monitors, police liaison, and/or organizers shall never be targeted for dispersal or enforcement action based solely on their status.

## **DEBRIEFING AND AFTER ACTION REVIEW**

### **A. Debriefing**

1. Debriefing is an integral part of this department's processes and should be embedded into organizational learning and development. The debriefing process enables improvements in department operations and supports continuous development of processes, structures, and procedures.
2. There shall be two debriefs following an incident:
  - i. immediately after the incident, supervisors shall meet and debrief the incident with the involved law enforcement, and
  - ii. within forty-eight hours after the incident, the Incident Commander will meet with the supervisors to debrief the incident. The initial debrief between supervisors and deputies may be delayed where it would be counterproductive to meet after a long management of a large incident.
3. The goal during each debrief is to engage in a global conversation about the effectiveness of tactics, equipment, training and any other concerns that may have been implicated during the incident. The debriefings shall be specifically noted during the after-action report.
4. Debriefing do not point the finger or assign blame, although the process may identify weaknesses in an individual's level of knowledge, skills, and abilities.
  - i. Debriefing may also identify weaknesses in the department's systems and processes.
  - ii. Debriefing should promote open and honest discussion but should not compromise any ongoing investigation.
5. This process pinpoints practices that can be identified, discussed, analyzed, and incorporated into organizational thinking and learning, thereby creating valid practices for the future.
6. In essence, the debrief will endeavor to answer these three questions:
  - a. Were we as prepared as we could have been?
  - b. How well did we perform?
  - c. What can we do better in the future?
7. The debrief should occur in a safe location immediately following the conclusion of the incident.
8. All members shall be afforded the opportunity to provide input.

## **B. After-Action Report**

1. An after-action report provides the chain of command with a synopsis of a critical incident, demonstration, or other major event
2. The incident commander of each particular event is responsible for completing the after-action report. If that incident commander is not available, it is the responsibility of the Investigative Services Captain to designate another employee to complete the report.
3. The after-action report shall contain the following information:
  - i. Synopsis of event
  - ii. SRT response
  - iii. Resources involved
  - iv. Successes
  - v. Policy
  - vi. Training concerns
  - vii. Equipment deficiencies and/or needs
  - viii. Tactics review (successes/failures)
  - ix. Lessons learned to apply in future operations
4. Once the after-action report has been completed it will be provided to the chain of command for remediation of any noted deficiencies and review. After this review is completed a copy of the after-action report along with actions taken by the chain of command will be provided to the Professional Standards Division. All after-action reports for SRT activations to first amendment assemblies will be presented to the Professional Standards Division by the event Incident Commander or designee.

## **C. TRAINING**

1. All DASO deputies shall receive training that includes crowd management policy, procedure, and operations.

## **V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
200-067**

**CALEA STANDARD:  
41.3.7 11.4.4**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Department Technology Use

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the use of computers, software and systems.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish parameters for the use of computers, software and systems.

#### III. PROCEDURE:

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by DASO, expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. DASO also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

DASO encourages the utilization of these of Mobile Data Computers (MDC's) whenever it is necessary and appropriate to carry out official duties. Accessing or transmitting messages and personal messages other than for official duties is not permitted.

Unauthorized messages include unnecessary comments or opinions, obscene language, inappropriate jokes, or messages that disparage any person, group, or class of individuals.

Mesilla Valley Regional Dispatch and the Professional Standards Division conduct periodic audits of MDC messages to ensure compliance with this policy.

An employee's Supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof at any time. Permission to request such files must be made through the Sheriff.

When requested by an employee's Supervisor, or during the course of regular duties requiring such information, a member(s) of the County's Information Technology Management staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee, or related to the employee's duties, an alleged or suspected violation of a Department policy, professional audit, or a need to perform or provide a service when the employee is unavailable.

### **Department Property**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any County computer, or through the Department computer system on any other computer, whether downloaded or transferred from the original County computer, shall remain the exclusive property of the Department and shall not be available for personal or non- Departmental use without the expressed authorization of the Sheriff.

### **Unauthorized Use of Software**

DASO's electronic mail (Email) system is a business communication tool and employees are required to use this tool in a responsible, effective, professional, and lawful manner. DASO considers Email an important means of communication and recognizes the importance of proper Email content and speedy replies in conveying a professional image and delivering excellent customer service. In addition, Email is commonly used to convey important Department and County-wide information, updates, and messages. Employees shall check their Departmental Email account each work day for information, updates, and messages and respond to public/internal inquiries in a timely manner. Employees shall check the Email system at least once a work day.

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any Department computer. Employees shall not install personal copies of any software onto any Department computer. Any files or software that an employee finds necessary to upload onto a Department computer or network shall be done so only with the approval of the County IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

### **Prohibited and Inappropriate Use**

Data stored on, or available through Department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate Law Enforcement or Department business related purpose to access such data. Any exceptions to this policy must be approved by a Supervisor.

Internet sites containing information that is not appropriate or applicable to Departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a Supervisor as a function of an assignment. Employees shall not delete their browsing history.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a Supervisor.

Employees shall not utilize any personal electronic device without permission of a Supervisor. Personal cell phones may be used minimally for calls and texts so long as the use does not interfere with the employee's ability to perform ethically, efficiently and professionally. At no time will a personal electronic device be used to capture, transmit, or otherwise record, any crime scene, official document, or conversation in an unofficial manner. Any such use shall be reported immediately to the employee's Supervisor.

Personal email shall not be utilized for County business.

Employees shall not transmit any unauthorized documents or information.

Employees shall never use a personal/private email or software platform to transmit confidential information.

### **Protection of Department Systems and Files**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

The use of an external drive or other media device used to store data must be approved by the Sheriff if taken from the Department. Such approval does not relieve the employee from protecting the data from loss of theft.

### **Introduction of Data or Software to system**

The County's Information Technology Management shall determine configuration of equipment. Installation or removal of any equipment or software must be approved by Information Technology Management with the approval of the Sheriff or his/her designee. Such software authorization and installation includes, but is not limited to operational software and games.

Only software that has been licensed or authorized and hardware acquired or approved by Information Technology Management shall be permitted. Duplication of software is prohibited. Equipment may not be attached to or detached from the network without the permission of Information Technology Management.

This includes the introduction of unauthorized software programs which were not preapproved by Information Technology Management on Department owned mobile, desktop or handheld computers.

Employee shall not manipulate or alter current software running on Department-owned mobile, desktop or handheld computers without prior knowledge of Information Technology Management.

Information Technology Management personnel may reconfigure systems and delete any unauthorized software and data that may be discovered, shall notify the Special Services Captain should a violation of this chapter be detected.

### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**

**300-001**

**CALEA STANDARD:**

**45.1.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES**

**/RESCINDS  
POLICY No:**

**All related  
directives.**

### Crime Prevention

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines concerning crime prevention programs and efforts.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to operate traditional reactive law enforcement, as well as proactive crime prevention programs, in our efforts to reduce crime.

#### III. PROCEDURE

Crime prevention programs implemented by DASO are directed toward the reduction of crime, the anticipation, recognition, and appraisal of crime risks, and the initiation of positive actions to remove or reduce those risks.

##### A. Crime Analysis

Information from crime analysis, community input, and deputy observations is used to target problem areas within the community. Community meetings conducted by employees promote and encourage a concerted effort to identify specific problems and evaluate citizens' attitudes and perceptions.

DASO promotes crime prevention for all citizens and proprietors in areas targeted for such activity. The Patrol Division, in coordination with the Investigative Services, maintains liaison with interested community groups to assist in identifying problems, developing strategies for solutions and prevention, and incorporating those plans and procedures into the crime prevention programs, when applicable.

DASO provides crime prevention input into the development and revision of zoning policies, building codes, fire codes, and residential and commercial building permits, as requested.

**B. Evaluation**

In order to determine the effectiveness of the various programs, a documented evaluation is conducted at least once every three years and is forwarded to the Sheriff.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 300-002	
<b>CALEA STANDARD:</b> 54.1.1, 54.1.2, 54.1.3, 54.1.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Public Information

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish guidelines concerning the release of information to the news media.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to keep the public as reasonably well informed as possible, through timely and accurate dissemination of information to the news media.

#### III. PROCEDURE

The release of information to the media is accomplished in different ways, depending on the news released, the day of the week, and the time of day. Routine news matters are released by the Records Division through the release of computer summaries or copies of Offense, Arrest, and Accident reports. These copies and summaries are available upon request from the Records Division, through the submission of an IPRA (Inspect Public Records Act) request. Should members of the media have additional questions concerning the information provided, they are encouraged to contact the Public Information Officer (PIO).

##### A. Public Information Officer (PIO)

The PIO is responsible for the following functions:

1. Assisting news personnel in covering routine news stories and news coverage at scenes, when necessary;
2. Availability for on-call responses to the news media. The PIO is generally available during normal business hours at the Doña Ana County Sheriff's Office, and is available after hours through the Dispatch Center or by cell phone;
3. Preparing and distributing news releases;

4. Arranging and assisting at news conferences;
5. Coordinating and authorizing the release of information about victims, witnesses, and suspects;
6. Assisting in crisis situations within the agency;
7. Coordinating and authorizing the release of information concerning confidential agency investigations and operations;
8. Coordinating procedures for releasing information when other public service agencies are involved in a mutual effort.

In the event that the PIO is unavailable, the Investigations Services Captains responsible for the PIO duties.

## **B. Communications with the Public Information Officer**

Supervisors should communicate all newsworthy events to the PIO as soon as practical. The PIO makes the decision as to how to release the information. The PIO is on-call 24 hours a day, and is available to respond to the scene of all major incidents, as needed. Incidents for which the PIO should be notified as soon as possible include, but are not limited to, the following:

1. Homicides;
2. Natural and man-made disasters;
3. Incidents of a serious nature involving DASO personnel, including, but not limited to, shootings and serious accidents or injuries;
4. Incidents involving dignitaries;
5. SRT/Bomb call-outs;
6. Other high-profile incidents.

## **C. News Releases**

News releases are issued in response to specific, non-routine events, rather than on a regular basis. The information given is brief, factual, non-biased, and only pertains to the specific event of interest. News releases are produced in a timely manner, and are made equally available to all news media personnel, whether or not it is requested. The common manner for issuing written releases is through the use of a group e-mail to designated media representatives. It is the responsibility of news media agencies to provide current or updated contact information for use in receiving news releases from DASO. When someone other than the PIO makes written media releases, a copy is forwarded to the PIO as soon as possible.

## **D. Policy Revisions**

Members of the media are notified when the contents of this policy are significantly changed or altered in any way. At least annually, the PIO distributes policies related to the Public Information function to the media representatives via e-mail. Media representatives are encouraged to provide feedback on the content of the policies.

## **E. On-Scene Release of Information**

At the scene of an incident, initial news media contacts are handled by the highest ranking supervisor at the scene. When necessary, and should the incident require, supervisors should request that the PIO respond to handle contacts with the media.



## **F. On-Scene Access**

Supervisors are responsible for controlling the access of news media representatives, including photographers, to the scene of major fires, natural disasters, other catastrophic events, and the perimeter of crime scenes. Whenever possible, an area should be designated to accommodate the media in their efforts to gather information. Media representatives will remain outside the scene perimeter, unless led into the scene by the PIO or their representative, if the situation allows. If an occasion arises in which a media representative jeopardizes, or otherwise hinders, an investigation, notification, including documentation of the incident, is made up the chain of command to the Sheriff. In such instances, media personnel should be immediately removed from the scene, if the situation requires such action.

## **G. Released Information**

Records personnel will be responsible for ongoing routine release of records to the media in accordance with this policy.

Information which is not confidential, or which would not hamper an investigation or jeopardize anyone's rights, may be released to the media. Such information includes:

1. Facts of an incident, such as the date and time of occurrence, location, the nature of the incident, and the basic circumstances of the incident. Caution should be taken not to release information vital to the case investigation.
2. The name of persons arrested by members of DASO.
3. The arrestee's physical description, age, and city of residence. Under circumstances where more specific information is required, such as to prevent undue confusion with names of common occurrence, the media may request the arrestee's complete date of birth.
4. Date and time of arrest.
5. Location of arrest.
6. Date, time, and location of booking.
7. A synopsis of the factual circumstances surrounding the arrest.
8. Amount of bail.
9. Time and manner of release, or location where the arrestee is being held.
10. All charges the subject is being held on, including warrants, parole, or probation holds.
11. Identification of any suspect(s) for whom a warrant has been issued.

## **H. Release Restrictions**

Since no significant law enforcement or public interest would be served, the following information is not normally released by employees of DASO:

1. Opinions about a defendant's character, guilt or innocence.
2. Admissions, confessions, or the contents of a statement or alibi attributable to the defendant.
3. References to the result of any investigative procedure such as fingerprints, polygraph examinations, ballistic tests, or laboratory examinations.

4. Statements concerning the credibility or anticipated testimony of prospective witnesses.
5. Opinions concerning evidence or arguments of the case, whether or not it is anticipated that such evidence or argument will be presented at trial.
6. Identity of a child victim who has been neglected or abused, or family in need of services.
7. The refusal or failure of the accused to submit to any test or examination, with the exception of chemical tests relating to persons arrested for D.W.I.
8. The identity, testimony, or credibility of a prospective witness.
9. Supposition about the motive in a crime.
10. The name of a victim of a sex crime.

#### **I. News Conference**

If the need for information is such that a media conference is warranted, the Office of the Sheriff or PIO will make arrangements, and assist the media and department personnel in setting up a news conference.

The Sheriff will designate the department spokesperson for a media conference, based on the facts and circumstances surrounding the incident.

#### **J. Social Media**

Information released on social media on behalf of DASO will get the approval of the Sheriff or his/her designee prior to posting.

#### **K. Inter-agency Cooperation**

When DASO is involved in a mutual effort with other agencies, it will be the responsibility of the agency with the primary jurisdiction to release information and coordinate with the media.

DASO will only participate in the release of information at the request of the initiating agency.

#### **L. Training**

Individuals who take over the position of PIO will receive training to assist with understanding the position.

### **IV. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
300-003**

**CALEA STANDARD:  
41.2.5**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Amber Alert

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide protocols for employing the assistance of local radio and television stations to interrupt normal programming and request public assistance in locating children who have just been abducted (Amber Alert).

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to develop an Amber Alert program by establishing a cooperative effort between law enforcement and media outlets to assist in locating children who have just been abducted.

#### III. APPLICABILITY

This policy is applicable to all sworn deputies of DASO, and any agency entering into a mutual aid agreement with DASO.

#### IV. PROCEDURE

- A.** For purposes of an Amber Alert, child abduction is defined as an incident in which a child is reported to be involuntarily missing from the person having care-taking responsibilities for the child. Absent an eyewitness to the abduction, there should exist reliable evidence that the child's disappearance was not voluntary. The Amber Alert should not be used for cases involving runaways, missing children in which there is no evidence of foul play, or custody disputes that are not reasonably believed to endanger the life or physical health of a child.
- B.** The Amber Alert program is designed to solicit assistance from the public in the identification and location of abducted children, when there is a credible threat to the children's safety. DASO will provide media outlets with critical information

concerning confirmed child abductions, which might assist in locating the victim. Through a cooperative effort between law enforcement and the media, information concerning the abducted child and any suspect information will be broadcast throughout the state of New Mexico.

**C.** Participation in this program by New Mexico broadcasters is entirely voluntary and at the discretion of each broadcast station.

**D.** Activation of the Amber Alert must meet all of the following criteria:

1. The abducted child must be 17 years of age or younger, or have a proven mental or physical disability.
2. There must be evidence of an actual abduction of a child. This does not include a child who is a runaway.
3. There must be a credible reason to believe the child is in immediate danger of serious bodily harm or death.
4. There must be enough descriptive information about the child, the suspect, and/or the suspect's vehicle, to believe an immediate broadcast will assist in the location of the child or suspect. When a report of a possible child abduction is made, the deputy investigating the incident will gather as much information as possible from the person making the report, in order to determine if the incident meets criteria for activating the Amber Alert. If all criteria are met, DASO's on-call Public Information Officer (PIO) is notified, and the PIO will then be responsible for initiating an Amber Alert, via the Emergency Alert System (EAS). Participating media outlets will break into programming to relay the information to the public, as soon as possible, in an effort to find the child before harm occurs.

**E.** The EAS is a federal communications system designed to inform the public in the event of a civil emergency. EAS messages, when accepted by participating radio and television stations, pre-empt local programming and are preceded and concluded with distinctive alert tones. In the event of an Amber Alert, the PIO contacts 770 KKOB (AM) Radio, the state's primary station for the New Mexico EAS, using one of the following unpublished telephone numbers: (505) 767-6770 or (505) 767-9189. Additional contact information for KKOB Radio is as follows:

KKOB Radio- Director of Engineering  
500 4th Street NW, 5th Floor  
Albuquerque, NM 87102  
Office # (505) 767-6763  
Cell # (505) 238-8810

**F.** Upon receipt of an activation request, KKOB will ask the calling law enforcement official for their name and pre-established four-digit code number. Only if the name and code number match those on file with KKOB will the request be accepted. DASO's officials authorized to activate an Amber Alert include the Sheriff, the Undersheriff, PIO, and the captains. KKOB will broadcast the EAS Alert as a Civil Emergency Message (CEM) event for the entire state of New

Mexico. Additionally, in the event of a child abduction, the PIO will direct the Mesilla Valley Regional Dispatch Authority (MVRDA) to send an all-points-bulletin (APB) teletype to all New Mexico law enforcement agencies, notifying them of the Amber Alert. The teletype will contain all pertinent information necessary for other agencies to properly inform their personnel. It is possible that the broadcast of an Amber Alert will immediately generate a high volume of calls from the public. Prior to activating the Amber Alert, the PIO is responsible for notifying the MVRDA that an Amber Alert will be activated. MVRDA will then establish a phone number for citizens to call with information, and incoming calls will initially be handled by MVRDA. MVRDA will monitor the call load, and will determine whether there is a need to establish a separate call center to answer the incoming Amber Alert calls. If a decision is made to establish a call center, the PIO will be responsible for establishing the location of the call center, and ensuring that the call center is adequately staffed to handle a high volume of calls simultaneously. Once a call center has been adequately staffed, the phone lines are transferred to that location, and the call center will begin answering all calls to the designated Amber Alert phone line.

- G.** The PIO is responsible for preparing the information to be contained in the Amber Alert, including the name, age, sex, physical description and clothing description of the victim and the suspect, vehicle description, possible direction of travel, location, and time last seen. DASO's name and telephone number for the public to call will also be included in the Amber Alert, which should be no more than 30 seconds in duration. The Amber Alert Press Release Form may be utilized by the on-call PIO in drafting the information to be contained in the Amber Alert.
- H.** Once an Amber Alert has been activated, the PIO is responsible for updating the Amber Alert as additional information becomes available. The PIO is responsible for canceling the Amber Alert, when appropriate. The activation of an Amber Alert requires that designated DASO personnel immediately execute pre-defined tasks in a coordinated and efficient manner. Therefore, it is essential that all personnel who potentially have a role in an activation are thoroughly trained in their assigned functions. Such training is conducted regularly to ensure the preparedness of any newly assigned personnel.
- I.** This policy is reviewed annually to determine the need for any updates to the information it contains

**V. APPROVAL**



PROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 300-004	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Alternative Methods of Communication

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines and usage of alternative methods of communication.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide for and utilize alternative methods of communication to ensure effective and efficient communication of employees.

#### III. PROCEDURE:

##### Cellular Telephones:

Employees of the Dona Ana County Sheriff's Office may utilize cell phones as a method for alternative communication to carry out official duties of the office. A roster of cell phone numbers is provided to DASO personnel and to the Mesilla Valley Regional Dispatch Authority.

##### Email and Internet Access:

The Dona Ana County Sheriff's Office may also utilize e-mail as an alternative method of communication. E-mail may be used in the normal day-to-day business operations of the Dona Ana County Sheriff's Office to carry out directives and communicate with employees. Employees shall check their emails daily to aid in the communication of DASO.

##### Desktop Computers or Mobile Data Terminals (MDT's):

The Dona Ana County Sheriff's Office encourages the utilization of desktop computers and mobile data terminal devices whenever it is necessary and appropriate to carry out official duties. Accessing or transmitting messages or personal messages other than for official duties is not permitted. Unauthorized messages include unnecessary

comments or opinions, obscene language, inappropriate jokes or messages that disparage any person, group, or class of individuals.

With the exception of Windows updates and anti-virus software updates, only software programs loaded by the IT Supervisor or their designee is allowed. Unauthorized software or other files may not be downloaded to any computer provided to employees by the County.

Periodic audits of MDT messages are conducted by the Mesilla Valley Regional Dispatch Authority to ensure compliance.

**Automatic Vehicle Location System (AVL):**

The mobile data terminal devices utilized by DASO patrol personnel are equipped with Global Positioning System (GPS) capabilities to track the location of employees' assigned vehicles while on duty. Supervisors, DASO employees and dispatchers may access an MDT to view the course of a deputy for safety purposes and to improve the efficiency of directing them to calls for service.

Personnel who are equipped with an AVL system are prohibited from knowingly deactivating, turning off, or otherwise disabling the GPS capability unless authorized by the Sheriff or his/her designee.

Additionally, if an employee has knowledge or is made aware that their AVL system is not functioning properly, they shall notify their immediate supervisor and contact the IT division as soon as reasonably possible.

**Use of Devices While Operating a Motor Vehicle:**

The use of cellular telephones and MDT's shall not interfere with the employee's safe and efficient performance of his/her duty. Employees are prohibited from texting and using MDT's when the vehicle is in motion.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>300-005</b>	
<b>CALEA STANDARD:</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Privacy and Confidentiality Restrictions

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### **I. PURPOSE:**

To provide limitations concerning privacy and access to potentially confidential materials in various supervisory work areas.

#### **II. POLICY:**

It is the policy of the Doña Ana County Sheriff's Office (DASO) to limit the access of subordinates to the work areas of supervisors, including, but not limited to, offices, desks and contents, vehicles, digital storage media and computer files.

#### **III. PROCEDURE:**

Supervisors, as a part of their work assignments, use and maintain confidential information regarding employee performance and wellness. Information of such a nature is not for public dissemination. For this reason, employees are expected to respect the work areas of DASO supervisors at all times. Supervisors have an expectation of privacy concerning their work areas and subordinates are restricted from invading that area of privacy.

Employees are not to manipulate or view computer workstations, enter closed drawers or files, examine documents or files, copy or open digital storage media, or otherwise invade the private working areas of a supervisor without permission from the affected supervisor.

Employees reading, viewing or otherwise experiencing material they know, or should know was likely obtained by means that would violate this policy, could be considered in violation of this policy and are required to immediately notify a supervisor of the infringement of the confidential information.



Common sense, courtesy and good judgment will be the guide when establishing violations of privacy. Supervisors shall exercise practical measures to ensure that matters of a confidential nature are protected so that employees who are legitimately in the supervisor's work space are not exposed to confidential material.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart - Doña Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
300-006**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Limited English Proficiency

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for employees to follow to ensure effective communication between agency personnel and the community they serve.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to effectively and accurately communicate with the community in which we serve. Language barriers can sometimes inhibit or even prohibit effective communication and can present DASO with safety, evidentiary, and ethical challenges.

#### III. DEFINITIONS:

**Primary Language-** An individual's native tongue or the language in which an individual most effectively communicates.

**Limited English Proficiency-** Individuals, who have limited ability to read, write, speak or understand English as a primary language.

**Interpretation-** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Translation-** The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

**Bilingual-** The ability to use two languages proficiently.

**Language Line-** The Dona Ana County Sheriff's Office utilizes the language line service Voiance.

**IV. PROCEDURE:**

**Personnel requesting Interpretation Services:**

Personnel in need of interpretation services will attempt to identify the LEP individual’s primary language. The primary method of translation should be the use of the language line Voiance. In order to use this service, the employee will notify dispatch and request the assistance of Voiance. Once connected to Voiance, the employee will be asked for the language needed and a brief explanation of the call.

The employee shall, if possible, make sure their telephone is on speaker phone so all parts of the conversation can be recorded. It is important the employee records all calls as possible either by body worn cameras, in-car camera systems, or any other alternative means of recording.

**Temporary Interpreters**

Circumstances may exist where personnel can use the most reliable, temporary interpreter available, such as bilingual personnel. Examples may include, but not be limited to:

1. The need to obtain descriptive information on a suspect, identifying injuries, or in dealing with a combative subject. This method should only be used when the language line is unfeasible or unavailable.

**The use of Family Friends and Bystanders as Interpreters:**

Circumstances may exist where personnel can use family, friends or bystanders for interpreting in very informal, non-confrontational circumstances. Be aware that using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring an exigent circumstance, personnel should not use minor children to provide interpreter services. This method should only be used when the language line is unfeasible or unavailable.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 300-007	
<b>CALEA STANDARD:</b> 46.2.4	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Law Enforcement Assisted Diversion Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide the Law Enforcement Assisted Diversion (LEAD) program policy and procedure. The LEAD program allows deputies to utilize their discretion to divert low-level offenders, whose real issues are drug dependency, mental illness, or homelessness, away from the criminal justice system and into services that the criminal justice system is not equipped to provide.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain and actively participate in the LEAD program, as well as to train all sworn personnel in the principles of harm reduction and LEAD. By improving public health and public safety, we can reduce future harm and criminal behavior caused by individuals engaging in low-level crime and minor drug offenses.

#### III. DEFINITIONS:

**Harm Reduction:** The goal of the Law Enforcement Assisted Diversion (LEAD) program is improving public health and public safety by reducing future harm and criminal behavior caused by individuals engaged in low level crime and minor drug offenses.

**Diversion:** The LEAD program diverts eligible individuals from prosecution and incarceration, and has been proven effective at reducing recidivism and improving public safety than traditional criminal justice approaches.

**Partnerships:** The Dona Ana County Sheriff's Office will actively build partnerships with local government agencies, community outreach services, businesses, and others to develop the LEAD program.

**Recovery Support Specialist:** The recovery support specialist provides recovery support and care navigation services to people involved in or at risk of becoming involved in the criminal justice system. They are responsible for encouraging clients to engage in treatment, assisting them in accessing health and social services resources and tracking clients' progress towards program or treatment goals.

**Restorative Justice:** a system of criminal justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.

**Offender:** person who commits an illegal act. Probable cause exists for the arrest of the person to be referred to LEAD. Once referred and accepted, they are a LEAD participant.

**LEAD Participant:** A person that has been referred to and accepted into the LEAD program.

**Complainant:** A person who requested law enforcement respond to suspected criminal activity or for assistance in a civil matter.

**Victim:** A person harmed, injured or killed as a result of a crime, accident or other event.

#### **IV. PROCEDURE:**

It is imperative that DASO employees be acquainted with and trained to actively participate in the LEAD program when the opportunity presents itself as a viable solution. When possible, reduction, diversion, and a partnership mentality are the principles of the LEAD program should be utilized. By improving public health and public safety, we can reduce future harm and criminal behavior. The Dona Ana County Sheriff's Office will focus on offenders that are eligible for the LEAD Program and with the victim's approval will emphasize on Restorative Justice. In doing this, the Dona Ana County Sheriff's Office, in partnership can provide offenders with opportunities for crime diversion as opposed to incarceration.

#### **ELIGIBILITY CRITERIA:**

The complainant or victim must be willing to decline prosecution, if applicable, to allow the offender to proceed with the diversion processes; who committed an offense(s) in relation to an alcohol, drug, poverty, homelessness, or mental health related need. Additionally, the person to be diverted, must be a resident of Dona Ana County and show proof of residency.

##### **1. Pre-Arrest Diversions:**

- a. Adults who have a known history of alcohol, drug, poverty, or mental health related needs, will be eligible for referral to LEAD, and should be referred to LEAD in the pre-arrest phases, when probable cause exists that the individual committed any of the following offense(s):

**2. Possession of a Controlled Substance;**

- a. Personal use Schedule I or II substances will be cleared with an on-call Metro agent and the District Attorney's office.

**3. Non-Violent Misdemeanor(s);**

- a. Theft (shop lifting), Larceny

**EXCLUSION CRITERIA:**

Juveniles are not eligible in participation in LEAD. Adults shall be considered temporarily ineligible for diversion to LEAD if, at the time of initial contact, the individual meets any of the following criteria:

1. There is probable cause to believe the individual committed a felony, any type, except Criminal Possession of a Controlled Substance and a Metro Narcotics agent approves the diversion.
2. A criminal history check (Triple I) determines they have violent criminal convictions.
3. There is probable cause to believe the individual violated an order of protection.
4. There is probable cause to believe the individual committed a domestic violence offense.
5. The individual needs acute emergency care and is taken into custody under NMSA 43-1-10, 43-2-8, in accordance GO 245 Assisting the Mentally Ill.
  - a. Protective custody does not automatically exclude individuals from being eligible for LEAD. Instead, it only excludes the individual from being eligible at the time of that initial contact due to the immediate need to address the individual's acute or emergent medical/psychiatric needs.
  - b. In cases where follow-up is needed for the individual to participate in the LEAD, the CIT liaison Sergeant shall be notified.
6. In keeping with the Harm Reduction Philosophy, it is important to the Dona Ana County Sheriff's Office that the victims of a crime agree with the referral of a suspect to LEAD. This cooperation from the victim is required.
7. Any individual participating as a confidential informant is NOT be eligible for LEAD diversion.
8. Individuals shall be permanently disqualified from the LEAD Program if they have ever been convicted of any of the following offenses, including attempts:
  - a. Homicide (all Offenses);

- b. Criminal Sexual Penetration;
- c. Criminal Sexual Contact;
- d. Arson;
- e. Robbery (all offenses);
- f. Aggravated Assault with a Deadly Weapon;
- g. Aggravated Battery with a Deadly Weapon;
- h. Aggravated Stalking;
- i. Kidnapping;
- j. Any criminal offense involving a deadly weapon;
- k. Aggravated Burglary; or
- l. Vehicular Homicide.

**WARRANTS:**

1. Out of Agency Warrants:
  - a. If an individual has an active out of agency warrant, and the agency can extradite, the individual shall not be considered eligible for LEAD, at this time, and shall be processed according to current DASO policies.
2. Local (County or City) Warrants:
  - a. If an individual has an active local warrant, the individual may be considered eligible for LEAD, as long as all other LEAD eligibility/exclusionary criteria is met, and the active warrant can be satisfied by the individual's appearance in court. It shall be noted that the LEAD intake process shall not begin until after the warrant is satisfied in the applicable court.

**LEAD PROCEDURES:**

1. The complainant/victim, if known must be willing to decline prosecution.
2. The arresting deputy shall conduct a background check to see if the individual has any disqualifying criminal history. If the individual does not, the deputy may divert the individual with the understanding the DA's office may determine the candidate is not eligible. If a candidate is determined not eligible at a later date, the deputy shall attempt to obtain a warrant.

3. The arresting deputy shall determine, based upon the stated eligibility/ineligibility criteria, whether an individual under arrest will be diverted to LEAD.
4. After confirming eligibility, the individual can either accept or decline the offer to participate in the LEAD program.
  - a. If the individual declines, they will be formally booked/processed, in accordance with current DASO policies.
  - b. If the individual accepts, the deputy can choose to either process the diversion at the scene (field diversion) or transport the individual to the Dona Ana County Sheriff's Office for diversion processes, in accordance with the below directives.

**LEAD Intake Procedures - Field Diversions:**


1. Verify the individual's identity,
2. Verify the individual is a county resident,
3. Conduct a warrant check,
4. Conduct a criminal history check. If the individual's criminal history contains an ineligible conviction(s), they shall be considered ineligible for LEAD and shall be booked/processed in accordance with current DASO policies.
5. Contact the LEAD Recovery Support Specialist and complete the front page of LEAD diversion form.
6. Release the LEAD participant to the Recovery Support Specialist (RSS) or on their own recognizance with the understanding, they will contact the RSS within 72 hours. If the offender does not contact RSS, the initial contact deputy will seek a warrant.
7. For field diversions, the RSS can either meet the deputy at the scene or the deputy can transport the individual to the RSS.
8. Once complete, e-mail the LEAD diversion form and photo of client to LEAD@donaannacounty.org
9. Forward all original paperwork to Records.
10. Return to service radioing dispatch and closing out the call for services with, "Diverted to LEAD".



### **Social Contact Referral or Self-Referral**

1. A social referral or self-referral is when a deputy encounters an individual who meets the eligibility criteria for LEAD, but is not committing or has not committed a criminal offense.
2. Individual's deputies encounter regularly and whom the deputy believes the LEAD program would be beneficial.
3. The individual must meet the eligibility criteria and not meet any of the exclusionary criteria.
4. The individual must be willing to be transported to the Dona Ana County Sheriff's Office if needed, to complete the LEAD Intake Assessment and meet with a case manager within three days.

### **V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:  
400-001**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Administrative Leave with Pay

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide a procedure for the implementation of administrative leave with pay in appropriate personnel matters within the Doña Ana County Sheriff's Office (DASO).

#### II. POLICY

It is the policy of DASO to consider administrative leave with pay for employees, to allow a fair and impartial investigation of allegations of criminal misconduct, serious violations of County or DASO policy, or in emergency situations.

#### III. PROCEDURE

- A.** The duties and functions of DASO are unlike the duties or functions of any other department within Doña Ana County government, in that DASO is a law enforcement agency is charged by law with duties and responsibilities of an extremely sensitive nature, and occupies a position of unusual public trust.
- B.** The Sheriff is entitled to the utmost confidence and trust in the personnel of this department.
- C.** The Sheriff shall have discretion in requesting the imposition of administrative leave with pay pending an investigation of DASO personnel in the case of allegations of criminal misconduct, serious violations of Doña Ana County or DASO policy, or in emergency situations.
- D.** The imposition of administrative leave with pay is not a disciplinary sanction within the legal definition, nor should any person within the purview of DASO or Doña Ana County regard it or represent it as such.

- E.** The imposition of administrative leave with pay pending an investigation is essential to the orderly and efficient management of the affairs of DASO.
- F.** Doña Ana County policy addresses administrative leave with pay and vests the Doña Ana County Manager, or his/her designee, with final authority to approve administrative leave with pay.
- G.** In all cases involving allegations of criminal misconduct, serious violations of Doña Ana County or DASO policy, or in emergency situations which, if substantiated, would result in the imposition of a suspension of three or more days, the Sheriff may request the employee placed on administrative leave with pay, pending an investigation of the allegations.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-002	
<b>CALEA STANDARD:</b> 22.8.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Sexual Misconduct

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines to protect employees and citizens against sexual misconduct.

#### II. POLICY

The Doña Ana County Sheriff's Office (DASO) does not tolerate sexual misconduct, whether on or off duty.

#### III. DEFINITIONS

Position of Authority: A position of authority is a position that wields influence or control over a person. For examples, for DASO employees, this is often a higher ranking person, such as a field training officer (FTO), supervisor, instructor, mentor (as defined by policy), coordinator, or lead instructor. For public citizens, any law enforcement personnel can potentially be considered a position of authority.

Probationary Employee: A probationary employee is a new, at-will employee who is being tested, measured, and observed to enable DASO to determine the suitability of the employee for its purposes.

Probationary Period: A probationary period is a trial period when the at-will probationary employee learns the job, proves that he or she is suitable for regular employment as a permanent employee, and meets the standards set by DASO.

Subordinates: Personnel are considered subordinates of another employee when they are lower in rank/position/authority.

#### IV. PROCEDURE

All DASO employees will adhere to both this policy and the Doña Ana County HR policy 2-2. Discrimination and Harassment.

It is not possible for all forms of sexual misconduct to be listed or defined in this policy, but sexual misconduct can be generally defined as:

- 1. Behavior by any employee that takes advantage of his or her position as a law enforcement officer/employee to misuse or abuse his or her authority or power in order to commit a sexual act, initiate a sexual contact, or to respond to a perceived sexually motivated cue from another person; or*
- 2. Communication or behavior by an employee that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming and which violates general principles of acceptable conduct common to the law enforcement profession.*

The various forms of sexual misconduct by law enforcement, including those which may be construed as criminal acts, may be directed at colleagues, coworkers, citizens, detainees, juveniles, crime victims, or witnesses. Examples of sexual misconduct may include, but are not limited to, the following:

1. Sexual shakedowns (e.g., extorting sexual favors in exchange for not ticketing or arresting a citizen);
2. Gratuitous physical contact with suspects (e.g., inappropriate or unnecessary searches, frisks, or pat-downs);
3. Sexual contacts while on duty (of any kind, including those with a spouse);
4. Sexual harassment of colleagues, coworkers, or employees, contractors, or general service providers who consistently provide services for Doña Ana County;
5. Voyeuristic actions that are sexually motivated (e.g., looking in windows of residences for sexually motivated reasons);
6. Unnecessary contacts or actions taken by employees for personally and/or sexually motivated reasons (e.g., unwarranted call backs to crime victims, making a traffic stop to get a closer look at the driver for non-professional reasons);
7. Engaging in or participating in sexual relations with persons who were initially contacted in the course of official duties;
8. Unnecessary contacts, actions, or engagements from supervisors, mentors, instructors, and field training officers, with any employees for personally and/or sexually motivated reasons (e.g., engage in phone calls, conversations, text messages, social media messages, or sexting, to gain the affection of the other employee).

Public displays of affection by any employees with any other individuals are also highly discouraged while in uniform or in a DASO vehicle.

## **Prohibited Actions**

Sexual misconduct of any nature is strictly prohibited, and, if proven, could result in disciplinary action, including termination.

Employees in a position of authority (including supervisors, mentors, field training officers, and instructors) shall not welcome, accept, allow and/or engage in any activity or conduct of a sexual nature, or pursue or solicit employees or with those they directly supervise (the disparity of implied or presumptive power between the two employees inherently makes this an unequal relationship).

Employees, while acting under color of authority or representing DASO, shall not extort, encourage, offer, accept, or engage in sexual favors.

Employees shall not engage in any on-duty activity of a sexual nature.

Employees shall not engage in any activity of a sexual nature at, or in, a DASO workplace or vehicle.

These restrictions may not apply while employees are in the performance of official duties or investigations, with the knowledge of their supervisors (e.g., during an undercover sting operation involving prostitution).

## **Supervisor Responsibilities**

Supervisors are in a unique position to detect warning signs and patterns that may indicate sexual misconduct by their subordinates. As such, they must act immediately to address the behavior in question. Upon receiving a complaint, including anonymous complaints, or those from third parties, or when an employee demonstrates signs and patterns that may indicate sexual misconduct, supervisors will immediately notify the chain of command.

## **Reporting Sexual Misconduct**

All reports of duty related sexual misconduct will be forwarded to the Sheriff or his or her designee. Employees who witness sexual misconduct shall immediately notify a supervisor. Should a supervisor be involved in the incident, the report shall be made to the next level in the chain of command.

## **Victim Advocacy**

All victims of sexual misconduct by employees shall be treated with professionalism and dignity. Allegations shall be taken seriously throughout the investigation process, regardless of the victim's background, criminal history, or perceived lack of credibility, or questionable behavior.

**Self-Disclosure Clause**

DASO encourages and advocates for individuals to be forthcoming in the case where a consensual sexual relationship is formed between coworkers, and they are distressed about their relationship being contradictory to policy. In the event a sexual relationship develops between any employees, and they are concerned it may be in violation of this policy, they are strongly encouraged to disclose their relationship with their direct department supervisor, or another supervisor, as soon as possible. Doing so may provide the employee with an opportunity to receive guidance that might potentially affect the outcome, versus if the sexual relationship is exposed or identified in a manner that brings DASO or any of the involved employees into an unfavorable light. This does not include situations that warrant an investigation of sexual harassment in the workplace, a hostile work environment, or any other criminal act.

Any employee who is in violation of this policy is subject to discipline up to, and including, termination.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-003	
<b>CALEA STANDARD:</b> 33.8.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Career Development Program

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#### I. PURPOSE

The purpose of this policy is to establish a Career Development Program (CDP) available to all personnel of the Dona Ana County Sheriff's Office (DASO).

#### II. POLICY

It is the policy of DASO to foster the improvement of personal skills, knowledge, abilities, and overall wellness of department personnel, through the CDP, so they may successfully perform agency tasks and fulfill career goals.

#### III. PROCEDURE

##### Career Development Program (CDP)

The CDP is voluntary and is designed to highlight specific opportunities for individual growth, at all levels, and to improve overall job satisfaction and performance. The overall objectives of the CDP are to provide training and counseling so that employees may attain short term and long term career goals. The program will utilize internal and external trainings, as well as various personal development opportunities, through the aid of their supervisor. CDP is monitored by the Professional Development Division and reviewed and updated annually by the Professional Development lieutenant. The Employee Development Advisor will maintain resources, and continually seek out trainings and opportunities that can benefit deputies in their personal and professional lives.

##### Career Development Program Components

The CDP is designed to create awareness and foster participation in programs focused on the employee's overall health, wellbeing, and career growth. Employees will begin this development process as soon as they are hired. Every new employee is given a



mentor for an extended period of time, when they begin their career with DASO. The DASO Mentor Program is designed to help expedite the acclimatization of individuals into DASO, provide individuals the tools and knowledge for successful development, and promote the core values of the agency. See Mentor Program Policy for further information.

Another aspect of the CDP is overall fitness and health of the employee. The Training Division is responsible for locating and promoting various educational opportunities focused on physical fitness and nutrition. Deputies may also participate in annual physical fitness testing, as prescribed in the General Health and Physical Fitness policy.

The CDP also focuses on promoting continuing education. The Training Division will actively seek out opportunities and resources for employees. These may include developing partnerships with colleges and universities, identifying potential scholarship opportunities, scheduling school representatives to meet with employees, and directing employees to various resources to help answer questions.

DASO's bid system for Patrol is one year in length, in order to make educational endeavors possible. This enables deputies to bid shifts and days off to accomplish their educational needs. Employees wishing to pursue educational opportunities are eligible for tuition reimbursement, in accordance with the HR policy 7-11. Educational Assistance Program.

The Professional Development Division is responsible for finding and scheduling various trainings that are directed towards the career development and the overall wellness of the employees. This is done by utilizing the briefing training opportunities during the shift overlap day each week. The Training Division sergeant will maintain the briefing training calendar, and work with the different divisions of DASO to ensure that scheduling conflicts do not occur, and information is being properly disseminated.

The Training Unit makes current listings of training opportunities available to all deputies. A list of available training schools, classes, workshops, and seminars are posted through department email, and in high traveled areas around the department. All employees are encouraged to avail themselves of these training opportunities.

It is recommended that employees develop a written career plan with goals, ranging from short to long term. Through use of this plan, the supervisor may assist the employee in selecting college classes and other available training. During the annual performance evaluation and midyear career development meeting, supervisors and employees review the individual employee's training record and written goals. This is accomplished during the evaluation interview, to properly assess the employee's progress toward the achievement of their career objectives. The employee should feel free to change career focus should a new interest arise.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-004	
<b>CALEA STANDARD:</b> 35.1.9	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Early Intervention System

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide a system to help identify behavior or performance related concerns.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to conduct a systematic review of complaints, shift matters, chargeable accidents, motor vehicle pursuits, and incidents involving use of force, in order to behavior or performance related concerns.

#### III. PROCEDURE

A. DASO has a responsibility to its employees and to the community to identify and address behavior and/or performance related concerns. It is important that certain criteria be routinely reviewed as possible indicators of behavior patterns. In order to highlight tendencies that may otherwise be overlooked, the Early Intervention System has been established to provide a systematic review of citizen complaints, shift matters, chargeable accidents, motor vehicle pursuits, internal investigations and incidents involving use of force. The Early Intervention System is the responsibility of the Professional Standards Division.

##### B. Report Composition

Quarterly and annual reports are prepared by the Professional Standards Division. The reports outline personnel complaints, shift matters, chargeable accidents, motor vehicle pursuits, and use of force incidents. These reports contain the names of employees who have received a specified number of

incidents in the established areas, as follows:

1. Quarterly Report

A quarterly report is generated which contains the names of employees who have received two or more incidents involving any of the following; external complaints, internal complaints, shift matter incidents, use of force (level 2 or higher), forced entry, show of force, vehicle pursuits, and vehicle crashes within the quarter.

2. Annual Report

An annual report serves as a secondary system to the quarterly report. It contains the names of employees who have received four or more incidents involving any of the following; external complaints, internal complaints, shift matter incidents, use of force (level 2 or higher), forced entry, show of force, vehicle pursuits, and vehicle crashes within the annual review. It identifies those employees who do not meet the criteria for the quarterly reporting period, but are showing a pattern within the reporting year that warrants review.

Each report contains a brief profile of the incidents. The profile for complaints include the employee's name, the case intervention number, the date of the incident, the name of the complainant, the nature of the complaint, and a disposition. The profile for incidents involving use of force contains the employee's name and the case number of the incident.

The Early Intervention System reports make no conclusions or determinations concerning job stress or performance problems. The reports are used by supervisors as a resource in helping to determine if job stress or performance problems exist. They are designed as a resource to assist supervisory personnel in evaluating and guiding the employee. The system is designed to identify and reduce job stress or performance related problems.

### **C. Report Review**

Early Intervention System reports are disseminated to the employee's chain of command for review. It is the responsibility of the employee's immediate supervisor to ensure that the review is conducted. In order for a fair and meaningful assessment to be made, the review consists of an evaluation of the report data, other relevant criteria, and information obtained through a conference with the employee. The following relevant criteria are considered risk indicators, which are used in the review:

1. Performance Evaluations;
2. Resisting arrest cases;
3. Battery on an officer cases;
4. Employee Injury Reports;
5. Pursuits;
6. Department vehicle accidents;

7. Civil litigation;
8. Disciplinary entries in the employee's working or personnel file;
9. Sick leave usage;
10. Officer-involved shootings;
11. Personality changes, life style changes, and other personal issues;
12. Training deficiencies;
13. Policy comprehension;
14. Other factors.

#### **D. Report Determination**

The employee's chain of command, up to the Sheriff, jointly makes a final determination, based on an assessment of the review and analysis. Determinations result in one or more of the following alternative measures:

1. Assessment that no problem exists, terminating further action;
2. Counseling by the immediate supervisor;
3. Remedial training;
4. Detailed policy review;
5. Referral to the Employee Assistance Program for counseling or referral assistance;
6. Referral to substance abuse screening if reasonable suspicion exists;
7. Referral to psychological or medical fitness for duty examinations in accordance with applicable policy;
8. Other corrective or disciplinary action, as deemed appropriate.

A summary of the supervisory review and analysis determinations is completed by the employee's immediate supervisor within 15 days of issuance of the Early Intervention System report. The final report and determination is then forwarded to the Professional Standards Division, who maintains the Early Intervention System. The summary includes a listing of any relevant criteria which was discovered through the review process, any information obtained through the employee conference, determination results, and recommendations.

#### **E. Annual Evaluation**

The Professional Standards Division conducts a documented annual evaluation of the Early Intervention System to ensure that the system meets the needs of DASO. Changes can be recommended when necessary.

### **IV. APPROVAL**

APPROVED BY:  DATE: 01/17/2022

Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-005	
<b>CALEA STANDARD:</b> 22.1.7	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Employee Assistance Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide services, consisting of an Employee Assistance Program and/or Critical Incident Stress Defusing Program, for employees and their dependents, to assist in overcoming conditions, events, situations, or circumstances which may adversely impact the employee's job performance, job satisfaction, health, familial relationships, or fiscal status.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide DASO employees with a program that will assist them with personal, family, financial, substance abuse, or other related problems. This program will also provide for critical incident stress debriefing in instances where an employee is involved in a highly stressful or traumatic experience.

#### III. PROCEDURE

##### A. Employee Assistance Program

1. Doña Ana County will provide all employees and members of their household with an Employee Assistance Program. To obtain services, employees may contact the service provider at any time by calling a toll-free number. The toll-free number, and information pertaining to the Employee Assistance Program, will be posted throughout DASO, or may be obtained from DASO supervisors or the Human Resources Department.
2. An employee may request assistance on a self-referral basis or by notifying his/her supervisor of a problem that is adversely affecting his/her job performance. The EAP Provider determines the appropriate professional provider best suited to meet the needs of the employee. The selected

professional service provider will assist the employee in assessing the problem and determining the services available to best resolve the problem. Employee information gained as a result of this process will be confidential, and only that information specifically authorized to be released by the employee will be reported by the service provider to the Human Resources Department.

3. An employee's supervisor, through the Sheriff or his/her designee, may contact the Doña Ana County Human Resources Department to discuss available options to assist an employee whose job performance is being adversely affected by personal problems.
4. The employee will be counseled regarding expected job performance and will be advised of the resources available to assist the employee in meeting those standards.
5. Participation in the Employee Assistance Program is voluntary.
6. Independent of the Employee Assistance Program, the Sheriff may recommend to the County Manager that an employee undergo a Fitness for Duty Evaluation in accordance with HR policy 8-8... Services mandated and paid for by Doña Ana County shall result in a written report to the Human Resources Department, detailing the services provided, the results of the services provided, and any additional recommendations from the service provider.
7. Employees who have questions regarding this program may contact the Employee Assistance Program provider or the Human Resources Department.
8. In the event of a highly traumatic or stressful experience, the Sheriff or his/her designee may contact the Employee Assistance Program Provider in coordination with Human Resources to institute a formal Critical Incident Stress Debriefing. This formal debriefing should be held as soon as is practical after the event.

#### **B. Critical Incident Stress Management Program**

In the event that DASO employees are involved in a highly traumatic or stressful experience, members of DASO, who are specially trained in providing critical incident stress management services, may be summoned to assist DASO employees in dealing with stressors related to the incident or experience. See the DASO policy, Resiliency Peer Support program (RPS). If warranted, the supervisor may request the assistance of the RPS or recommend the EAP to the employee.

#### **IV. APPROVAL**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-006	
<b>CALEA STANDARD:</b> 22.2.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### General Health and Physical Fitness

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish guidelines for a voluntary physical fitness and wellness program.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to require candidates for hire as sworn and non-sworn employees to demonstrate a level of fitness commensurate with tasks required of their duties and responsibilities. To provide encouragement, resources and opportunities will be provided for employees to voluntarily maintain a level of fitness consistent with the tasks associated with their duties and responsibilities.

#### III. PROCEDURE:

##### Fitness Standards Upon Entry:

Sworn employees, upon consideration for hire as a sworn deputy, are required to demonstrate a level of fitness as provided by the State of New Mexico Law Enforcement Training Act (NMSA 1978 29-7-1 through 29-7-13) and as delineated in the New Mexico Law Enforcement Academy Basic Police Officer Training Application Packet, Form LEA-3.

Sworn employee candidates are not allowed entry into a certification academy without a prior demonstration of their ability to meet the academy's standards for fitness. Candidates are not allowed to graduate from the academy and receive law enforcement officer certification by the state of New Mexico without demonstrating the academy's standards for fitness.



## **Fitness Maintenance:**

Sworn and non-sworn employees are encouraged to maintain a level of fitness commensurate with the tasks associated with their duties and responsibilities. DASO is committed to assisting our employees in achieving, maintaining, and preserving overall wellness. DASO recognizes fitness as a key component of our employees' wellness. As such, DASO provides opportunities for sworn employees to maintain and/or improve their individual levels of fitness. Participation in the fitness program is a privilege. Therefore, anyone found to mismanage or deceptively participate in the program may have their privileges rescinded by their respective lieutenant at any time.

A fitness room is available 24 hours a day for the use of all DASO employees. Anyone using the room must receive basic training on the machines from one of the DASO's Certified Physical Fitness Instructors. New employees shall be introduced to the facility during their orientation.

Sworn employees are provided three hours per week for participation in a voluntary physical fitness regimen. One hour per day, up to three hours, of a four-day work week is allotted for sworn employees to work out while on duty. No workouts will take place on shift overlap days (currently Wednesdays), which are dedicated to meaningful briefing trainings. Anyone who chooses to participate in the program must complete their workout, as well as any grooming tasks, and be dressed for duty within the allotted one-hour timeframe.

Sworn employees who participate in the voluntary fitness program, upon selection of their work schedule and area assignment, also choose between the first or last hour of their work day. These slots are allotted in the bidding process for their individual fitness program time. Participating employees are required to remain available for emergency calls for services and supervisors, (i.e., when faced with increased need for police or civilian presence due to unusually high volumes of calls, or for service or emergency situations), which may require participating employees to forego participation in the program for that day. For this reason, employees may only conduct their personal workout sessions at the Doña Ana County Sheriff's Office.

DASO recognizes the value of aerobic fitness regimens (such as jogging or bike riding) balanced with the need to be able to contact and monitor employees. As such, employees choosing to jog or bike as part of their fitness regimen must commence and terminate their workout at the Doña Ana County Sheriff's Office. In the event that calls for service or other circumstances preclude the ability for employees to participate in the fitness program, those hours of scheduled fitness time may not be rescheduled or "banked" for future use.

DASO may make (when circumstances permit) other resources for health and wellness available to all employees. Employees are encouraged to take full advantage of any such program.

Supervisors should monitor the general health and well-being of the employees they supervise on a daily basis, and during their formal inspection process once per cycle, to ensure they are able to perform tasks outlined in their job descriptions. Supervisors should encourage and recognize individual fitness efforts.

**Consecutive Hours Worked:**

See Overtime Policy

**Physical Examinations:**

DASO does not provide annual physical examinations for employees. However, personnel are encouraged to have periodic physical examinations and the Doña Ana County's health insurance coverage provides for annual physical examinations at low cost to the employee.

If DASO deems it necessary for an employee to undergo a physical examination to determine fitness for duty or for any other purpose, a Doña Ana County selected physician will administer the examination at no cost to the employee.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-007	
<b>CALEA STANDARD:</b> 26.1.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Harassment

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to create a quality work environment for all employees in accordance with the Doña Ana County Human Resources Policies and Procedures. A quality work environment is one in which employees can perform their duties free from intimidation, harassment, or unreasonable subjection to physical or verbal abuse, or unwanted, offensive actions or environments of a sexual nature or that which is based upon an employee's sexual identity, sexual orientation, ethnicity, race, national origin, religion, or other protected classes.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to maintain a positive working environment free of harassment of any kind and sensitive to the diversity of our employees. We prohibit harassment based on any protected class, specifically including sexual harassment and harassment because of age, race, color, religion or creed, national origin, disability, sexual orientation, sexual identity, transgender status, or any other legally protected status.

#### III. DEFINITIONS:

**Verbal Harassment:** Includes but is not limited to any unwelcome comment that ridicules, denigrates, insults, belittles, or displays hostility or aversion towards a person's national origin, race, color, religion, age, gender, sexual orientation, gender identification, disability, or other protected status.

**Non-verbal Harassment:** Includes but is not limited to any unwelcome distribution, display, or discussion of any audible, written, or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, gender identification, disability, or other protected status.

**Hostile Environment Harassment:** Includes but is not limited to unwelcome conduct by one individual against another individual based upon his or her protected class that is sufficiently severe, persistent, or pervasive that it alters the work environment conditions and creates an environment that a reasonable person would find hostile, abusive or offensive. The term hostile must be based on all of the circumstances, to include, but not limited to, the frequency of the conduct, its severity, and whether it is reasonably perceived as intimidating, offensive, or humiliating.

**Sexual Harassment:** Includes unsolicited and unwelcome sexual attention, verbal or physical conduct of a sexual nature, and when such conduct:

1. Is made explicitly or implicitly a term or condition of employment;
2. Substantially interferes with an individual's work performance; or
3. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to: sexual innuendos, suggestive comments, insults, threats, or jokes; suggestive or insulting noises, staring, leering, whistling, or obscene gestures; propositions or pressure to engage in sexual activity; touching, pinching, cornering or brushing up against the body or sexual assault; inappropriate comments concerning appearance; sexual or sexually insulting written communications, displays of sexually explicit materials: use of employer's computer system for purpose of sharing or disseminating sexually explicit material; employment decisions which are based upon sexual relationships; harassing behavior directed toward another because of that person's gender.

**Third Party Harassment:** Any conduct which causes a third party to be directly offended by the conduct or communication of others, or when a person other than a Doña Ana County official or employee is party to the alleged harassment.

**Retaliation:** Occurs when adverse actions are imposed against individuals who have reported allegations of harassment or discrimination or have participated in a harassment or discrimination investigation. Retaliation is a violation of policy and the law.

## **IV. PROCEDURE:**

### **A. General**

All Supervisors of DASO must be familiar with this policy and not make statements or behave in a manner that could reasonably be construed as harassment. Supervisors must be alert to potential instances of harassment in the course of providing supervision, and they shall address all allegations or suspected occurrences in accordance with this policy and the Human Resources Policies and Procedures.

Supervisors who have engaged in conduct prohibited by this policy, or who fail to take immediate and appropriate action in response to harassment as required by HR policy, are subject to progressive disciplinary action, up to and including termination.

All DASO employees shall also participate in harassment training in accordance with the pertinent Doña Ana County Human Resources Policies and Procedures.

## **B. Complaint Procedures**

DASO members, who believe they are being or have been harassed, are encouraged to promptly and firmly notify the offender that his or her behavior is offensive and unwelcome. The individual may, whether or not such notification is ineffective or impossible, also make a verbal or written complaint to their supervisor, the next level supervisor, an Assistant County Manager, or to the Human Resource Department. Any supervisor who receives a complaint or witnesses improper conduct shall promptly document and report the complaint to the Human Resources department and the Sheriff, through his or her chain of command.

## **C. Retaliation**

Retaliation against an individual who makes a report of harassment is a serious violation of this policy and should be reported immediately. Any DASO Member found to have retaliated against another for reporting harassment will be subject to disciplinary action, up to and including termination. No adverse employment action shall be imposed on an employee as punishment for:

1. Filing or responding to a bona fide complaint of harassment or discrimination;
2. Appearing as a witness in the investigation of a complaint; or
3. Serving as an investigator.

## **D. Equal Employment Opportunity/Human Rights Bureau**

Nothing in this policy shall prohibit an employee from filing a complaint directly with the Equal Employment Opportunity Commission or the New Mexico Human Rights Bureau. Contact numbers for these agencies are available in HR policy 2-3. Discrimination Procedures, Section DD. Employees should be aware that there are time limits for filing complaints with EEO, NMHRB, and the Human Resources Department. Information and contact numbers are posted in the official notices displayed at various worksites. Any of these avenues may be used, should the employee feel that he or she cannot obtain appropriate relief within the steps of this policy. Employees are encouraged, but not required, to seek consultation with the Doña Ana County Human Resources department or the Sheriff before filing a formal complaint with an outside agency.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-008	
<b>CALEA STANDARD:</b> 21.2.2	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Job Description Maintenance and Availability

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to provide the process and procedures used to classify the nature of the work performed by each employee within the Doña Ana County Sheriff's Office (DASO).

#### II. POLICY:

It is the policy of DASO to maintain current job descriptions and a classification plan for each position within the agency.

#### III. PROCEDURE:

##### Job descriptions for DASO personnel are to:

1. Serve as a basis for the determination of a position classification plan and compensation;
2. Provide a basis for establishing minimum qualification requirements for recruitment, examination, selection appointment, and promotion;
3. Assist in the establishment of training curricula; and,
4. Provide guidance to employees and their supervisors concerning the duties and responsibilities of individual positions.

##### The written job descriptions include at a minimum:

1. Duties, responsibilities, and tasks of each position;

3. Minimum level of proficiency necessary in the job-related skills, knowledge, abilities, and behaviors.

**Job classifications include:**

1. Categorization of every job into classes, based upon similarities in duties, responsibilities, and qualification requirements;
2. Existence of class specifications for every job within a class;
3. Provisions for relating compensation to job classes; and,
4. Provisions for reclassification.

Current job descriptions for all positions are accessible on the County website. DASO administration, in coordination with the Human Resources Department, will conduct a periodic review of all job classifications as revisions become necessary, or at the request of the Sheriff. Updated job descriptions will be distributed to all affected personnel. Employees will be asked to sign the updated job description which will be maintained in their official personnel file.

**IV. APPROVAL:**

This policy is applicable to all employees of DASO.

**V. APPROVAL:**

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff





# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
400-009**

**CALEA STANDARD:  
33.8.1**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/ RESCINDS  
POLICY No:  
All related  
directives.**

### Mentor Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide guidelines and procedures for the implementation and maintenance of a formal mentoring program for all newly hired, sworn and non-sworn employees.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to provide newly hired employees with a mentor to assist them in integrating into the organization through dedicated and structured consultation.

#### III. DEFINITIONS

**Mentoring:** A developmental partnership through which a senior employee shares knowledge, insight, skills, guidance, and perspective, to foster the professional growth of a lesser experienced or new colleague.

**Mentor:** An experienced, trained employee who provides a new employee with guidance and support, as well as influencing his/her progress and professional development in a positive and constructive manner.

**Mentee:** A newly hired employee who receives assistance, guidance, and support from a mentor who possesses more expertise and influence. A new employee must be receptive and open minded to suggestions and constructive criticism.

**Active Mentor:** A mentor who is currently assigned a mentee.

**Mentor Program Coordinator:** The employee assigned as the Health and Wellness Liaison, who is responsible for the facilitation and maintenance of the Mentor Program.

**Mentor Program Supervisor:** A supervisor who is responsible for the direction and oversight of the program. This supervisor may be attached to the Training Division; however, this is not a mandated requirement. The program supervisor is responsible to the Sheriff, or his/her designee.

## **Forms**

**Mentor Contact Form:** A standardized form used to document the date, time, and reason for each contact the mentor makes.

**Task List:** A list which is provided to the mentor when they are first assigned to a mentee. This list specifies the required contacts the mentor must make, and includes guidelines about each contact.

**Required Contacts Check List:** This list is maintained by the Program Coordinator, and documents the completion of the required contacts based on the Mentor Contact Forms that are turned in.

**Completion Evaluation:** This evaluation is given to the mentee at the end of every phase, and is used for assessing the effectiveness of the mentor and the program.

**Performance Incentive Contract:** The Incentive Contract outlines the incentives and restrictions for each type of mentor. It is signed by the mentor and the Program Supervisor at the start of a mentoring cycle.

## **IV. PROCEDURE**

### **A. Mentor Program Goals**

1. To assist in the successful transition of a new employee into the structure and culture of DASO;
2. To increase the new employee's opportunity for successful development;
3. To increase retention and uniformity within the department;
4. To provide a new employee with the necessary tools, understanding, and skills for successful employment;
5. To create a culture of mentorship within the department at all levels.

### **B. Mentor Program Administrative Authority**

Authority over the Mentor Program, including its coordination with the Field Training Program, rests with the Special Services captain, or his/her designee.

### **C. Mentor Program Coordinator**

The Mentor Program Coordinator is responsible for the maintenance and facilitation of the program. The responsibilities of the Mentor Program Coordinator include:

1. Assisting in the recruitment, selection, and training of mentors;
2. Working with the Mentor Program Supervisor, and any new employee involved in the hiring process, to successfully pair the new employee with a mentor;
3. Scheduling mentor trainings and meetings;
4. Approving and storing all submitted Mentor Contact Forms;
5. Preparing the Task List at the beginning of a mentoring cycle, and maintaining the Required Contacts Check List for each active mentor;
6. Ensuring written evaluations are assigned and completed by each mentee at the end of each phase;
7. Maintaining and storing all necessary documentation;
8. Ensuring all active mentors complete the basic requirements of the program.

### **D. Mentor Program Supervisor**

The Mentor Program Supervisor is responsible for the oversight and direction of the Mentor Program. The responsibilities of the Mentor Program Supervisor include:

1. Assisting in the recruitment, selection, and training of mentors;
2. Working with the Mentor Program Coordinator, and any new employee involved in the hiring process, to successfully pair the new employee with a mentor;
3. Routinely inspecting documentation submitted to and maintained by the Mentor Program Coordinator;
4. Assisting the Mentor Program Coordinator in ensuring all Required Contacts Check Lists are up to date.

## **E. Mentor**

The mentor's role is to help new employees integrate into the department and community with a positive influence. The mentor, through a highly developed and professional working relationship with the new employees, should share their knowledge and experience to provide guidance to the new employees. In addition, they help facilitate, where possible, the new employee's successful integration into the local community. They should offer advice, assist in building self-confidence, encourage professional behavior, and act as a role model for the mentee.

## **F. Mentoring Duties**

Mentoring duties may include, but are not limited to, the following:

1. Calling the new employee prior to the start of their first day to introduce themselves, and help prepare them for their first day of work;
2. Meeting with the new employee within the first couple days of their hire date to welcome them to the department, and give them a tour of the building. The tour should include introductions to available personnel;
3. If applicable, conduct a ride-a-long with the mentee within the first two weeks of their starting date;
4. At a minimum, conduct bi-weekly contacts with the new employee until they begin the field training program. If applicable, the mentor will make monthly visits to the academy;
5. If applicable, the mentor will attend all Field Training Officer meetings, and act as a resource for the Field Training Officer. The mentor will not evaluate, undermine, or interfere with the field training process;
6. If applicable, conduct one contact with the mentee during each phase of the field training process;
7. Conduct bi-monthly contacts with the mentee during the first three months of the probation period;
8. For new non-sworn employees, the mentor will contact the mentee bi-weekly for a period of twenty-six weeks;
9. Complete a Mentor Contact Form for each contact, and submit it to the Mentor Program Coordinator, within one week of the interaction.

## **G. Mentor Selection Process**

Twice a year, a mentor assessment will be conducted. The Mentor Program Coordinator will announce the upcoming assessment to all DASO employees. Employees interested in becoming mentors will submit a memorandum to the Mentor Program Coordinator, outlining their desire to be involved in the program. The assessment will consist of an oral board, a review of the employee's work history, and a review of comments submitted by anyone who has supervised the employee in the past three years. The panel conducting the assessment will consist of the Mentor Program Coordinator, the Mentor Program Supervisor, and at least one other department employee. The selection requires a majority vote from the panel, and the results are submitted to the Special Services captain for confirmation. The Sheriff reserves the right to approve or disapprove the selection of any mentor.

After the completion of the assessment, successful applicants will be required to attend a mentor course, to certify them as mentors. Once the employee is certified as a mentor, they will be kept in reserve until an appropriate match with a new employee is found. Just because an employee is certified does not guarantee they will be used as a mentor. Mentors will be assigned to a mentee based on the individual needs of the new employee, and what is best for their overall development. Current FTOs are encouraged to become mentors, but under no circumstance will a mentor act as FTO for the new employee they are mentoring. A mentor may be assigned more than one mentee at a time; however, they will not be assigned two mentees from the same starting cycle. The Special Services captain and the Mentor Program Supervisor may remove a mentor from the program, at their discretion. When a mentor is removed from the program, a written memorandum will be entered into the employee's working file stating the reason why they have been removed.

## **H. Qualification**

Qualifications to become a mentor may include, but are not limited to:

1. Demonstrate an acceptable knowledge of the department's policies and procedures;
2. Display a positive understanding of the culture and values of the department and community;
3. Successful completion of their probationary period or first year of employment;
4. Display strong communication skills and a good work ethic;
5. Does not have a record of excessive sick leave or excessive disciplinary actions, within a year prior to the submission of the employee's interest memorandum.

## **I. Compensation**

It is important that mentors are compensated fairly for the time and effort they put into the program. Due to the odd times and durations this program requires, mentors are not required to submit overtime requests for any time they spent fulfilling their duties as a mentor. However, active mentors will shift adjust any time they use off duty to complete the mandatory required contacts. Successful completion is determined by the Mentor Program Check List.

Prior to the start of mentoring a new employee, the active mentor will be required to agree to and sign the Mentor Program Performance Incentive Contract.

## **J. Performance incentives for each group are as follows**

1. Mentors of new deputies will receive two hours of overtime per week, for a duration of a 52-week mentoring cycle;
2. Mentors of lateral deputies will receive two hours of overtime per week, for a duration of a 28-week mentoring cycle;
3. Mentors of non-sworn employees will receive two hours of overtime per week, for a duration of a 28-week mentoring cycle.

## **K. Documentation**

Each required interaction will be documented on the Mentor Contact Form and will include information about the reason for the contact, the time and date of the contact, the duration of the contact, the method of the contact, and general topics discussed. Examples of the topics discussed would be academy preparation, FTO preparation, study sessions, routine checkups, etc. The Mentor Contact Form can be submitted to the Mentor Program Coordinator by hardcopy or email.

The Mentor Program Coordinator will maintain a Required Contacts Check List form for each employee who is assigned a mentor. The coordinator will be responsible for updating the Required Contacts Check List every two weeks, and will do this based on the Mentor Contact Forms that are turned in by the mentors.

Another form of required documentation is evaluations. Evaluations are an important tool in the success of the program and will be used to measure the effectiveness of each mentor. The mentee will be required to fill out evaluation forms at the end of each phase (pre-academy, academy, post academy, FTO, and probation, for deputies or every three months for non-sworn employees). The evaluations will be useful in deciding if changes to the program need to be made.

All documentation is saved and maintained by the Mentor Program Coordinator.

**L. Fraternalization**

While it is evident that a close professional relationship between the mentor and the mentee is crucial for success of the program, and social engagement can be a useful tool for the mentor, the boundary must be clearly set to avoid any issues from forming. Since mentors are role models within DASO, they will refrain from engaging in any intimate or sexual relationships with any probationary employee. This includes both sworn and non-sworn employees, and applies to inactive mentors as well. See Sexual Misconduct policy for further guidance.

**M. Confidentiality**

Due to the nature of the Mentor Program, it is imperative that confidentiality be maintained. Any information disclosed must be restricted to those who have a vested interest in the program. Information obtained by a mentor regarding the new employee’s job performance shall be restricted to those directly involved in the training process (e.g., FTOs, supervisors, command staff, etc.).

Personal information acquired by the mentor shall stay confidential and only be released to the proper personnel, if it possibly affects DASO. Any information obtained that could adversely affect DASO, such as illegal activity or integrity issues, will be immediately reported to the Mentor Program Supervisor.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-010	
<b>CALEA STANDARD:</b> 33.8.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <u>All related directives.</u>

### Naloxone (Narcan®)

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of Naloxone (Narcan®) by trained deputies within the Doña Ana County Sheriff's Office (DASO), under the authority of the New Mexico state statute. The objective is to treat and reduce the severity of injuries and fatalities due to opioid-involved overdoses, when deputies are the first to arrive at the scene of a suspected opioid overdose.

#### II. POLICY

It is the policy of DASO that all deputies shall assist any person(s) who may be suffering from an apparent opioid overdose, should deputies arrive on site prior to emergency medical responders. Deputies are required to complete a DASO approved training of Narcan® for law enforcement, and maintain a current record of training completion. All usage of Narcan® shall be documented appropriately.

#### III. DEFINITIONS

Narcan® - Narcan® is a prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.

Narcan® Program Director – The DASO employee who manages the Opioid Antagonist Administration (Narcan®) Program is the Narcan® Program Director.

Opioid – An opioid is a medication or drug that is a synthetic or partly synthetic narcotic analgesic that mimics the effect of an opiate. Opiate drugs are narcotic analgesics, derived from an opium poppy, that depress the activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opioids and opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®), and hydrocodone (Vicodin®).



Opioid Antagonist – A drug that nullifies in whole or in part the presence of an opioid. The opioid antagonist is limited to Narcan® or other medications approved by the Physician Medical Director. The half-life of Narcan® is two hours. (This means that the Narcan® could potentially wear off before the effects of the opioids wear off, putting the victim at risk again of an overdose.)

Opioid Antagonist Administration Program – An organized program that provides guidelines for administering an opioid antagonist in accordance with this policy.

Opioid Antagonist Training Program – A training program which prepares a person to administer an opioid antagonist, as shown by best practices or recommended by the New Mexico Department of Health, in compliance with an opioid antagonist administration program.

Physician Medical Director – A physician who is responsible for medical oversight of an opioid antagonist administration program, including providing for or ensuring the medical control of trained targeted responders; developing, implementing, and evaluating medical protocols; overseeing quality assurance activities, and ensuring compliance with the New Mexico board of pharmacy requirements.

Trained Targeted Responder – A trained targeted responder is a person who has completed an authorized opioid antagonist training program and who administers opioid antagonists.

Intra-nasal Narcan® Kit- This kit should include two (2) prefilled nasal atomizer devices, without needles. Each contains 4 mg of Narcan® in .10 ml of solution, within their manufacturer assigned expiration dates. It also contains instructions on overdose response and Narcan® administration.

## **IV. PROCEDURE**

### **A. Training**

Prior to issuance of the Narcan® kit, deputies shall be trained in opioid overdose recognition and response, including the administration of intra- nasal Narcan®, by a trainer approved by the New Mexico Department of Health.

Deputies shall receive a refresher training every year.

The Sheriff shall designate a member of the department to serve as the Narcan® Program Director, responsible for managing the DASO Opioid Antagonist Administration Program.

## **B. Issuing the Narcan® Kit**

Following the completion of training, deputies will be issued Narcan® kits, as trained targeted responders, under the prescriptive medical authority provided by New Mexico state statute.

Narcan® will be provided in a clearly marked kit for intranasal administration. Each intranasal Narcan® kit shall include two (2) prefilled nasal atomizer devices, without needles, each containing 4 mg of Narcan® in .10 ml of solution, and within their manufacturer assigned expiration dates.

All deputies are required to be in possession of the intranasal Narcan® kit at all times, while on duty.

## **C. Overdose Response and Use of Narcan®**

1. Deputies will ensure scene safety for themselves and other first responders. When Narcan® is administered, patients can become combative.
2. When using the intra-nasal Narcan® kit, deputies shall adhere to universal precautions procedures and follow the overdose response procedure, as directed by this policy and the Department of Health Law Enforcement Narcan® Training:
  - a) Complete a patient assessment: Determine non-responsiveness, absence or difficulty breathing, and check pulse.
  - b) Update dispatcher on potential overdose (dispatcher will activate Emergency Medical Services).
  - c) Administer first vial of intranasal Narcan® in one nostril.
  - d) If, 2-3 minutes after administering the first 4 mg dose of Narcan®, there is no improvement (victim remains unconscious, no independent breathing), administer second 4 mg dose of Narcan®.
  - e) If the individual remains non-responsive following administration of second vial of Narcan®, consider initiating CPR.
  - f) All subjects who are given Narcan® will require assessment by Emergency Medical Services (EMS) regardless of mental status.
  - g) The intranasal Narcan® device shall be properly disposed of following administration.

## **D. Specific Duties of the Narcan® Program Director**

1. Identify a physician medical director to oversee the opioid antagonist administration program;
2. Select and identify deputies as trained targeted responders;

3. Maintain opioid antagonist administration training records for all trained targeted responders, while they are active in the program, and for at least three (3) years thereafter;
4. Maintain opioid antagonist administration program records, including opioid antagonist inventory records, trained targeted responder training records, and opioid antagonist administration program usage records;
5. Ensure that all trained targeted responders are trained using an opioid antagonist training program, which shall be recommended by the Department of Health;
6. Provide evidence of coordination of the opioid antagonist administration program with local EMS services and emergency dispatch agencies, including 911 dispatch agencies;
7. Register the opioid antagonist administration program with the New Mexico Department of Health, using the format outlined in NMAC 7.32.7.12 Appendix A;
8. Report all administrations of an opioid antagonist to the New Mexico Department of Health and the physician medical director, using the reporting format outlined in the NARCAN® Use Report;
9. Assist the physician medical director with quality assurance review of all opioid antagonist administrations;
10. Ensure that the opioid antagonist is maintained and stored in accordance with the manufacturer's guidelines;
11. Notify the local EMS of the activation and existence of the opioid antagonist administration program. The notification shall include:
  - a) The name of the opioid antagonist administration's program director.
  - b) The name of the physician medical director.
  - c) The location of the program.
  - d) The telephone number to reach the program director.
  - e) A copy of the medical director approved protocols.
12. Notify the local EMS in the event that the opioid antagonist administration program stops or cancels its operations.
13. Maintain a list of trained targeted responders.

**E. Specified Duties of Trained Targeted Responders**

1. Complete an initial opioid antagonist administration training program, which shall be recommended by the Department of Health or DASO.
2. At least once every year, complete a refresher opioid antagonist administration training course from a Department of Health recommended training program.
3. Request EMS during any response to a victim of suspected drug overdose, and inform EMS that an opioid antagonist is being used.
4. Comply with the physician medical director’s protocols for response to victims of suspected drug overdose.
5. Report all responses to victims of suspected drug overdose to the DASO’s Narcan® program director. After Narcan® has been administered, the deputy shall document the use and result in their documented report, and forward it through their chain of command to the Narcan® program director.
6. Ensure that the opioid antagonist drugs and other supplies are maintained and used in accordance with the manufacturer’s guidelines. Inspect the opioid antagonists’ drug expiration date at least monthly.

**F. Maintenance and Replacement**

Inspection of the intranasal Narcan® kit shall be the responsibility of each deputy, and shall be conducted each month. Check the lot number and expiration date found on the box.

Narcan® will be stored in department-issued storage containers to avoid extreme cold, heat, and direct sunlight.

Missing, damaged, or expired Narcan® kit(s) will be reported directly to the on-duty shift supervisor. The shift supervisor will then report the issue to the DASO Narcan® program director.

Supervisors shall conduct inspection of the Narcan® kits and note the equipment’s condition in the vehicle inspection report.

If one (1) dose in a kit is administered during the normal course of duty, a replacement kit will be requested. A complete kit will be considered a kit with two (2) full doses (Narcan® nasal atomizer devices) and instructions on overdose response and Narcan® administration.

**V. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-011	
<b>CALEA STANDARD:</b> 22.2.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Secondary Employment/ Extra Duty/ Overtime

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

The purpose of this policy is to establish guidelines for secondary employment, working extra duty, and overtime assignments.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to regulate and provide guidelines for secondary employment, extra duty, and overtime assignments.

#### III. DEFINITIONS:

**Off-Duty Employment:** Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty employee.

**Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

#### IV. PROCEDURE:

##### Secondary Employment

1. Employees may seek outside employment by following applicable county policy or collective bargaining agreement for outside employment.
2. Prior to engaging in any outside employment or business, DASO employees shall submit, on an annual basis, notification of such in writing to the Sheriff through their chain of command. Such outside employment or business must comply with state law, Doña Ana County and DASO Policies, and the Code of Ethics. No illegal activity is allowed nor shall any outside employment or business bring discredit to Doña Ana County or DASO.

3. All notifications to the Sheriff regarding outside employment shall contain a detailed listing of the significant aspects and responsibilities of such outside employment. The Sheriff maintains the authority to deny any request.
4. Employment with DASO shall be considered the primary employment of all DASO Personnel. No outside employment shall interfere with the ability to respond to call-back by DASO.
5. An employee may request annual leave to engage in outside employment. Approval of such leave will be regulated by the County Policy and collective bargaining agreements.
6. No employee of DASO shall conduct any other business or engage in outside employment during paid work hours.
7. The Sheriff or his/her designee shall oversee and monitor outside employment or business activities for violations of state law, Doña Ana County and DASO Policies, and the Code of Conduct. Violations of these may result in revocation of the members outside employment and disciplinary action, up to and including possible termination. Any instances of outside employment or business activity brought to the attention of the Sheriff or his/her designee, which was not previously approved, shall be documented, reviewed, and appropriate action will be taken.
8. Sworn/non-sworn employees will generally not be permitted to work secondary employment where the nature of the employment or the place where it is performed could bring disrespect or discredit to the employee or DASO, could impair the employee's efficiency or capabilities, interfere with the employee's response to a DASO call-out, or interfere with the employee's job responsibilities.

### **Extra Duty/ Overtime**

1. Deputies engaged in overtime or extra duty assignments will be governed by policy and procedures, and directives, and they will only perform activities necessary to keep peace and order and enforce the laws and ordinances of Doña Ana County and the state of New Mexico.
2. Any posted special details, annual events, or other short-term DASO sanctioned overtime opportunities do not require an annual secondary employment request.
3. Extra duty or overtime will be restricted by the guidelines found in this Policy and in Doña Ana County Policy. All overtime must be approved by a sergeant or higher. Deputies shall not work more than sixty (60) hours of overtime during a pay period. The Sheriff or his/her designee may cancel or deny any extra duty or overtime if it is deemed not to be in the best interests of DASO.
4. Deputies in their field training period will not normally be allowed to work extra duty assignments. They will become eligible for extra-duty employment upon successful completion of their field training program. The Sheriff or his/her

designee may waive this requirement if the extra duty assignment provides advanced field training opportunities.

5. The on-duty sergeant working patrol shall be notified when a member is working their extra duty or special duty. The notification shall include location, times, contact number, and whether or not the detail is being worked in uniform or plain clothes.
6. Deputies should be constantly aware of the image they project on extra duty assignments and shall avoid such actions that would reflect negatively upon the deputy, DASO, or Doña Ana County.

### **Extra Duty Assignments:**

1. If a deputy is unable to work their assigned extra-duty job and has to seek a substitute, this shall be his or her responsibility. If practical, the deputy will attempt to contact one of the other deputies who signed up for the original detail.
2. In the event of an emergency, the deputy should attempt to get a substitute and then notify their supervisor.
3. Any calls received regarding an employee's conduct at an extra duty assignment (i.e., showing up late for an assignment) will be forwarded to employee's supervisor. Following an evaluation of the complaint, the supervisor will make a recommendation to the lieutenant which may include prohibiting the employee from working the detail or future details. Deputies who are unable to show up for a special-duty job must speak with their supervisor directly. The assigned deputy will immediately notify the vendor if the deputy is unable to work an extra-duty job.
4. If a deputy's schedule is changed, and that deputy has been previously assigned to an extra-duty job that interferes with the schedule change, he or she must notify his or her supervisor. For all other circumstances, once an employee has committed to an extra-duty job, it is his or her responsibility to find a replacement.
5. Deputies assigned to work an extra-duty detail are responsible for documenting all work and completing all paperwork associated with the assignment.
  - a. The deputy will submit all paperwork to a supervisor prior to the end of the deputy's detail.
  - b. Any injuries that occur will be reported to a supervisor immediately.

### **Consecutive Hours Worked:**

1. When scheduled to work the following day, no DASO Deputy of the rank of sergeant or below shall work, or be permitted to work, more than the equivalent of two (2) shifts or more than eighteen (18) hours in any given twenty-four (24)

hour period. This shall include all hours worked, including, but not limited to, regularly scheduled shift, overtime, court time, and paid details. Sergeants and below may work up to two (2) shifts or twenty (20) hours per day when it is their last day of their regular work week, prior to going on scheduled days off. However, they may not work two twenty (20) hour work days consecutively without approval of chain of command.

2. In the event that any sergeant or below, who is scheduled to work the following day, is ordered to work an assignment that will put them beyond eighteen (18) hours due to the operation needs of the department, the following shall apply:

The affected deputy is required to immediately notify the supervisor (who ordered them to work the overtime) that it will cause them to exceed eighteen hours in a twenty-four-hour period. Additionally, the affected deputy shall notify the supervisor of any court summons for which the deputy is required to appear the next morning.

3. If, after being notified in accordance with Paragraph 2 above, the supervisor determines that the individual is still required to work, the following applies:

Following the ordered overtime, there must be eight (8) hours of relief or scheduled time off prior to reporting for any work. During this relief time, the affected deputy may not work any work assignment, including, but not limited to, a regularly scheduled shift, overtime, paid details, or outside employment.

## V. APPROVAL:



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
400-012

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**  
**All related  
directives.**

### Telephone and Address

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To insure that current addresses and phone numbers are documented.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO), in case of emergency or other necessities that require contacting employees, employees are required to immediately advise of any changes in the status of their personal phone service and/or the location of their residence.

#### III. PROCEDURE:

All employees will maintain either a traditional telephone or a working personal cell phone at their residence. In the alternative, for employees who have been issued a DASO cell phone, they shall ensure their DASO issued cell phone is with them and turned on at all times. They will ensure that their voicemail is set up and personalized to identify their name and title or rank. Employees shall also ensure their voicemail storage always has adequate space to receive messages.

Any change of phone number or address will be reported to the Sheriff's Administrative Assistant, their supervisor, the Communication Center Supervisor and their immediate supervisor, as soon as these changes take effect. All employees are responsible for updating their personal information.

#### IV. APPROVAL:

APPROVED BY:  DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:**  
**400-013**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:**  
**All related  
directives.**

### Meals and Breaks

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To establish guidelines that deal with employees taking breaks and meal periods.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to allow, when possible, short breaks and meal periods. The amount of time allowed depends on the job assignment.

#### III. PROCEDURE:

The amount of time allowed employees for breaks and meals is determined by the job assignment. Breaks and meals for employees working ten hour shifts are not guaranteed since the meals and breaks are compensated for. On rare occasions, due to work conditions, meals and breaks may not be granted. Otherwise, breaks and meals are allowed as follows:

##### 1. Employees working a ten (10) hour shift:

- a. Breaks and meal time: One (1) hour total (compensated).

##### 2. Employees working eight (8) hour shifts are allowed:

- a. Meal time – one hour (non-compensated).
- b. Breaks – Two fifteen minute per work day (compensated).

Schedules permitting, full time employees may take one, fifteen (15) minute break in the morning and one, fifteen (15) minute break in the afternoon. Employees taking a paid break are to remain on County property or at the designated work site.

Rest breaks may not be taken at the beginning or ending of a work shift, taken immediately before or after lunch, applied toward an alternative work schedule, or used as leave time. Work demands may preclude the granting of a rest break. If the breaks are not used, they are lost; they do not accumulate.

On duty personnel shall not leave Dona Ana County in a DASO vehicle for meals or breaks unless authorized by their supervisor. Employees assigned to Uniform Patrol and Detectives are required to notify the Communications Center of their location or of a phone number when on breaks in case of the need to utilize them for an emergency situation.

No more than two (2) deputies will be at the same location for a break except with the permission of their supervisor. Meal breaks may not be taken within the last hour of their shift without permission from their supervisor.

#### **IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff

# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
400-014

**CALEA STANDARD:**

**EFFECTIVE DATE:**

**SUPERSEDES /RESCINDS POLICY No:**  
**All related directives.**

### Law Enforcement Officer's Safety Act of 2004

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide general guidelines and procedures for active duty law enforcement personnel and retired law enforcement personnel pursuant to the Law Enforcement Officer's Safety Act of 2004.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to comply with the Law Enforcement Officer's Safety Act of 2004, (LEOSA), enacted July 22, 2004 as Pub. L. 108-277 and is codified as 18 U.S. Code 926B and 926C (amended in 2010 as Pub. L. 111-272). The act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement Law Enforcement Officers and amends the Gun Control Act to exempt qualified current and retired law enforcement Law Enforcement Officers from state and local laws prohibiting the carry of concealed firearms. This authorization will not supersede or limit the laws of any State that:

1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
2. Prohibit or restrict the possession of firearms on any State or local government property, installation, building, base or park.

#### III. PROCEDURE:

##### Active Duty Deputies:

Deputies may carry their authorized duty or off-duty weapon during interstate travel under LEOSA. They must also have in their possession, a Dona Ana County Sheriff's Office commission card.

1. Active duty deputies must have completed all DASO requirements listed under the DASO Firearms policy.

2. Authorization to carry will be revoked during any period that the deputy is the subject of any disciplinary action or under the influence of alcohol or other intoxicating drug.

**Qualified Retired Law Enforcement Officers:**

1. As used in this section, the term "qualified retired law enforcement deputy" means an individual who:
  - a. Retired in good standing from the Dona Ana County Sheriff's Office as a commissioned deputy, other than reasons of mental instability;
  - b. Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more or, after completing the probationary period, retired due to a service connected disability;
  - c. Has non-forfeitable right to benefits under the Dona Ana County Sheriff's Office retirement plan;
  - d. During the most recent 12-month period, has met, at the expense of the individual, DASO standards for qualification for active duty Law Enforcement Officers to carry firearms;
  - e. Is not under the influence of alcohol or another intoxicating drug or substance;
  - f. Is not prohibited by federal law from receiving a firearm;
  - g. Has not been convicted of, pled guilty to or entered a plea of nolo contendere to any felony offense or misdemeanor charge related to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude.
2. Identification required to be carried by qualified retired Law Enforcement Officers will be:
  - a. A photographic identification card labeled, "RETIRED POLICE OFFICER", issued by the Dona Ana County Sheriff's Office that does not expire.
  - b. A certification that indicates the bearer has met all State of New Mexico requirements for active duty law enforcement Law Enforcement Officers to carry a firearm of the same type as the concealed firearm that expires one year from date of issue.
3. Will be required to qualify with each weapon type (pistol/revolver) that the retiree will carry under LEOSA authority.
4. Will be required to provide a written affidavit specifying they are qualified to carry a concealed firearm under LEOSA.

5. May be required by the Sheriff or his/her designee, upon receipt of a release of medical information form signed by the retired Law Enforcement Officer, to receive medical clearance before being allowed to complete qualification requirements. Costs associated with acquiring a medical clearance will be the responsibility of the retired Law Enforcement Officer. In no case will an individual, deemed medically or psychologically unfit to carry a weapon, be allowed to qualify or authorized to carry under LEOSA authority.

### **Qualification Standards for Retired Law Enforcement Officers:**

1. It will be the retired Law Enforcement Officer's responsibility to notify the Dona Ana County Sheriff's Office of their desire to qualify with a weapon to be carried under LEOSA.
2. Qualification opportunities will be scheduled once a year by the Training Unit, subject to manpower constraints and range availability. Two qualification attempts will be given with additional qualification attempts being at the discretion of the designated firearms instructor. Retired Law Enforcement Officer qualifications will not coincide with regular, active duty deputy qualifications.
3. Retired Law Enforcement Officers will be allowed to qualify with no more than two (2) firearms, either semi auto and/or revolver.
4. All handguns and equipment must pass safety inspections by the designated firearms instructor.
5. The minimum qualifying score will be in accordance with the department's backup weapon qualification.
6. Upon a successful qualification, the designated firearms instructor will submit DASO firearms qualification sheets to the Training Unit with the following information:
  - a. Retiree's name.
  - b. Qualification date.
  - c. Qualification course of fire (day/night).
  - d. Qualification score.
  - e. Type and serial number for each firearm used to qualify.
7. All qualification scores will be entered into the DASO firearms qualification database by the Training Unit.

8. Qualified retired Law Enforcement Officers will be required to sign a waiver of liability of Dona Ana County prior to qualification for all acts taken related to the carrying of a concealed firearm. This waiver will acknowledge their personal responsibility as a private citizen when carrying a concealed firearm and not as a former employee of the Dona Ana County Sheriff's Office. Such waiver will also release the Dona Ana County Sheriff's Office from any claim or action resulting from an injury suffered during the qualification activities.
9. Qualified retired Law Enforcement Officers will be required to pay \$25.00 for the HB215 certification card.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-015	
<b>CALEA STANDARD:</b> 22.1.3	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Benefits Program

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To define the responsibilities and authority for the Sheriff and the County's Administration with respect to benefits, for members of the Dona Ana County Sheriff's Office (DASO). This Section also provides a guideline for those issues related to benefits that are governed by collective bargaining.

#### II. POLICY:

It is the policy of the County and Doña Ana County Sheriff's Office (DASO) that all employees receive fair compensation, competitive benefits, and a safe and secure work environment.

#### III. PROCEDURE:

**Retirement Program:** DASO's retirement program is managed by Public Employee's Retirement Association (PERA).

1. Information concerning the benefits and general policies of each Pension Fund are available via the Internet web page of the respective Pension Fund.
2. Public Employee's Retirement Association have final authority over matters concerning retirement. The retirement fund is not managed by the Dona Ana County Sheriff's Office or Dona Ana County.



3. Employees who resign from employment, are terminated by the County, retire, die, or are laid off shall be paid unused but accrued vacation to which they are entitled at the rate of pay in effect at the time of separation. The pay ratio and or rate is detailed in the County Human Resource Policy as well as the Bargaining contract.

B. **Health Insurance:** The County shall make available group medical, prescription drug, dental, and vision benefits to all employees who meet the eligibility requirements of the plan. Benefit details are outlined in Human Resources Policies and Procedures or the applicable bargaining agreements.

C. **Disability and Death Benefits:** The County disability benefits and death benefits are provided. Employees also have the option of purchasing supplemental life insurance.

D. **Liability Protection:** The County provides New Mexico County Insurance Authority liability insurance. Limits vary depending on type of occurrence. These limits are subject to the limits and exclusions contained in the applicable insurance policy. The County has the option to self-insure if liability insurance becomes unavailable.

E. **Educational Benefits:** The County offers a tuition reimbursement benefit. This benefit is detailed in HR policy 7-11. Educational Assistance Program.

#### IV. APPROVAL:



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-016	
<b>CALEA STANDARD:</b> 34.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Promotion

*This policy statement and the procedures there under are intended for Office use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to provide and establish guidelines regarding employee promotional processes.

### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to select individuals for promotion on the basis of merit. Promotions are based on objective, unbiased, promotional processes, in order to identify the most qualified individuals for all positions.

### III. PROCEDURE

#### A. General Promotion

1. The role of DASO in the promotional level testing of its members is to coordinate with the Human Resources Department in accordance with HR Policy and Procedures, Section III. Employment Process. DASO will help develop and administer promotional examinations, as specified by Human Resources policy and the CWA Union contract.
2. The authority for identifying all promotional needs rests with the Sheriff. Human Resources personnel will assist with the development and administration of the promotional processes. Selection panel members will be selected in accordance with HR policy and County Manager directives.
3. Written announcements, summarizing promotional opportunities, will be posted by the executive secretary, in advance of the promotional processes, so all personnel have access to the announcement.

4. No applications for the promotional process will be accepted after the published deadline.

## **B. Promotional Announcements**

1. Promotional announcements, publicizing the holding of examinations and the creation of eligibility lists to fill current and/or future vacancies, will be posted.
2. The promotional announcement will specify:
  - a. The opening and closing dates.
  - b. The position and title.
  - c. The minimum qualifications for eligibility including time in service and time in grade requirements, as outlined in the relevant job description.
  - d. That all candidates wishing to make an application for participation in the promotional process will complete the prescribed process and application which are accessible on the Doña Ana County's website.
  - e. The general elements of the promotional process and other pertinent information as determined by DASO, the Human Resources Department, and the CWA contract.
3. Candidates who meet the minimum qualifications for the position, and who properly submit their applications by the closing date listed in the promotional announcement, will be notified in writing of the elements of the promotional process to include:
  - a. Date, time, and location of the promotional process.
  - b. A brief description of the promotional process.
4. Candidates may withdraw from the promotional process at any time after the initial application, without prejudice.

## **C. Performance Review**

1. To ensure a thorough vetting of a potential candidate's suitability, a thorough and subjective review of their performance and disciplinary history shall be completed. This review shall include, but may not be limited to, the review of the past 3 years' performance evaluations, working file, IA files, DASO supervisor files, the official personnel file and any other files containing performance documentation, as well as training and education information.
2. Upon review of these files, the following criteria should be followed:
  - a. Performance evaluations for the previous three years will be reviewed and taken into consideration.

- b. A working file review will be completed and considered.
- c. Commendations from three years prior will be reviewed and taken into consideration.
- d. Deputy and Supervisor of the Quarter and Year Awards received within the past three years will be taken into consideration.
- e. Any disciplinary action within the past three years will be taken into consideration.

#### **D. Suspension and Absence from Duty**

- 1. Any employee who is on suspension is not eligible for promotion, testing for promotion, or interdepartmental transfer.
- 2. For the ranks of lieutenant and above, if an employee is or has been suspended within the past thirty-six months of the posting, that employee is not eligible to apply.
- 3. All other types of absence from duty will be addressed in accordance with federal and state regulations, and with Doña Ana County Human Resources Department policies.

#### **E. Evaluating the Promotional Potential of Candidates**

- 1. Promotional potential of candidates is based on whether they meet the eligibility requirements.
- 2. Employees must meet the eligibility requirements on or before the promotional posting closes.

#### **F. Promotional Process**

- 1. The assessment instruments used in evaluating promotional potential will relate specifically to the duties and responsibilities of the position for which candidates are being examined. A variety of instruments may be utilized in the process.
- 2. Members of the bargaining unit will fall under the bargaining unit contract for the promotional process standards.
- 3. For the rank of lieutenant and above, the promotional process will be at the discretion of the Sheriff so long as it is in accordance with the HR Policies and Procedures Manual, Section III. Employment Process and related County Manger directives.

#### **G. Eligibility List**

1. Vacant bargaining unit member positions will be filled in accordance with the bargaining unit contract. The results of a promotional process will be considered for a period up to twelve (12) months.
2. Vacant positions for the rank of lieutenant and above will be filled at the discretion of the Sheriff. The results of the promotional process will be considered for a period up to ninety days.
3. Selections for promotion will be made in accordance with the CWA contract and Human Resources policies.

#### **H. Reapplication**

Unsuccessful candidates may reapply again during the next promotional process.

#### **I. Review**

All candidates who participate in the promotional process may have an interview with the Sheriff, or his/her designee, concerning the decision of their eligibility or appointment to promotion.

#### **IV. APPROVAL:**

APPROVED BY: \_\_\_\_\_



Kim Stewart – Dona Ana County Sheriff

DATE: 01/17/2022



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 400-017	
<b>CALEA STANDARD:</b> 42.2.5	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### Polygraph Examinations

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide investigative deputies and others within the Dona Ana County Sheriff's Office with general knowledge of, guidance, and procedures for the use of polygraph examinations.

#### II. POLICY:

The polygraph examination is a valuable investigative tool as used in conjunction with, but not as a substitute for, a thorough investigation. It is the policy of the Dona Ana County Sheriff's Office (DASO), that polygraph examinations may be used to verify, corroborate or refute statements, obtain additional investigative leads, narrow or focus criminal investigations, or other criminal justice agencies, and assist in the conducting of internal police investigations, among other authorized purposes.

#### III. PROCEDURE:

The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to verify truth or deception. A polygraph simultaneously records at a minimum respiratory, electro dermal, cardiovascular activity and movement.

##### Requesting Polygraph Examinations:

Investigative deputies and supervisors of DASO may request a polygraph examination from DASO's authorized polygraph examiner when consistent with state law and DASO policy.

Situations in which authorization may be requested and approved include, but may not be limited to, the following:

1. Requests from the District Attorney's Office as part of an agreement with a defense attorney or for other investigative purposes;
2. Requests from investigative deputies or supervisors of this agency;
3. Requests from other authorized criminal justice agencies;
4. To confirm or refute an allegation(s) that cannot be verified or disproved by other evidence;
5. As an investigative tool used to assist in the establishing of probable cause to seek a search or arrest warrant;
6. As part of an administrative or criminal internal investigation of a deputy or civilian of this agency or another criminal justice agency.

A polygraph examination should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.

Requests for polygraph examinations from another law enforcement agency pursuant to an internal investigation must be in writing and must be approved by the Sheriff or their designee.

Submission to a polygraph examination must be a voluntary action with the exception of employees of this agency formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written or tape recorded waiver.

### **Preparing for Polygraph Examinations:**

The investigating deputy or supervisor requesting a polygraph examination is responsible for providing the examiner with all pertinent information concerning the investigation prior to the administering of the polygraph examination. This includes, but may not be limited to, the following:

1. A copy of any relevant offense reports and other investigative reports;
2. Information obtained in the investigation that supports the use of the polygraph;
3. Any statements made by the subject, complainants, and witnesses;
4. Background information on the subject to be examined, to include criminal history and possible motivation; and
5. Evidence or information about the crime that is believed to be known and unknown by the subject.

If the subject has a disability and requests an accommodation, the polygraph examiner may accommodate or contact the ADA Coordinator for assistance. If the subject does not speak English, the polygraph examiner may make arrangements for a translator as deemed necessary.

Investigative deputies or supervisors should not interrogate a subject immediately before he or she is to take a polygraph examination. A polygraph examination can be administered following interrogation as long as a sufficient amount of time has passed as deemed appropriate by the polygraph examiner.

Investigative deputies or supervisors should not attempt to explain procedures that will be used in the polygraph examination, but may advise subjects that these will be explained fully by the examiner. Subjects may be advised of the following:

1. The polygraph examination is voluntary, unless otherwise provided by this policy in cases of internal administrative investigations;
2. Results of the polygraph examination are not acceptable in a court of law unless all requirements of New Mexico Evidence Rule 11-707 are met, which includes the requirement that the polygraph examiner has at least five years' experience in administration or interpretation of polygraph examinations or equivalent academic training; and
3. Results of the polygraph examination alone do not provide substantiation for a criminal charge.

### **Conducting Polygraph Examinations:**

Only trained polygraph examiners who have been issued a polygraph examiner's license or provisional license through the Regulation and Licensing Department of the State of New Mexico (section 16.48.2.16: Qualifications and experience requirements for applicants for a polygraph examiner license), and New Mexico Statute 61-27B-13 may administer polygraph examinations for DASO.

Prior to conducting the polygraph examination, the polygraph examiner will make such inquiries of the subject's background, health, medical history, use of medications, education, and other relevant information as deemed necessary to determine the subject's suitability for testing. Polygraph examinations will not be conducted on any person whom the examiner reasonably believes to be physically, mentally, or emotionally unsuitable for testing. This may include, but is not limited to, persons who are currently or have been treated for any serious diseases of the heart, lungs or central nervous system; women who are pregnant; or individuals taking certain types of medication that may interfere with test results.

A polygraph examiner will not conduct a polygraph examination upon a subject if it is felt by the examiner for any reason that an unbiased examination cannot be given.

Where appropriate, the examiner shall advise the subject of his or her Miranda rights and explain the voluntary nature of the examination.



An examination shall cease immediately if requested by the subject.

Prior to the test, the examiner shall explain the polygraph procedure to the subject and prepare the subject for the examination.

The examiner shall be responsible for preparing all test questions to be used in the examination, and these questions will be reviewed with the person being tested prior to the administering of the polygraph examination.

The examiner shall independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:

1. No Deception Indicated;
2. Deception Indicated;
3. Inconclusive.

The polygraph examiner shall determine if second or subsequent polygraph examinations are necessary and appropriate.

#### **Equipment and Record Keeping:**

Polygraph instruments used shall be of commercial manufacture and shall have a minimum of four functioning recording channels.

The polygraph examiner is responsible for the maintenance, safe-keeping and integrity of the polygraph instrument and related polygraph equipment.

Instruments shall be maintained and calibrated in accordance with the manufacturer's recommendations.

The polygraph examiner shall provide such summary activity or statistical reports as may be directed by the Sheriff or his/her designee.

The polygraph examiner shall maintain records of all polygraph examinations, including polygraph charts, question sheets, reports, data sheets, and other pertinent papers, in accordance with Rule 92-5 of the New Mexico Polygraph Act, for a period of at least two years after the date of the polygraph examination.

#### **Examination Rooms:**

Polygraph examinations shall be conducted in a clean, neat environment free of unnecessary auditory and visual distractions that may interfere with the atmosphere of the examination.

Polygraph examiners will dress in a manner consistent with standards of the professional business community.

Duty uniforms, badges, and other emblems of authority shall not be worn during the

polygraph examination.

The examiner while conducting a polygraph shall not possess a service weapon on their person.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



**POLICY NUMBER:  
500-001**

**CALEA STANDARD:**

**EFFECTIVE  
DATE:**

**SUPERSEDES  
/RESCINDS  
POLICY No:  
All related  
directives.**

### Terrorism Related Intelligence

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide Dona Ana County Sheriff's Office personnel a written directive that establishes a procedure for reporting and relaying terrorism related intelligence/information to the proper task force or agency.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to establish specific guidelines for reporting and relaying terrorism related information to the appropriate agency, department or task force.

#### III. PROCEDURE:

In the event information is given from any source that a possible terror related attack is to take place, regardless of location, the following actions should be taken, if possible, and if time allows:

The responding deputy is responsible for obtaining any and all information regarding the threat.

This information should include but is not limited to the following:

1. The type of threat, whether it is chemical in nature, explosive, hostage, or any other type of threat;
2. The location, if possible, of any known device, or location of persons related to the threat;
3. The sizes of the threat, i.e. briefcase bomb or car bomb, elementary school take over;
4. Detailed and complete information from those reporting the threat.

The information gathered, no matter how reliable, will be forwarded to the shift supervisor, and if found to be reliable, an immediate notification will be sent to the Special Services Captain to advise of the situation and allocate appropriate resources based on the type of threat. These responses will be in accordance with the All Hazard Plan.

**Information Sharing:**

If a threat has been identified and substantiated it will be the responsibility of the Special Services Captain or his/her designee to contact the New Mexico Office of Home Land Security.

He will advise the Office of Home Land Security of all information gathered and advise them of what action has been or is about to be taken in relation to the threat.

If the scope of the threat is such that ICS needs to be activated it will be done in accordance with policy and procedure, Incident Command System.

In the event information regarding a specific threat has been given to a Dona Ana County Sheriff's Office deputy and this information deals with a threat out of the County's jurisdiction, the deputy will notify the appropriate jurisdiction as soon as possible as well as his or her immediate supervisor.

**Additional Information Sharing:**

If the information gathered involves a future threat that is not immediate in nature, the deputy will document this information in a report after notifying his or her immediate supervisor. The Dona Ana County Sheriff's Office will assume the responsibility of further investigation, and if needed, request additional assistance from other agencies, i.e. FBI, Department of Home Land Security, New Mexico State Police, or other surrounding law enforcement agencies.

The information will be shared with the Supervisor that attends regular meeting with the Emergency Operations Center and Local Emergency Planning Committee. This Supervisor will provide a detailed briefing of the threat to the EOC and LEPC so that appropriate contingency plans can be made.

**Hoaxes:**

A false report of a terrorist threat will be investigated and appropriate legal action taken against those responsible for the false report.

**IV. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Dona Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 500-002	
<b>CALEA STANDARD:</b> 46.1.9	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### All Hazard Plan

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

### I. PURPOSE

The purpose of this policy is to provide the Doña Ana County Sheriff's Office (DASO) with systematic steps for planned response to civil emergencies.

### II. POLICY:

It is the policy of (DASO) to establish the All Hazard Plan Manual to provide a comprehensive plan for responding to major emergency situations that may confront Doña Ana County.

### III. PROCEDURE

Civil emergencies are defined as natural and human-made disasters, civil disturbances, mass arrest situations, and all other large-scale emergencies.

The Doña Ana County Office of Emergency Management (OEM) provides an All Hazards Emergency Operations Plan manual located on the Doña Ana County website under Emergency Management. [www.donaanacounty.org/emergency/localEmergency](http://www.donaanacounty.org/emergency/localEmergency).

The All Hazard Plan Manual contains written plans, based on the Incident Command System, for responding to civil emergencies, and the procedures to be followed to implement those plans. The All Hazard Plan Manual, and the plans it contains, are reviewed annually and updated, as appropriate, to ensure that they remain current and in compliance with applicable New Mexico state statutes, Doña Ana County ordinances, CALEA standards, and DASO policy and procedures.

The Training Division and affected department personnel of DASO will receive documented annual training on Doña Ana County's All Hazard Plan. Any additional training will be provided, as needed, for deputies to remain proficient, and to address any changes or needs which have been identified from past incidents or training.

DASO personnel will participate in a documented annual, full-scale exercise, facilitated by DASO and/or other entities, in order to assess the DASO's capabilities to comply and utilize the All Hazards Plan and the Incident Command System.

DASO personnel will participate in a biennial training, consisting of a tabletop or full-scale exercise, to assess DASO's capabilities to comply and utilize the All Hazard Plan and the Incident Command System.

#### **IV. APPROVAL**



APPROVED BY: \_\_\_\_\_

DATE: 01/17/2022

Kim Stewart - Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> 500-003	
<b>CALEA STANDARD:</b> 46.1.1	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES / RESCINDS POLICY No:</b> <u>All related directives.</u>

### All Hazard Plan Preparedness

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE

The purpose of this policy is to provide written procedures for planning and response to unusual occurrences.

#### II. POLICY

It is the policy of the Doña Ana County Sheriff's Office (DASO) to develop and maintain plans for responding to disasters, large-scale emergencies, and civil disorders.

#### III. PROCEDURE

**A.** The Administrative captain or designee is responsible for the administrative and operational preparedness for responses to all unusual occurrences. Those responsibilities include maintaining the unusual occurrence plans in DASO's All Hazard Plan Manual, the law enforcement aspects of other plans and resources, and to ensure that planning unique to the needs and abilities of DASO is addressed.

#### **B. Emergency Operations Plans and Resources**

1. The All Hazard Plan Manual is distributed to all DASO supervisors. The All Hazard Plan Manual, and other emergency operations plans and resources, are maintained electronically within this policy manual and within Smartforce software. It will be accessible to all DASO members.
2. Those plans and resources include the following:
  - a. Emergency operations and emergency preparedness plans for numerous government and private entities, including correctional institutions located in the Doña Ana County jurisdiction, or within close proximity.

- b. A binder titled "All Hazard Plan" which contains a list of the various emergency operation plans available, procedures for mass arrests, the current Patrol Shift Schedule, the DASO phone and pager number lists;
- c. Situational maps of Doña Ana County for use in plotting operational commitments during unusual occurrences.

**C. Reviews and Updates**

The Administrative captain or designee is responsible for conducting an annual review of emergency operations plans and procedures. This review consists of the following specific elements:

- 1. The All Hazard Plan Manual and the unusual occurrence plans are reviewed annually, and are updated as needed.
- 2. All Hazard Plan Manual plans and resources are reviewed annually to ensure that the most current copies available are being utilized.
- 3. DASO employee telephone number list, the DASO cell phone number list, and the Patrol Shift Schedule are updated each time a new copy is distributed. They are reviewed annually to ensure that they are accurate and current.

**D. Emergency Management Liaisons**

- 1. The Administrative captain or designee is responsible for maintaining a liaison with emergency management authorities through active membership in the Doña Ana County Emergency Planning Committee.
- 2. The Emergency Planning Committee is a federally and state mandated organization with a membership consisting of representatives from the Doña Ana County emergency service agencies and organizations and numerous private entities.

**IV. APPROVAL**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE



## POLICIES & PROCEDURES



**POLICY NUMBER:**  
500-004

**CALEA STANDARD:**

**EFFECTIVE DATE:**

**SUPERSEDES /RESCINDS POLICY No:**  
**All related directives.**

### Review of Declined/Dismissed Cases

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide a procedure for the review of cases declined or dismissed by the District Attorney's Office.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to review selected cases declined or dismissed by the District Attorney's Office.

#### III. PROCEDURE:

In the event the prosecutor dismisses or declines prosecution due to a deputy's alleged mishandling of a case, the Detective Division Lieutenant shall initiate a review of the dismissal decision.

Findings of fault in these matters shall be passed on to the deputy's immediate supervisor for appropriate corrective measures.

If, however, the fault is determined to be with the District Attorney's Office, the Investigative Services Captain will meet with the District Attorney and take whatever steps are necessary to alleviate the cause of dismissal.

#### IV. APPROVAL:

APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff



# DOÑA ANA SHERIFF'S OFFICE

## POLICIES & PROCEDURES



<b>POLICY NUMBER:</b> <b>500-005</b>	
<b>CALEA STANDARD:</b> <b>46.3.2</b>	
<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES /RESCINDS POLICY No:</b> <b><u>All related directives.</u></b>

### Hazmat Awareness and Response

*This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.*

#### I. PURPOSE:

To provide guidelines for the awareness, detection, and response to CBRNE (Chemical, Biological, Radiological, Nuclear, or Explosive agents) incidents.

#### II. POLICY:

It is the policy of the Doña Ana County Sheriff's Office (DASO) to protect the citizens of Dona Ana County. Members of DASO may be called upon to respond to a CBRNE incident. DASO members' safety is vital to protecting the public, it is important that they themselves do not also become victims. Any response to a CBRNE incident shall follow the Department Of Homeland Safety guidelines, including the national Response Plan (ICS 400), NIMS and ICS.

#### III. DEFINITIONS:

**CBRNE:** Incident involving chemical, biological, radiological, nuclear, or explosive agents.

**ICS:** Incident Command System.

**HVAC:** Heating, Ventilation, and Air Conditioning

**PPE:** Personal Protective Equipment-This equipment consists of an ensemble that provides respiratory a skin protection. These are rated for the zone they are allowed to work. Level A is hot zone rated. Level B is warm zone rated. Level C is rated for all other functions.

#### IV. PROCEDURE:

##### Awareness Level Guidelines:

Every CBRNE incident is different. It is not possible to develop a document outlining a single chronology or sequence of actions for every possible incident. In some situations, deputies may only be able to establish an outer perimeter and wait for better-equipped responders (Fire and/or Hazmat etc.) to deal with the incident.

The law enforcement functions are primarily perimeter control, traffic control, and scene security. Once the scene is stabilized, criminal investigation and evidence collection may be added to these functions.

### **Initial Responding Deputy Considerations:**

Access Security- This includes the Deputy's initial approach and the security of other responders, back up deputies, fire fighters, and others.

Indicators:

1. Are there one or multiple indicators?
2. Are you responding to a known hazard or target event?
3. Has there been a threat?
4. Are there multiple victims?
5. Are other responders already victims?
6. Are there hazardous substances involved?
7. Has there been an explosion?
8. Have there been multiple explosions or attacks?
9. Has a secondary device or incident taken place?

Initial responders will need to consider the hazardous site management, safety, security, witness identification, evidence protection, and suspect apprehension.

### **Command Considerations- The initial supervisor/command deputy responding to the incident will need to:**

1. Establish command and assign a scribe (prepare ICS Forms 201 & 202).
2. Isolate area and deny entry.
3. Ensure scene security.
4. Initiate size up for hazard/risk assessment.
5. Designate safe staging area(s) for incoming units.
6. Ensure the use of PPE by all responders.
7. Designate emergency egress routes.
8. Ensure personnel accountability (ICS Form 211).
9. Designate a safety deputy.

10. Designate a secure command post.
11. Assign a liaison deputy to coordinate with other agencies NOT in the command post.
12. Assign a public information deputy, NOT the incident commander.
13. Assess the need for other specialized resources, DECON, HAZMAT, Bomb Squad, Tactical Units, Public Works, and others.
14. Take steps to protect crime scene.
15. Make notifications, Sheriff, Federal and State Agencies, Hospitals, Utilities, and others as necessary.
16. Prepare to transition to a Unified Command (ICS Form 201).

**Chemical Incident Awareness Level Guidelines:**

1. Approach from uphill and upwind.
2. On arrival, stage at safe distance from the scene.
3. Visually observe the area, use of binoculars if necessary.
4. Secure and isolate the scene. Deny entry.
5. Use the above indicators to make a risk assessment.
6. Be aware of secondary devices or threats.
7. Determine if a Level C PPE will protect you and other Deputies. You may need to wait for better protected responders.
8. Do not enter an area or structure where the chemical and the oxygen levels are unknown.
9. Some chemicals may be persistent agents. When in doubt, wait for other better equipped responders.
10. Any rescued victims need to be taken to a designated CCP for decon and triage.
11. Brief the initial responding supervisor or command deputy.

**Biological Incident Awareness Level Guidelines:**

1. Biological agents may produce delayed reactions.
2. Unlike chemical incidents, victims of a biological attack do not need to be immediately removed from the scene.
3. Level C PPE will provide adequate protection.
4. Approach from uphill and upwind.

5. Isolate the area and deny entry.
6. Be aware of other CBRNE devices and secondary threats.
7. Wear PPE if entering the area.
8. Avoid contact with puddles, wet surfaces, and powdery substances.
9. Keep all potential exposure victims at designated CCP.
10. If possible, shut down the HVAC equipment to keep the agent from spreading.
11. If a suspicious package is located, handle as a point source event. Identify, Isolate, and Protect. Leave it in place and secure the area.
12. Brief the initial responding supervisor or command deputy.

### **Radiological/Nuclear Incident Awareness Level Guidelines:**

1. Radiological agents may produce delayed reactions.
2. Inhalation is the primary source of particulate radiation. CBRNE APR masks will provide inhalation protection. Wear full PPE.
3. Exposed or contaminated victims may not exhibit any symptoms.
4. Approach from upwind of suspected event.
5. Dona Ana County Fire Department has some limited radiation detection capabilities. Use this equipment at the scene to determine radiation levels. Continue to monitor these levels.
6. Set outer perimeter to limit any radiation exposure. Use TDS.
7. Isolate and secure the area. Deny entry.
8. Depending on the device, any response may need to wait for the Dona Ana County Fire Department to make radiological survey.
9. Detain and isolate any uninjured persons and equipment for radiological testing and decon.
10. Brief the initial responding supervisor or command deputy.

### **Explosives Awareness Guidelines:**

1. Explosive devices may be designed to disperse chemical, biological, or radiological agents.
2. Explosives may produce secondary hazards such as unstable buildings, hanging debris, voids, utilities, and other physical hazards.

3. There is always the possibility of multiple and/or secondary devices designed to kill responders.

### **Unexploded Device/Pre-Blast Awareness Level Guidelines:**

1. Identify any oral or written threats.
2. Position arrival away from area out of direct sight.
3. Isolate area and deny entry.
4. Set outer perimeter. The standoff should be commensurate with the size of the device.
5. Pipe bomb (1 to 25 lbs.)- 500 ft.
6. Package bomb (1 to 25 lbs.)- 1000 ft.
7. Car bomb- 1, 500 (adjust for larger vehicles).
8. Do not use radios, cell phones, or MDT's within the perimeter.
9. Request the Bomb Squad.
- 10.No search will begin until a supervisor or command deputy is on scene.
- 11.A supervisor or command deputy may order evacuations prior to arrival based on the location and threat. This would be advisable if a specific time and location for an explosion is known from the threat.
- 12.Brief the initial responding supervisor or command deputy.

### **Post Blast Awareness Level Guidelines:**

1. The explosion may be a means of dispersing another CBRNE agent. If that is suspected, follow the guidelines for the appropriate suspected agent.
2. Initial arriving Deputies should stage away from the line of sight of the target area and set up a perimeter.
3. Staging should be away from areas where a secondary device may be placed to injure responders. (Examples include: mailboxes, trash cans, parked cars, etc.).
4. Be aware that the debris field may contain unexploded bomb material.
5. Ambulatory victims and other citizens should be directed to a designated CCP.
6. Isolate and deny entry.
7. Brief the initial responding supervisor or command deputy.

Equipment-The Department will follow DHS standards for first responder CBRNE equipment. Members assigned first responder duties will be provided Level C CBRNE equipment approved by the Department of Homeland Security and its subordinate agencies.

Inspections-First Responder CBRNE equipment will be inspected at least quarterly for operational readiness and replaced as needed. Replacement will follow NIOSH, NFPA, and OSHA guidelines for maximum storage lifespan.

Training- the Training Department will develop training to ensure that all members utilized as first responders are familiar with the equipment and its use during CBRNE incidents.

**V. APPROVAL:**



APPROVED BY: \_\_\_\_\_ DATE: 01/17/2022  
Kim Stewart – Doña Ana County Sheriff