

# LEA COUNTY SHERIFF OFFICE



## Employee Manual

Effective July 1, 2012  
1<sup>st</sup> revision August 20, 2012



## **PREFACE**

### **Purpose of this Manual**

To make an employee manual effective, it must become a living document consistently applied to supervision, training, and discipline. A manual cannot exist for the sole reason of "having it in writing," a document which gathers dust in the sheriff's office. It should be read, consulted, debated, refined, and updated; it must mirror the attitudes, thinking, and behavior of the agency.

In order to fulfill our missions, it is necessary to create and maintain a system through which it can be effectively directed and controlled. This does not imply a disregard for the rights or abilities of the individual, but rather a structuring of the human efforts concerned with carrying out the duties of our office. As part of the overall training process, written direction must be provided to all personnel to guide and direct them in the performance of their duties. Use of the masculine gender in this manual also includes, where applicable, the female gender.

### **Authority of this Manual**

This manual includes directives, policies and guidelines or procedures which have been compiled, adopted, and published on the authority of the Sheriff of Lea County for information, guidance, government, discipline, and administration of the Sheriff's Office and its personnel. Policy and procedures may be temporarily updated by special orders or formal training which may not be currently reflected in these manuals.

### **General Orders**

This manual contains General Orders applicable to all personnel. These orders define the behavior and general code of conduct required of each employee by the Sheriff. They identify an employee's basic duties and provide a number of restrictions on what an employee may do. Additionally, they contain a punitive clause; in other words, the willful and malicious violation of a General Order will result in corrective or disciplinary action by supervisors and command staff.

### **Procedures**

The remainder of this manual is comprised of procedures; they are directions that are intended to provide a method for achieving a goal, standardize an action to ensure a particular process is consistent and just, or give guidance to an employee who is unsure how to respond to a situation. This office recognizes situations can occur that current policy may not provide sufficient guidance for. There is the possibility that a policy, designed with the best of intent and

based in current practices, may not be suitable for a given situation. For this reason, employees are directed to always focus their best efforts on defending Constitutional rights, protecting life and property, and enforcing the law in the most effective and just manner possible, balancing individual rights with our responsibilities to county residents. When it becomes necessary to deviate from established procedures, such action must be consistent with training, experience, and in good faith; employees must explain the actions they took and their decisions related to each deviation in their documentation.

### **Manual's Intent**

This manual is intended to regulate the conduct of personnel of this Office and is not intended to create any higher standard of care than that required by State of New Mexico Law for purposes of establishing civil liability on the part of the County, the Department, or personnel of this Office.

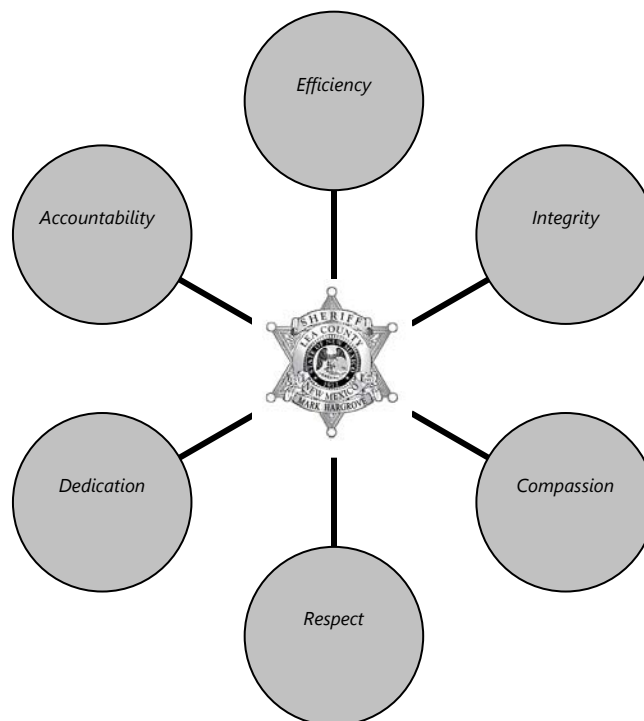
The employee manual has been established as the official guide for the organization and operation of this Office. The Undersheriff is responsible for the publication and revision of the employee manual. All personnel of the Sheriff's Office will be issued a copy of the manual, and will receive any revisions as they become effective.

This manual supplements the County's Labor and Personnel Ordinances. Whenever and wherever there is a conflict, Federal and State law, and the county personnel ordinance will take precedence.

## **Department Philosophy**

The philosophy of the Lea County Sheriff's Office is built upon its role in our society and its professional values. This philosophy serves as the foundation upon which the office establishes its policy, strategy, tactics and actions.

The Lea County Sheriff's Office succeeds because of our most important resources, which are its people and their knowledge. In the continuing pursuit of total quality, we are guided by the following principles and their associated values:



- **Respect:** We recognize the worth of individuals, our community, and our department.
- **Compassion:** We care about others.
- **Integrity:** We are honest and forthright, meeting the highest ethical standards.
- **Efficiency:** We meet society's expectations to be prudent with our resources.
- **Accountability:** We hold ourselves responsible for our actions.
- **Dedication:** We remain steadfast in the performance of our sworn duty.

By adhering to these principles and values, the Sheriff's Office endeavors to create a partnership with the people of Lea County and maintain the level of public trust necessary for the continuation of the department's role.

### **Agency Role**

The Lea County Sheriff's Office protects individual liberties, and provides law enforcement, civil process, investigation, protection, and prevention, and the maintenance of order in the community. To provide these basic functions, we maintain an infrastructure of administrative and support activities.

The Lea County Sheriff's Office is an organization comprised of people of integrity, committed to performing our duties in an honest, fair, professional and courteous manner. We build partnerships with communities based on mutual trust, confidence, commitment and communication. We seek to maintain and improve the quality of life and promote the safety and welfare of the people of Lea County.

The members of this agency pledge collectively and individually to constantly grow, develop and engage in reassessment to meet the current and future problems and challenges of our community.

### **Goals**

The men and women of the Lea County Sheriff's Office are dedicated and strongly committed to providing the citizens of this county with the best possible law enforcement services.

Our goal is to defend individual rights, assist individuals in the protection of their lives and property, keep the peace, enforce the law, and serve the processes of the courts by exercising our duties intelligently and prudently. We will manage our resources in the most effective and efficient manner possible. Our resolve is to project the utmost professionalism in our actions, treating all citizens with as much dignity and respect as they allow us to.

## **FOREWORD**

The policy manual is the property of the Lea County Sheriff's Office and shall be returned when members terminate their employment. This manual cannot cover every aspect of law enforcement work or provide guidance in handling every possible situation. Rather, members will have to use experience, training, and good judgment to decide the best and safest way of handling any problem.

I shall vigorously enforce the rules of this manual; I expect members of this Office to observe them. My supervisors and command staff will review each violation and determine any corrective or disciplinary action necessary. Much law enforcement work is left to members' discretion so when any employee departs from the orders and protocols herein, they must demonstrate their action was the more appropriate and prudent action.

I shall issue each member of this agency a copy of this manual, hereinafter called the Lea County Sheriff's Office Employee policy manual. Members shall keep it in good condition and make deletions or additions as ordered.

Whenever members doubt the meaning or intent of a rule, policy, or procedure, they are directed to seek an interpretation or explanation from me or my designated supervisors and command staff.

All previously issued rules, policies, and procedures inconsistent or in conflict with this manual are hereby revoked.



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Sheriff of Lea County

August 20, 2012

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Date

# LEA COUNTY SHERIFF OFFICE

## Administrative Policies

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This portion of the Employee Manual contains the general orders related to all employees, defines the infrastructure of the sheriff office, and provides policies related to public and press relations, and records keeping and information sharing with the public. It also provides employees with guidance regarding the safeguarding and disposition of sheriff office equipment. Finally, you will find a special section for policies that are critical to the public's interest or of high interest to employees. In this section, you will find:

- ✓ ADM Chapter 1: General Orders
  - ✓ ADM Chapter 2: Infrastructure
  - ✓ ADM Chapter 3: Public Relations and Information Sharing
  - ✓ ADM Chapter 4: Property and Equipment
  - ✓ ADM Chapter 5: Critical and High Interest Policies
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# Chapter 1: General Orders

This section contains orders related to the authorities, responsibilities and duties of the Sheriff Office and its employees. It also includes the discipline policy. In it, you will find:

- ✓ Orders that define the authority and responsibility of the Sheriff, the Sheriff's Office, the Chain of Command and all employees.
- ✓ Orders related to ethics and mandated conduct.
- ✓ Orders related to the general duties of sworn and non-sworn employees.
- ✓ Orders that restrict the actions of employees.
- ✓ The Sheriff Office's discipline system.

**Employee Notes:**

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**ADM 1-01 AUTHORITIES AND RESPONSIBILITIES****ORDER:**

Lea County Sheriff Office policy is to designate the authority and responsibilities of its employees. By order of the Sheriff, the Lea County Sheriff Office shall base its delegation of authority and set responsibilities for employees in accordance with the New Mexico Constitution, relevant New Mexico statutes (Chapters 29-1 & 4-41, NMSA 1978), County Ordinances and best practices.

**ADM 1-01-1 AUTHORITY OF THE SHERIFF**

- A. The Sheriff shall be conservator of the peace within Lea County; shall suppress assaults and batteries, and apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them.
- B. The Sheriff shall have power to appoint deputies, who shall remain in office under the provisions of their employment.
  - 1. The provisions of the Lea County Personnel ordinance shall control the demotion and discharge of deputies of the sheriff's office, except for the Under-sheriff, who shall hold an at will position.
- C. The Sheriff is authorized to appoint respectable and orderly persons as special deputies to serve any particular order, writ or process or when in the opinion of the Sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace, and it shall not be necessary to give or file any notice of such special appointment.

**ADM 1-01-2 GENERAL AUTHORITY**

- A. It shall be the duty of the Sheriff and their appointed, commissioned deputies to act as the conservators of the peace within their county.
- B. They shall act to suppress assaults and batteries, conduct investigations according to their training and recognized best practices, and exercise appropriate enforcement action on all persons, which they have probable cause to believe have violated the criminal statutes of this state or ordinances of this county.
- C. The Sheriff and their deputies shall at all times be considered as in the discharge of their duties. No person shall be eligible to be appointed a regular commissioned deputy sheriff or special deputy sheriff unless the person is a citizen of the United States of America.

**ADM 1-01-3 APPOINTMENT OF DEPUTIES AND OATH OF OFFICE**

- A. It shall be the duty of all sworn personnel, prior to entering upon their duties, to take and subscribe their oath or affirmation of office. On the appointment of any regular or permanent deputy sheriff, the Sheriff shall file one notice of the appointment in the office of the county clerk of the Sheriff's county and one notice of the appointment in the office of the Clerk of the District Court of that county, and each of the Sheriff's deputies shall file an oath of office in the office of the county clerk.

**Sheriff's Appointment**

LEA COUNTY SHERIFF OFFICE

(STATE OF NEW MEXICO)

(COUNTY OF LEA)

§:

AS DEPUTY COMMISSION

KNOW ALL MEN BY THESE PRESENT: That I, \_\_\_\_\_, Sheriff of Lea County, State of New Mexico, placing trust and confidence in \_\_\_\_\_, do hereby commission them a Deputy Sheriff of Lea County, New Mexico.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D.

\_\_\_\_\_  
Sheriff, Lea County

- B. Deputy's Oath of Office

I, \_\_\_\_\_ do hereby solemnly swear or affirm to support and defend the Constitutions of the United States and the State of New Mexico; to enforce the laws of the State of New Mexico and the Ordinances of the County of Lea; and to faithfully and impartially discharge the duties of my office to the best of my ability. (So help me God)

**ADM 1-01-4 ENTERING OTHER COUNTIES**

- A. While in the performance of their duties, the Sheriff and/or their deputies shall have the right to enter any county of this state, or any part of this state, for the purpose of arresting any person charged with crime.

- B. In such cases, the Sheriff and their deputies shall exercise the same powers as are conferred on them in Lea County, including the authority to call out the power of another county to aid them in exercising their duties.

**ADM 1-01-5                      EXECUTION OF PROCESS**

- A. The Sheriff and/or their deputies shall serve and execute all process directed to them by the Probate Judge of Lea County.
- B. The Sheriff and/or their deputies will, according to law, serve all process, writs and orders directed to them by the District and Magistrate Courts.
- C. The Sheriff and/or their deputies may serve any criminal process directed to the Sheriff or their deputies by a municipal judge of any incorporated municipality in this state arising out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs and if the municipal judge from whose court the process has issued has made satisfactory arrangements with the Sheriff for payment for the services to be rendered.

**ADM 1-01-6                      PERSON IN COMMAND**

- A. If the Sheriff is unable to command or is absent from Lea County, the Undersheriff shall be in command.
- B. In the absence of the Sheriff and Undersheriff, command shall pass to the Captains as directed by the Sheriff.
- C. When an operation requires personnel from different divisions to function as a single unit with a common goal, the person in command will be the on-scene ranking deputy of the division with overall responsibility for the outcome of the operation, unless otherwise designated by policy. This person will be referred to as the field commander.

**ADM 1-01-7                      STAFF DUTY OFFICER**

- A. The position of Staff Duty Officer is created to provide an immediate command resource for personnel during off business hours (1700 to 0700, weekends and holidays).
- B. Whenever personnel need to contact command staff or are required to make a notification up their Chain of Command to satisfy a policy or procedural requirement, and the event occurs during off-business hours, they shall contact the Staff Duty Officer, who will make all other notifications.

**ADM 1-01-8**

**AUTHORITY AND RESPONSIBILITY OF NON-SWORN PERSONNEL**

- A. As the Department Head of the Lea County Sheriff Office and a Constitutional Officer, the Sheriff has full authority to determine the classification and hiring criteria for non-sworn employees of the Sheriff's Office.
- B. The Sheriff works in cooperation with the County's Director of Personnel to develop classification and salary ranges for non-sworn employees and delegates to each employee such authority as is necessary for them to complete their duties.
- C. The provisions of the Lea County Personnel ordinance shall control the demotion and discharge of non-sworn employees of the sheriff's office, except for the executive secretary, who shall hold an at will position.

**ADM 1-02 CODES OF ETHICS AND GENERAL CONDUCT****ORDER:**

Personnel of the Lea County Sheriff Office are expected to follow a prescribed code of conduct and to act responsibly while on and off duty. The Sheriff's Office holds its personnel accountable for all actions which reflect on the office. By order of the Sheriff, all personnel shall become familiar with, sign, and abide by their appropriate Code of Conduct. **Negligent or malicious violations of these sections may result in corrective or disciplinary action.**

**ADM 1-02-1 SHERIFF CODE OF ETHICS AND GENERAL CONDUCT**

As a constitutionally elected Sheriff, I recognize and accept that I am given a special trust and confidence by the citizens and employees whom I have been elected to serve, represent and manage. This trust and confidence is my bond to ensure that I shall behave and act according to the highest personal and professional standards. In furtherance of this pledge, I will abide by the following Code of Ethics and General Conduct:

- A. I SHALL ENSURE that in the performance of my duty, I will enforce and administer the law according to the standards of the U.S. and New Mexico Constitutions and applicable State Constitutions and statutes so that equal protection of the law is guaranteed to everyone. To that end I shall not permit personal opinions, party affiliations, or consideration of the status of others to alter or lessen this standard of treatment of others.
- B. I SHALL ESTABLISH, PUBLISH AND ENFORCE a set of standards of behavior for myself and my employees which will govern the overall management and operation of the law enforcement functions, and court related activities of my agency.
- C. I SHALL NOT TOLERATE NOR CONDONE brutal or inhumane treatment of others nor shall I permit or condone inhumane or brutal treatment of anyone in my care and custody.
- D. I STRICTLY ADHERE to standards of fairness and integrity in the conduct of campaigns for election and I shall conform to all applicable statutory standards of election financing and reporting so that the Office of the Sheriff is not harmed by the actions of myself or others.
- E. I SHALL ROUTINELY CONDUCT or have conducted an internal and external audit of the public funds entrusted to my care and publish this information so that citizens can

be informed about my stewardship of these funds.

- F. I SHALL FOLLOW the accepted principles of efficient and effective administration and management as the principle criteria for my judgments and decisions in the allocation of resources and services in law enforcement and court related functions of my Office.
- G. I SHALL HIRE AND PROMOTE only those employees or others who are the very best candidates for a position according to accepted standards of objectivity and merit. I shall not permit other factors to influence hiring or promotion practices.
- H. I SHALL ENSURE that all employees are granted and receive relevant training supervision in the performance of their duties so that competent and excellent service is provided by the Office of the Sheriff.
- I. I SHALL ENSURE that during my tenure as Sheriff, I shall not use the Office of Sheriff for private gain.
- J. I ACCEPT AND WILL ADHERE TO THIS CODE OF ETHICS AND GENERAL CONDUCT. In so doing, I also accept responsibility for encouraging others in my profession to abide by this Code.

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Sheriff, Lea County, New Mexico

**ADM 1-02-2****DEPUTY SHERIFF CODE OF ETHICS AND GENERAL CONDUCT**

As a duly commissioned Deputy Sheriff, I recognize that I am given a special trust and confidence by the Sheriff and the public that I serve. This trust and confidence is my bond to ensure that I shall behave and act according to the highest professional principles. In furtherance of this pledge, I will abide by the following Code of Ethics and General Conduct:

- A. I SHALL ENSURE that in the performance of my duties, I will enforce and administer the law according to the principles of the United States and New Mexico Constitutions and applicable laws of our state, so that equal protection of the law and due process are guaranteed to everyone.
- B. I SHALL NOT permit personal opinions, biases, prejudices, party affiliation, or consideration of the status of others to alter or lessen these principles.
- C. I SHALL DEMONSTRATE standards of behavior consistent with the responsibilities, duties, obligations, and functions of a Deputy Sheriff.
- D. I SHALL NOT ENGAGE IN NOR CONDONE brutal, cruel, or inhumane treatment of others or of anyone in my care and custody.
- E. I SHALL ADHERE, at all times, to the standards and principles of honesty and integrity, and I shall keep my private life unsullied as an example to all.
- F. I SHALL ENSURE that there is proper use and accountability of property and funds entrusted to my care.
- G. I SHALL PRACTICE sound judgments and decisions in fulfilling the assigned responsibilities, duties and functions of my position as Deputy Sheriff.
- H. I SHALL ENDEAVOR to maintain those standards of objectivity and merit for which I was hired, to the best of my ability.
- I. I SHALL ENDEAVOR to perform my duties in a competent and professional manner according to the standards given to me in my training and supervision.
- J. I SHALL ENSURE that during my tenure I shall not use the position of Deputy Sheriff for personal gain or self-aggrandizement.
- K. I ACCEPT and will adhere to this Code of Ethics and General Conduct. As an employee, I accept responsibility for encouraging my peers to abide by this Code. As a supervisor, I accept responsibility for enforcing this code among my subordinates.

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Deputy Sheriff, Lea County, New Mexico

**ADM 1-02-3                      NON-SWORN EMPLOYEES CODE OF ETHICS AND GENERAL CONDUCT**

As a non-sworn employee of the Sheriff and Lea County, I recognize that I am given a special trust and confidence by the Sheriff and the public that I serve. This trust and confidence is my bond to ensure that I shall behave and act according to the highest professional principles. In furtherance of this pledge, I will abide by the following Code of Ethics and General Conduct:

- A. In all my duties, I will act as a trusted agent in professional relations, implementing responsibilities in the most competent manner and exercising knowledge and skill to promote the interests of the citizens of Lea County and the efficiency of the Lea County Sheriff Office.
- B. I will consider the promotion and preservation of the safety and welfare of the public to be my paramount duty.
- C. I will always bear in mind the safety of my fellow employees.
- D. I will maintain the confidentiality of all communications and information, given in confidence or required by law to be designated as such.
- E. I will strive to accurately and honestly represent the views and interests of the Sheriff's Office as well as the views and interests of the public, and shall not distort or misrepresent such views and interests, whether for personal advantage or otherwise.
- F. I will respond to those seeking the assistance or information with courtesy and consistent good will, recognizing that my demeanor reflects on the Sheriff's Office.
- G. When entrusted with funds or material goods essential to our mission, I will never appropriate or use such funds or goods for personal or non-professional purposes.
- H. I will strive to maintain and enhance the dignity, status, competence, and standards of the sheriff's office and its practitioners.

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\_\_\_\_\_, Lea County, New Mexico



**ADM 1-03 EMPLOYEE DUTIES****ORDER:**

Lea County Sheriff Office policy is to define the general duties and responsibilities of sworn and non-sworn employees. By order of the Sheriff, this order details basic duties incumbent on all employees as members of the Sheriff's Office. **Supervisors will apply positive corrective measures or exercise disciplinary action for violations of these policies depending on the circumstances.**

**ADM 1-03-1 CARRYING OF FIREARM, BADGE AND IDENTIFICATION CARD**

- A. On Duty:
  - 1. Deputies shall carry their firearm, badge, and identification card on their person except when impractical in an investigation or dangerous to their safety.
- B. Off Duty:
  - 1. Deputies shall, if armed, carry on their person their badge and official identification card.

**ADM 1-03-2 ENFORCEMENT OF LAWS, ORDINANCES, AND SHERIFF'S OFFICE REGULATIONS**

- A. Personnel shall report to their immediate supervisors the neglect of duty or the disobedience of orders of other personnel which may come to their attention.
- B. Certified, sworn deputies are reminded they are considered by New Mexico law to be in the performance of their duties at all times, to this end they shall:
  - 1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty. Off-duty deputies are urged to exercise prudence when evaluating their manner of response.
  - 2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with sheriff's office procedures.
  - 3. Deputies shall be equally responsible for the enforcement of laws and ordinances. All uniformed deputies shall share the responsibility for enforcement of traffic laws and regulations.

**ADM 1-03-3 COMPLIANCE WITH LAWS, ORDINANCES AND SHERIFF'S OFFICE POLICIES**

- A. Personnel shall obey and comply in good faith with the laws of the United States, and of any state and local jurisdiction in which they are present. Indictment, information, or other formal criminal charge for the violation of any criminal law shall be prima facie evidence of a violation of this section.
- B. Personnel shall conduct themselves both on and off-duty in such a manner that they are

not involved in illegal acts nor arrested and convicted of illegal acts.

- C. Personnel shall inform their direct supervisor if they are formally charged with a violation of criminal law.
- D. Personnel shall report the loss or suspension of one's driving privileges to their immediate supervisor as soon as practical.

**ADM 1-03-4                      SUPERVISORS RESPONSIBLE FOR SUBORDINATES**

- A. Primary responsibility for maintaining and reinforcing employee conformity with constitutional, statutory, employee and safety requirements rests with the office supervisors. To this end supervisors will:
  - 1. Familiarize themselves with the employees in their span of control and closely observe their conduct, appearance and performance on a daily basis.
  - 2. Respond to indications of behavioral problems or performance which may affect an employee's productivity and conduct.
  - 3. Correct deficiencies when they are discovered and recommend additional training or otherwise reinforce employee skills when appropriate.
- B. In all circumstances involving the public and employees, supervisors should seek to resolve conflicts in a manner which serves justice for all involved parties, helps to protect life and property, and supports the missions of the sheriff's office.
- C. Supervisors will keep their superior briefed on their decisions and actions.

**ADM 1-03-5                      USE OF DISCRETION BY SWORN PERSONNEL DURING THE PERFORMANCE OF THEIR LAW ENFORCEMENT DUTIES**

- A. When sworn employees of this office are faced with a situation where discretion can be exercised, they must evaluate the circumstances, consider the available resources, and rely on their training, current policies and procedures, statutory law, and supervision in making the appropriate decision.
- B. In addition, within each situation, the appropriate decision should be the least restrictive that still accomplished the intent of the law, is in accordance with policy, and does not unnecessarily compromise safety.

**ADM 1-03-6                      INTER-AGENCY COOPERATION**

- A. Personnel shall cooperate with all agencies involved in the administration of criminal justice, public agencies, and other departments within the Lea County structure.
- B. Personnel shall aid and disseminate information which these agencies and/or departments are entitled to receive.

**ADM 1-03-7 FURNISHING NAME TO THE PUBLIC**

- A. Personnel shall cordially furnish their name, ID number and office phone number to any person requesting such information when they are on duty or while acting under color of law except when the withholding of such information is necessary for the performance of law enforcement duties, or when it is authorized by proper authority.

**ADM 1-03-8 FAMILIARIZATION WITH THE COUNTY AND AREAS OF INTEREST**

- A. Personnel shall be familiar with but not limit themselves to the location of the following:
  - 1. The location of streets, highways, and boundaries of the County
  - 2. Public Buildings
  - 3. Hospitals and emergency care facilities
  - 4. Courts
  - 5. County, City, State, and Federal Agencies and Departments
  - 6. The location of critical infrastructure facilities and rights of way or servicing roadways.
  - 7. Any other pertinent location which would enable the employee to render a useful and helpful response.

**ADM 1-03-9 REPORTING FOR DUTY**

- A. Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.
- B. Personnel shall be properly equipped so that they may immediately assume their duties.

**ADM 1-03-10 PERFORMANCE ON DUTY**

- A. Supervisors shall perform their duties in a manner which will maintain the established standard of efficiency in carrying out the functions and objectives of the sheriff's office.
- B. Personnel shall constantly direct their best efforts to accomplish the functions of the sheriff's office intelligently and efficiently and shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- C. Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason, including illness or injury.
- D. Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty, but only for such period of time and at such time and place as directed by their immediate supervisor.
- E. Personnel shall promptly obey all lawful orders of a supervisor or orders no matter how they are received; this includes orders relayed from a supervisor by personnel of the

same or lesser rank.

- F. Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand.
  - 1. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.
  - 2. Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.
  - 3. If in doubt as to the legality of an order, personnel shall request the issuing supervisor to clarify the order or to confer with higher authority.
- G. In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.
- H. Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.
- I. Personnel shall have a telephone to enable the sheriff's office to contact them should the need arise, and shall report any changes to their telephone number or address to their supervisor, Executive Secretary, and to the Lea County Communication Authority within two working days.
- J. All reports and written documentation will be completed and turned in on time in accordance with established procedures.
- K. Personnel shall have the Employee Emergency Information Form on file in the Training Coordinators Office. Each employee will be responsible for updating this information as needed.

#### **ADM 1-03-11      PERFORMANCE ON AND OFF DUTY**

- A. Personnel shall avoid voluntary associations or dealings with persons whom they know are under active criminal investigation or indictment, are out on bond awaiting criminal trial, or who have a reputation in the community or the sheriff's office for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships.
- B. Personnel shall treat the official business of the sheriff's office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established procedures.

- C. Personnel shall, at all times, be responsible for the safeguard, maintenance, and proper use of all issued property. All authorized equipment shall be utilized only for its intended purpose, in accordance with established procedures.
- D. Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.
- E. During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.
- F. Personnel shall notify their immediate supervisor if a prescription requires on-duty use of a controlled substance, narcotic, hallucinogen or over the counter medication that may impair their on-duty performance.

**ADM 1-03-12            OUTSIDE EMPLOYMENT**

- A. Off-duty employment is prohibited when it may impair efficiency or conflict with members' duties and responsibilities.
- B. Personnel may engage in outside employment only after written permission has been granted by the Sheriff. Such permission may be terminated at any time at the discretion of the Sheriff.
- C. Employees engaged in outside employment must update their status on file in the Sheriff's office annually, or when any change occurs.

**ADM 1-03-13            EMERGENCY AID AND CONTACT WITH COMMUNICABLE DISEASES**

- A. Personnel shall be acquainted with first aid procedures in order that they may be prepared to render necessary care based upon each employee's training and abilities.
- B. Personnel shall notify their supervisor at once when exposed to a contagious disease in the line of duty.

**ADM 1-04 EMPLOYEE RESTRICTIONS****ORDER:**

Lea County Sheriff Office policy is to define those actions that are prohibited because they have been found to damage the sheriff's office's ability to function, or cause employees or the residents of Lea County to lose faith in the office. By order of the Sheriff, all personnel are prohibited from exercising the actions listed in this directive. **Supervisors will apply corrective measures, or exercise disciplinary action for violations of these policies depending on the circumstances.**

**ADM 1-04-1 INSUBORDINATION**

- A. Insubordination consists of any employee who:
  - 1. Deliberately refuses any lawful order given by a superior without justifiable cause.
  - 2. Knowingly and negligently or maliciously violates sheriff's office policy.
  - 3. Treats with contempt or is disrespectful in language or conduct towards a superior.
- B. Personnel shall not obey any order which they know or should know would require them to commit any illegal act.

**ADM 1-04-2 SPECIAL CONSIDERATION, PRIVILEGE, AND PROFESSIONAL COURTESY**

- A. Personnel will not give special consideration, privilege, or professional courtesy to other Lea County Sheriff Office personnel or to personnel from other law enforcement agencies when such personnel are alleged to be involved in a violation of any law.
- B. Lea County Sheriff Office personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Sheriff's Office personnel or from personnel of other law enforcement agencies.

**ADM 1-04-3 FEIGNING ILLNESS OR INJURY**

- A. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the sheriff's office or the County as to the condition of their health.

**ADM 1-04-4 RESTRICTIONS INVOLVING PRIVATE ENTERPRISE**

- A. Personnel shall not engage in any activity or personal business which may cause them to neglect or be inattentive to duty.

- B. Personnel 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.).
- C. Personnel shall not, while on duty, possess business cards or other forms of advertisement relating to any personal or other business venture unless the possession of such material is necessary to the performance of their duties.
- D. Personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Sheriff.
- E. Personnel shall never act officiously or permit personal feelings, prejudices, animosities, or friendship to influence their decisions.

**ADM 1-04-5                      RESTRICTIONS ON SPEECH**

- A. Personnel shall not use coarse, violent, profane, or insolent language or gestures while acting in an official capacity.
- B. Personnel shall not express any prejudice concerning race, religion, national origin, life style, or similar personal characteristics.
- C. Personnel shall not criticize or ridicule the sheriff's office, its policies, or other personnel in a manner which is defamatory; obscene; unlawful; undermines the effectiveness of the sheriff's office; interferes with the maintenance of discipline; or is made with reckless disregard for the truth.

**ADM 1-04-6                      FALSE STATEMENTS**

- A. Personnel shall not alter, misrepresent, or otherwise make a false statement on any public record document or county document which has been filled out in the course of their employment.
- B. Violation of this section may result in prosecution for violation of the New Mexico Statutes Annotated, including but not limited to, Paying or Receiving Public Money for Service Not Rendered (NMSA 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).

**ADM 1-04-7                      REPRODUCTION OF CERTAIN ITEMS PROHIBITED**

- A. Personnel shall not lend to another person their identification card or badge, or permit them to be photographed or reproduced without the approval of the Sheriff.
- B. This documentation will be forwarded by the Executive Secretary.

**ADM 1-04-8 PRESENTING SELF AS OFFICIAL REPRESENTATIVE**

- A. Personnel shall not present themselves as the official representative of the sheriff's office without prior authority.

**ADM 1-04-9 INTERFERENCE WITH INVESTIGATIONS**

- A. Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another.
- B. Personnel shall not directly or indirectly, by threat of bribe, attempt to secure the withdrawal or abandonment of a complaint or charges.
- C. Personnel shall not, without previous authorization from the primary investigator or immediate supervisor, conduct any criminal or administrative investigation outside the scope of their assignment.

**ADM 1-04-10 OFFICIAL RECORDS NOT FOR PERSONAL USE**

- A. Personnel shall not make audio or digital recordings or copies of recordings of any crime scene or law enforcement-related activity for their personal use.

**ADM 1-04-11 RELEASE OF RECORDS AND DOCUMENTS**

- A. Personnel shall not release any documents of the Lea County Sheriff Office for use in any hearing or court, unless a judicial subpoena or court order has been issued, or the release has been approved by the County Attorney, District Attorney, or the Sheriff.

**ADM 1-04-12 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES PROHIBITED**

- A. Personnel shall not bring into any law enforcement facility or county vehicle, alcoholic beverages, for any purpose, except in the performance of their official duties.
- B. Personnel shall not consume any intoxicating beverages on-duty, or while utilizing sheriff's office property, except in actual performance of their assigned duties requiring its use.
- C. Personnel shall not use intoxicating beverages off-duty to the extent that it renders them unable to report for their next scheduled tour of duty, or results in a criminal act committed by the employee.
- D. Personnel shall not consume alcoholic beverages on or off-duty, after being involved in an incident which may result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation complete.
- E. Personnel shall not possess or use any controlled substance, narcotics, or hallucinogens, except as prescribed by a licensed physician or dentist.



**ADM 1-05-13      TOBACCO USE**

- A. Tobacco use will not be permitted in areas designated as unlawful or unsafe.
- B. Smoking or snuff is allowed in the deputy's vehicle as long as a non-smoker is not present, however, employees shall refrain from expectorating while in public view or from a law enforcement vehicle, and they must supply a container for ashes or discharge while operating a law enforcement vehicle.

**ADM 1-04-14      GRATUITIES**

- A. Personnel shall not solicit or accept, either for themselves or other personnel, gifts, gratuities, or compensation for services performed in the line of duty, other than that which is paid by the County or which is allowed by the County Personnel Manual, unless authorized by the Sheriff.
- B. Personnel shall not use their official positions for personal or financial gain or to obtain privileges not otherwise available to them as a member of the public, or to avoid consequences of illegal acts.

**ADM 1-05 DISCIPLINE****ORDER:**

Lea County Sheriff Office policy is to ensure that disciplinary action be taken in a prompt, resolute, fair, and consistent manner. The Office of the Sheriff retains its discretionary authority for the "individualized" imposition of disciplinary action while ensuring a systematic and equitable administration of discipline to all personnel of the Lea County Sheriff Office. This order applies to all personnel.

**ADM 1-05-1 ADMINISTRATIVE RESPONSIBILITY**

- A. The Administration's responsibility is to ensure fair, impartial, consistent, and judicious enforcement of statutory law and sheriff's office policies.
- B. Support of the disciplinary system is a responsibility shared by all personnel. The particular responsibility of supervision and management is to motivate, counsel, and train individuals toward self-discipline. Supervisors are charged with the responsibility of initiating corrective action when violations of this manual are committed.

**ADM 1-05-2 DETERMINING LEVELS OF DISCIPLINE**

- A. The type of disciplinary action imposed is dependent upon the type of violation, and the frequency of occurrence. Therefore, supervisors intending to impose disciplinary action will:
  - 1. Determine the disciplinary actions applicable to the act or omission.
  - 2. Consider the seriousness of the act or omission.
  - 3. Consider mitigating or aggravating circumstances.
  - 4. Consider the disciplinary record of the individual involved.
  - 5. Once this process is completed, the supervisor will recommend the appropriate disciplinary action.
  - 6. Because of the serious nature of some infractions, the first disciplinary action may be termination.

**ADM 1-05-3 PROGRESSIVE DISCIPLINE**

- A. A regular, full time employee shall be progressively disciplined whenever possible.
- B. Each case of inadequate performance or act of misconduct shall be judged individually, however, progressive misconduct of a similar nature shall be considered when determining the level of discipline.

**ADM 1-05-4                      MULTIPLE OFFENSES**

- A. If multiple offenses arise from the same incident or investigation involving different employees, the offenses will be considered independently according to the offending employee. Therefore, both reprimands and suspensions can be administered for the same incident.

**ADM 1-05-5                      RELATIONSHIP OF COUNSELING SESSIONS TO DISCIPLINE**

- A. Supervisors may observe actions or behaviors which need correcting, and left unchecked may lead to a policy violation. The purpose of a counseling session is to provide guidance and direction to personnel, in an attempt to make minor corrections to behaviors or actions that could lead to discipline if left unaddressed. Therefore, in reviewing a personnel file, a counseling session will not be viewed as a disciplinary action. A supervisor, taking disciplinary action will, however, take into account any previous counseling session for the same or similar type of behavior or action.
- B. A written notation of a counseling session will be made on the comment sheet, in the personnel file, and initialed at the time of entry by the entering supervisor and employee.

**ADM 1-05-6                      VERBAL REPRIMANDS**

- A. All supervisors have the authority to give verbal reprimands for minor infractions.
  - 1. A minor infraction shall mean those violations which would not result in a written reprimand or higher degree of discipline, depending upon the frequency of violations.
- B. When a verbal reprimand is given to personnel, it will be explained that the action is a verbal reprimand.
  - 1. A notation of the verbal reprimand will be made on the chronological record and will be initialed at the time of entry by the entering supervisor and employee.
  - 2. Personnel will be advised that more severe disciplinary action will be taken for repeated infractions or omissions of the same nature.
- C. Verbal reprimands are not grievable per Lea County Personnel Policy.

**ADM 1-05-7                      WRITTEN REPRIMANDS**

- A. When a supervisor's review of an act of misconduct results in findings that warrant a written reprimand, the following procedure applies:
  - 1. Supervisors will forward a memorandum documenting the investigation and their findings and recommendations to the next supervisor in their chain of command.
  - 2. Upon affirmation by the next supervisor in the chain of command, the Letter of Reprimand will be returned to the employee's immediate supervisor for presentation

- to the employee.
3. If the succeeding supervisor does not concur with the letter of reprimand, they may modify the action, but must attach a supplemental memorandum listing the reason(s) for the non-concurrence. The revised corrective action will then be administered.
  4. The issuing supervisor will ensure the disciplined employee signs and dates the original letter and will provide a copy of the letter to the employee.
- B. Consistent with New Mexico Statute 29-14-7 (B), the disciplined employee may write a letter of rebuttal. The letter of rebuttal and any corresponding letter from supervisors will be attached to the original letter of reprimand and placed in the disciplined employee's file consistent with New Mexico State Statute 29-14-7 A. (1) & (2).
1. The placement of a written reprimand in an employee's file is not grievable.
  2. The letter of rebuttal **is not** an appeal letter, and does not initiate any form of appeal process.
- C. At the employee's request and with the approval of the Sheriff, a written reprimand may be removed from the employee's file twenty four (24) months after the employee received the reprimand, provided the employee has not received another oral or written reprimand or other disciplinary action during the twenty four (24) month period. The Department head or supervisor who issued the reprimand shall be notified of its removal.

#### **ADM 1-05-8                      SUSPENSIONS, DEMOTIONS, AND TERMINATIONS**

- A. When the results of an employee misconduct review cause the reviewing supervisor to determine suspension, demotion, or termination of an employee is the necessary disciplinary action, the following procedure applies:
1. The reviewing supervisor will forward their findings and recommendations via the chain of command to the employee's Division Captain. The Division Captain shall review the findings and recommendations and either affirm the recommendation, or draft a letter revising the discipline and return it to the appropriate supervisor for action.
  2. If affirmed, the Division Captain will draft the final letter of suspension, demotion or termination and forward the entire packet to the Sheriff through the Undersheriff.
  3. The Sheriff shall have final determination regarding actions of suspension, demotion or termination. If they disagree with the recommended discipline, they shall return a memorandum revising it.
  4. All Letters of Suspension, Demotion, or Termination will be signed by the Sheriff.

5. The Sheriff or their designee will serve the letter to the employee as soon as practical and shall obtain the disciplined employee's signature and date on the original letter as well as provide them a copy of the letter.
6. Suspensions, demotions, and terminations are grievable; as such supervisors will adhere to employee notification requirements as set forth in Section 8 of the Lea County Personnel Ordinance.

**ADM 1-05-9                      EDUCATION BASED DISCIPLINE PROGRAM**

- A. The purpose of disciplinary action against an employee is to hold them accountable for their action, guide the employee to a realization of their error, and develop a means to preclude the event from recurring.
- B. Education based discipline (EBD) is an alternative to suspensions only and cannot be used in lieu of reprimands, demotions, terminations. Employees choose between suspension of pay or education based discipline.
- C. If an employee accepts EBD, they must complete all conditions of an Employee Performance Improvement Plan within the specified time period, or will be required to serve the full suspension and loss of pay.
- D. The use of an employee performance improvement plan does not remove the discipline from the individual's personnel file; all discipline will still be documented for purposes of progressive discipline.
- E. Employee Performance Improvement Plans are drafted by the employee's direct supervisor, and approved by the Sheriff after consultation with the chain of command.
- F. They are offered by the employee's Division Captain at the time the employee is served with the Sheriff's Letter of Intent to Suspend.
- G. Procedures for Implementing Education Based Discipline
  1. Before offering the proposed employee performance improvement plan to an employee, the Division Captain must:
    - a. Inform the employee of the findings of the investigation.
    - b. Advise the employee of their right to file a grievance.
    - c. Advise the employee they can discuss the plan with their attorney if they choose.
    - d. Present the employee with the Sheriff's Letter of Intent to Suspend.
    - e. Advise the employee they have ten (10) calendar days to notify the Sheriff in writing of their decision to participate in the employee performance improvement plan, or follow the disciplinary route related to suspensions.

2. If the employee files a grievance regarding the discipline as outlined in the Sheriff's Letter of Intent, EBD will no longer be an option.
  3. Employee Performance Improvement Plans will require the employee to write a memorandum accepting responsibility and actively participate in their improvement plan and abide by all the requirements listed in the plan.
  4. A statement must also be included in the performance improvement plan that failure to comply with the terms of the agreement will result in the imposition of the entire discipline described in the Sheriff's Letter of Intent received by the employee.
    - a. Partial completion of the plan will not mitigate any portion of the discipline described in the Letter of Intent.
- H. An Employee Performance Improvement Plan must inform the employee of the area or areas in which they must improve; explains to them what tasks they must accomplish and how their performance will be monitored and evaluated.
- I. The final components of every successful Employee Performance Improvement Plan will include:
1. A memorandum from the employee in which they assess their own actions, identify the error(s) they committed, and suggest the actions they should have taken to perform the action lawfully or correctly.
  2. A memorandum from the employee's supervisor releasing the employee from the plan with a recommendation that the employee's suspension days not be served.
- J. If, while the employee is involved in their improvement plan, their actions cause additional disciplinary action to be contemplated, or they fail to participate in the plan, the supervisor will complete a memo detailing the employee's action and recommending the imposition of the suspension days and forward it to the Sheriff, via the Chain of Command.

**ADM 1-05-10 RESPONSIBILITY FOR COURT APPEARANCE**

- A. Personnel who are relieved from duty or who are on suspension and are scheduled for court are still responsible for their appearance in court and will be paid accordingly.

**ADM 1-05-11 OFF-DUTY OVERTIME**

- A. Personnel scheduled for outside off-duty overtime during their period of suspension are responsible for notifying their immediate supervisor that they will be unable to appear for the assignment in time for a substitute to be obtained.

**ADM 1-05-12 CONDUCT WHEN RELIEVED OF DUTY**

- A. During the period of suspension, personnel will not wear any identifiable part of the

official uniform.

1. Upon being relieved from duty, personnel will surrender their badge of office, issued firearms, take home car, and any other requested official property.
2. Personnel will not act in the capacity nor represent themselves as law enforcement officers in any manner nor perform any off-duty overtime work.

**ADM 1-05-13            ADVICE OF CHARGES AND DECISIONS**

- A. The County Personnel Department will be provided with copies of proposed and final charges and decisions.

**ADM 1-05-14            CONFLICTS WITH THE LEA COUNTY PERSONNEL ORDINANCE**

- A. The Lea County Personnel Ordinance and New Mexico State Statute shall take precedence over the policies of the Lea County Sheriff Office in the event of any conflict.

## Chapter 2: Infrastructure

**This section contains policies identifying how the Chain of Command functions with the various sections of the sheriff's office, briefly discusses what each section does, and provides a chart of graphic information about how we work, and who we report to. It also provides guidance regarding the sheriff's office's communication system and processes. In it, you will find:**

- ✓ A description of the Chain of Command
- ✓ A description of the various sections and who they report to.
- ✓ A table of the Organization and Command.
- ✓ The sheriff's office's communications policy.

### Employee Notes:

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**ADM 2-01 DESCRIPTION OF THE CHAIN OF COMMAND****POLICY:**

Employees work better when they understand who they should report to regarding various activities. Sheriff's office policy is to clearly identify these positions within the Chain of Command and what they normally manage or supervise. Any employee may have a special project or activities which they have been delegated the authority to oversee by the Sheriff; these types of activities will be identified by a memorandum kept on file by the Executive Secretary, in the Office of the Sheriff.

**ADM 2-01-1 POSITIONS WITHIN THE CHAIN OF COMMAND**

- A. The Chain of Command is made up of all the supervisors within the sheriff's office, both sworn and non-sworn. In descending order their ranks, positions and summarized duties are:
  1. Sheriff (Department Head) – in overall command of the sheriff's office and all personnel and section.
  2. Under-Sheriff (Major) – the Sheriff's second in command, they are in overall command of the sheriff's office in the Sheriff's absence and assist the Sheriff in all his duties.
  3. Captain (Division Commanders) – of equal rank with one another, each of the three Captains commands a division that is assigned certain duties.
  4. Lieutenant /Technical Services Manager (Division Deputy Commander) – of equal rank to each other, the Lieutenants act as staff to their supervising Captain and command the division in their absence. With a few exceptions, the Technical Services Director is generally responsible for supervising the day to day operations and managing the productivity of non-sworn support staff.
  5. Sergeant (First-line supervisor) – responsible for supervising the day to day operations of the sworn personnel.
  6. Corporals (Junior-first line supervisor) – responsible for supervising the day to day operations of sworn personnel and providing training to staff and recruit deputies. This position is intentionally designed to help prepare individuals who wish to enter a supervisory career path.

**ADM 2-02 SHERIFF'S OFFICE DIVISIONS AND SECTIONS****POLICY:**

This policy places the various sections under the division to which they are assigned and provides an overview of what specific tasks or functions these sections carry out. Employees should utilize this policy as a ready resource to use when directing members of the public who may need to transact business or seek information from a certain section. This policy also indicates the appropriate section or employee responsible for a function.

**ADM 2-02-1 DIVISIONS**

- A. Division One Command
- B. Division Two Command
- C. Division Three Command
- D. Special Function Positions or Teams
  - 1. The sheriff's office has positions or teams that are designed to resolve unique circumstances or answer particular needs. When this occurs, the deputy or deputies performing such tasks should report along the Chain of Command having primary responsibility for the task. If this creates a temporary conflict of duties, the conflict will be resolved by the Division Captains whose sections are involved. Examples of this type of entity include, but are not limited to:
    - a. Honor Guard – team members are made up from employees of various sections who combine to part in ceremonial activities and report to a designated Honor Guard team leader.
    - b. SWAT – team members are made up from members of various sections who combine and report to the Tactical Team Commander.
    - c. Resident Deputies – deputies who live and are assigned combined duties in more remote sections of the County, where the sheriff's office's presence is necessary to provide quality service. Resident deputies may be primarily assigned to one division but perform tasks for another. In other words, they are equally responsible for both Civil Process and Patrol activities in their geographic area of responsibility, and can be dispatched to handle calls at any time.
      - i. Resident deputy status will be assigned at the direction of the Sheriff or their designee.

**ADM 2-02-2                      RESPONSE AND AUTHORITY TO INVESTIGATE**

- A. Deputies will respond to, investigate and appropriately resolve any event that occurs in their presence, any call for service they receive in which they have a statutory or professional duty to act, or any task they are given by a supervisor, unless primary enforcement is vested in another county department (such as Environmental Services). Further, they will diligently serve or seek to serve any legal process they are given.
- B. Uniformed Deputies
  - 1. These deputies normally respond to, exercise initial and/or primary investigative and enforcement authority over, and submit reports for the following:
    - a. All initial calls for service.
    - b. All criminal incidents which occur in their presence, or to which they are assigned, unless it is reassigned by their supervisor or are assumed by the Criminal Investigations Detachment (CID).
    - c. All felony incidents which occur in their presence, or to which they are assigned which are not pre-assigned to CID by policy.
    - d. Active patrol.
    - e. Suspicious persons, vehicles or circumstances.
    - f. Juvenile Runaways.
    - g. Custodial Interference.
    - h. Missing persons.
    - i. Civil process and Court duties when assigned.
    - j. Traffic.
    - k. Community oriented contacts.
    - l. Non-felony sex crimes.
    - m. All civil process.
    - n. Custody, control and transport of prisoners pursuant to court order.
    - o. Extraditions.
    - p. Service of warrants on in-custody defendants.
    - q. Neglect referrals or reports not rising to a felony offense.
  - 2. Deputies will forward copies of their reports on felony investigations to the Criminal Investigations supervisor for review.

- C. Plainclothes deputies (investigators) and uniformed deputies (when temporarily tasked) Assigned to the Investigative Function
  1. These deputies normally respond to, assume primary investigative and enforcement authority over, and submit reports for the following investigations:
    - a. All deaths or batteries that may result in death or grievous bodily injury.
    - b. All felony sex crimes.
    - c. Felony child abuse and neglect crimes.
    - d. Kidnapping.
    - e. Robbery.
    - f. Child abductions.
    - g. Highly technical or extended investigations whether misdemeanor or felony.
    - h. Any investigation assigned them under the directive of a superior in the rank of Lieutenant or above.
- D. Most cases will be investigated by the originating deputy. If assistance is needed, an investigator may be requested through the deputy's immediate supervisor.
- E. Normally, units will not respond to calls for service outside their jurisdiction, however, circumstances may occur that cause a deputy to leave the county limits while on patrol. Requests for assistance from outside law enforcement agencies will be handled as follows:
  1. Any non- emergency request for units to assist outside the boundaries of Lea County must be authorized by a supervisor.
  2. Officer in Trouble calls will be honored immediately.

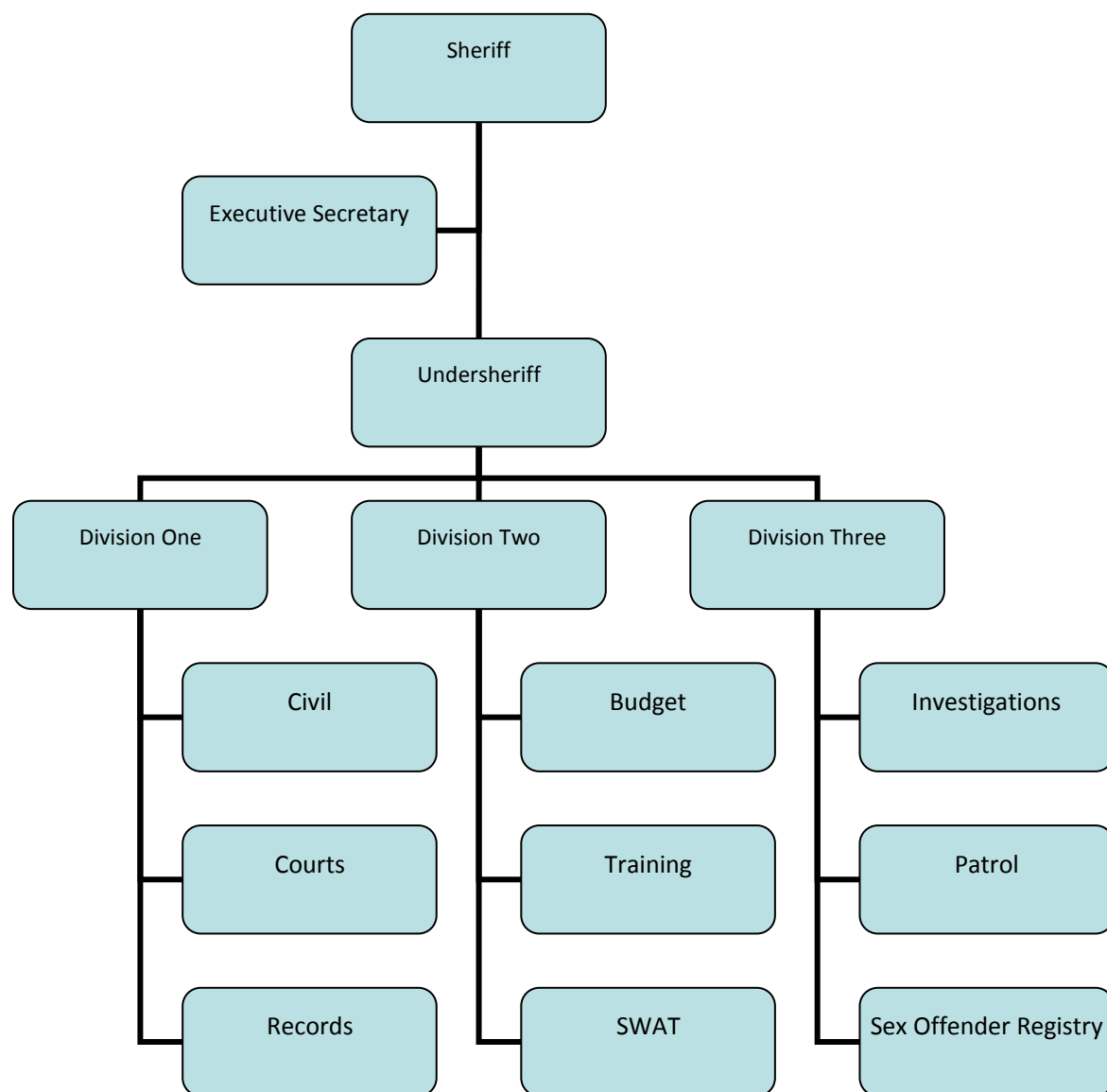
### **ADM 2-02-3            SUPERVISORY RESPONSE**

- A. First-line supervisors will respond to and manage, or provide assistance to personnel in the following situations:
  1. Fatal and serious accidents.
  2. Accidents involving law enforcement vehicles.
  3. Pursuits.
  4. Violent Crimes.
  5. Any death or serious injury.
  6. Hostage/Barricaded subject/sniper situations.

7. Use of deadly force resulting in death or great bodily harm by sheriff's office personnel.
  8. Shootings resulting in death or great bodily harm to sheriff's office personnel.
  9. Injury to a deputy.
  10. Riots/civil disorders or other major incidents.
  11. When requested by a deputy.
- B. In situations where an initial response by a supervisor involves a case that will be assumed by another section, the supervisor will maintain the integrity of the scene and will provide assistance and resource allocation authority for the assuming section whenever necessary.

**ADM 2-03 TABLE OF ORGANIZATION AND COMMAND****POLICY:**

This chart reflects the chain of command in relation to the various sections of the Sheriff's Office. It shows both the chain of command and how it flows among the various sections of our department.



## **ADM 2-04 COMMUNICATIONS**

### **POLICY:**

Lea County Sheriff Office policy is to coordinate the delivery of law enforcement services with requests from citizens and sheriff office personnel utilizing radio and telephone.

### **ADM 2-04-1 USE OF EQUIPMENT**

- A. Law enforcement communications equipment is to be used for official business only, as follows:
  - 1. The New Mexico standardized Ten Code shall be used when transmitting.
  - 2. Necessary language shall be short and relevant.
  - 3. When feasible, lengthy messages shall be given to the Lea County Communication Authority (LCCA) on a non-dispatch talk group.
  - 4. Transmissions should not be acknowledged unless they are understood.
- B. Every deputy in a uniformed field assignment must have access to radio communications equipment (e.g., portable or mobile transceiver).

### **ADM 2-04-2 ASSIGNMENT OF UNIT CALL NUMBERS**

- A. Unit call numbers are those numbers or combination of numbers and letters which identify a particular deputy so they can be identified during radio contact.
- B. Command staff and supervisors are issued a permanent unit call number based on their seniority within the Chain of Command. The Training Officer issues a call number to a deputy upon hiring. This unit call number is subject to change if the employee's rank changes or they are re-assigned.
- C. When a unit is called over the radio by any authorized user of the system, the deputy assigned that number will promptly respond with their unit number.

### **ADM 2-04-3 ALERT TONE**

- A. Units cease transmitting when a 10-33 (Alert) is transmitted. This code will be used on in-progress crimes, deputy in trouble calls, deputy involved in an accident with injuries, pursuits, or other serious incidents where a person's safety is involved. Emergency traffic shall switch to a designated alternate talk group.

### **ADM 2-04-4 CALLS CONSIDERED OFFICIAL ORDERS**

- A. All calls received via radio are official orders, normally subject to review only after the call

has been responded to and handled.

- B. Supervisors may prioritize multiple calls based on the type and number of calls and their location in relation to the calls for service.

**ADM 2-04-5                      LEA COUNTY COMMUNICATION AUTHORITY COMMUNICATIONS CENTER**

- A. The LCCA Communications Center is a restricted area. Employees will not enter the communications center unless an emergency exists or their official duties require it.

**ADM 2-04-6                      RECORDS SECTION**

- A. The records section is a restricted area. Deputies, with the exception of Command staff, will not enter records unless an emergency exists.
- B. Persons having business with the records section shall conduct such business by telephone, intercom, or by delivering/picking up information in the designated folders or window drop box.

**ADM 2-04-7                      TALK GROUPS**

- A. Primary Talk Groups
  - 1. On-duty units are required to keep their voice communications equipment on the primary talk group for the area they are working, unless they are actively using the car to car features or one of the non-dispatch groups.
  - 2. Non-dispatch talk groups are utilized for specific operations. Depending on the activity, dispatch personnel may monitor and participate as the central information source, or the group may be unmonitored.

**ADM 2-04-8                      LEA COUNTY COMMUNICATION AUTHORITY SERVICES**

- A. While deputies will normally check wants and warrants through their mobile data terminal (MDT), LCCA can check and will confirm a hit as well as handle all teletypes from sheriff office personnel in compliance with State and Federal regulations.
- B. The services provided by the Communications Center include access to:
  - 1. National Crime Information Center (N.C.I.C.)
  - 2. State departments of motor vehicles.
  - 3. Law Enforcement Teletype System (L.E.T.S.)
  - 4. New Mexico Motor Vehicle Division (M.V.D.)
  - 5. Digital recordings of LCCA and deputy radio and telephone communication.
  - 6. Computer Aided Dispatch (CAD) data.
- C. Information on motor vehicle registration can be obtained via the MDT, or by furnishing



the license plate type (commercial, R.V., etc.), state of issuance, number, and/or the Vehicle Identification Number (VIN) to LCCA.

- D. Drivers license information is obtained via MDT or by furnishing the subject's name and date of birth and/or social security number and the name of the state where the license was issued to LCCA.
- E. Information made available by the File Room (N.C.I.C., etc.) is for use by authorized criminal justice agencies only. This information will not be given to unauthorized persons for any reason.

#### **ADM 2-04-9                      PHONETIC ALPHABET**

- A. The phonetic alphabet shall be used for spelling out unusual names, persons, and locations, or when radio reception is poor. When spelling out a word, use only the phonetic alphabet; example: John Doe - John, Ocean, Henry, Nora, David, Ocean, Edward.

A.....Adam

B.....Boy

C.....Charles

D.....David

E.....Edward

F.....Frank

G.....George

H.....Henry

I.....Ida

J.....John

K.....King

L.....Lincoln

M.....Mary

N.....Nora

O.....Ocean

P.....Paul

Q.....Queen

R.....Robert

S.....Sam

T.....Tom

U.....Union

V.....Victor

W.....William

X.....X-Ray

Y.....Young

Z.....Zebra

# Chapter 3: Public Relations and Information Sharing

**This section contains policies that give employees guidance in dealing with the needs of the public such as requests for information, press releases or learning about the sheriff office and our mission. It even has procedures to help employees express their appreciation to a member of the public. In it, you will find:**

- ✓ Procedures for helping the public access sheriff office records.
- ✓ Retention guidelines for various types of records.
- ✓ Standards and Procedures for public recognition awards.
- ✓ Procedures for relations with the Press and releasing information for publication.
- ✓ Procedures for a Ride-Along by a member of the public.
- ✓ Protocols designed to avoid Biased-Based policing (or profiling).

**Employee Notes:**

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**ADM 3-01 ACCESS TO PUBLIC RECORDS****POLICY:**

Lea County Sheriff Office policy is to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the records section of the Lea County Sheriff Office as part of normal operations. The Lea County Sheriff Office declares that an orderly system for release of records requires that employees release record information only in accordance with this policy.

**ADM 3-01-1 POLICE BLOTTER**

- A. Copies of the first and second pages of Uniform Incident Reports, Crash Reports and Arrest Reports with associated Criminal Complaints (if any), (excluding all reports considered confidential by law) along with the Activity Log are designated as the "Police Blotter" and are available for inspection by representatives of the news media or the public pursuant to practice and applicable laws.

**ADM 3-01-2 RECORDS CONSIDERED PUBLIC**

- A. All records contained in case files maintained by the Records Division are considered public records by law and may be inspected by any person, or copies obtained pursuant to law, except as noted in the section "RECORDS CLOSED TO THE PUBLIC."
  1. Arrest records/files are covered later in a specific section.
  2. Records defined as "ADJUNCT RECORDS" will be screened by the Records Clerk or designee prior to release to insure that legally defined confidential material is not included in the release.

**ADM 3-01-3 RECORDS CLOSED TO THE PUBLIC**

- A. The following records maintained by the Records Division of the Lea County Sheriff Office are considered closed to the public:
  1. Records that are determined to reveal confidential sources, methods, and/or information and have been designated as "CONFIDENTIAL" pursuant to this policy. All such records must be stamped or digitally classified as "Confidential" to be considered closed to the public.
    - a. Records personnel are responsible for classifying the material that is confidential in a report and digitally classifying or marking the material prior to storage; further they shall redact confidential information prior to releasing it pursuant to a request for release of public information.

- b. Requests to inspect and/or obtain copies of any record marked "CONFIDENTIAL" shall be directed to the Division Captain of the division originating that report who will approve or deny the request in writing.
      - i. The written response shall be forwarded to the Records Clerk for processing and inclusion in the case file with the original of the confidential record.
- 2. Medical & Psychological Records
  - a. Records that contain medical or psychological information.
    - i. This includes all uniform incident reports and intake reports prepared when a person is detained for mental evaluation or detoxification.
    - ii. Refer to "Definitions" section for a description of "Medical Records".
    - iii. Refer to "Arrest Record Information" section for release procedure of medical and psychological records.
- 3. Warrants
  - a. Originals of un-served warrants are maintained at the Lea County Communication Authority (LCCA).
- 4. Supplements
  - a. Supplements that contain confidential sources and methods or information will not be released.
- 5. Transcripts of recorded contacts between employees and civilians may be released provided no confidential information is on them.

#### **ADM 3-01-4 PROCESSING RECORDS REMOVED FROM CONFIDENTIAL STATUS**

- A. If the Records Section receives a supplemental report indicating that reports in a file marked "CONFIDENTIAL" are no longer considered so, the Records Clerk processing the supplement will redact the "CONFIDENTIAL" indicators, place the date and their name along the marked out stamp and file both the cleared report and the clearing supplement in the file.
- B. Once a report is cleared from being "CONFIDENTIAL", it may be accessed as described above in the section "RECORDS CONSIDERED PUBLIC RECORDS".

#### **ADM 3-01-5 ACCESS TO RECORDS BY OTHER AGENCIES**

- A. Records maintained by the Records Section shall be provided, upon request or by policy, to other law enforcement agencies for criminal justice purposes.
- B. If a Records Section employee has any reason to doubt that such requests are legitimate (such as for personal use or in other jobs like bill collecting) the requestor shall be asked

to submit their request, in writing, to the Records Clerk or by teletype.

- C. Telephone requests by other agencies will be honored only if the Records Clerk is certain the call originates from that agency.
  - 1. If this is not known for certain, the request will be refused and the requester asked to submit the request through the law enforcement teletype or radio systems for verification of the agency identity.
  - 2. FAX requests on letterhead stationary of the agency will also be honored.

#### **ADM 3-01-6                      RECORDS SECURITY**

- A. Records Section employees may release information contained on the Police Blotter, via telephone to the news media, if the identity of the requestor is known or can be confirmed.
  - 1. Telephone requests from unknown or unconfirmed requesters, or requests for more information than is contained in blotter reports shall be directed to the Support Division Captain or department Public Information Officer.
- B. All original records with the exception of an active warrant are maintained by Records Section.
  - 1. When personnel need reports for court or other purposes, copies will be provided.
  - 2. Records released to the public under these sections will similarly be done by copy.
  - 3. Specific approval of the Custodian of Records, (Records Clerk), must be obtained before originals may be removed from the Records Section.

#### **ADM 3-01-7                      INSPECTION AND OBTAINING COPIES OF PUBLIC RECORDS**

- A. All records designated as "Public Records" are open for inspection by the public during posted business hours of the Records Section.
- B. Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the records section. Persons wishing to inspect Public Records may do so either in the presence of a Records Section Employee or by purchasing copies.

#### **ADM 3-01-8                      RELEASE OF ARREST INFORMATION**

- A. Arrest Records/Files maintained by the department's Records Section are original records of all arrests made by the Lea County Sheriff Office personnel, and certain other agencies.
  - 1. Copies of records from other agencies (dispositions from courts, reports from other agencies, etc.) are often obtained and included in Arrest Records/Files.

2. The original of those documents are retained by the originating agency.
  3. Therefore, the department makes no certification of the accuracy of the information contained in any document in any file that is not originated by the department itself.
  4. Such copies should be considered as “informational” only and questions concerning them should be directed to the originating agency.
- B. A standard form for requesting arrest record information will be maintained in the Records Section and available to persons requesting such information.
1. Requests on forms other than LCSO forms will be honored as long as they meet the content requirements set forth elsewhere in this section.
  2. If the person has an arrest file, a copy of the request will be placed in the person’s arrest file by Records personnel.
- C. Arrest/File information contained in the Lea County Sheriff Office Arrest files may be released under the following conditions:
1. Pursuant to requests from legitimate criminal justice agencies (law enforcement, military, courts, prosecutors, probation/parole, etc.) in accordance with the above section dealing with “Access to Records by Other Agencies”.
  2. Public and private defenders are not authorized, except as indicated below and should be directed to contact the County Attorney or the District Attorney to obtain the records.
  3. Arrest records may be examined and copies obtained by the person named in the particular record, or by their counsel or their agent, provided the person produces verification of identity by one or more of the following:
    - i. Government issued picture I.D.
    - ii. Comparison of arrest file identifiers with the person (fingerprints, handwriting, photos, identifying marks, etc.)
    - iii. By providing to a Notary Public such proof of identity as the Notary may require to issue a notarized statement attesting to the person’s identity.
    - iv. Personal knowledge of the person by Records Section or other Police Personnel.
    - vii. They provide to their counsel or agent a written, notarized authorization for counsel or agent to obtain arrest records and the authorization contains the full name, date of birth, and any other numbers that may be necessary to establish positive identification (SSN, Driver’s License, etc.)
    - viii. By mail, provided the requestor submits notarized proof of identity as specified, and/or notarized authorization for release to attorney/agent as specified in this

policy.

- D. Persons submitting valid requests for arrest record information will be provided with arrest information contained in the office's arrest files concerning arrests where they were arrested by the Lea County Sheriff Office and this office's Records Section maintains the original reports of the event.
- E. Mental Evaluation detentions and detoxification detentions will not be included with Arrest Record reports.
  - 1. Persons wishing to obtain records of these two types of detentions must apply specifically, in writing to the Records Clerk, for these records and must meet all of the above identification requirements.
- F. Unless copies of the arrest record are specifically requested, a synopsis of the record showing the date of arrest(s), charge(s), and disposition (if contained in department records) will be given to the making the request. If copies are requested, the standard copy charge will apply.
- G. Persons believing their arrest record contains incomplete information shall be directed to contact the Records Clerk to initiate a challenge to the content of the record as provided by law (29-10-8 NMSA 1978).

**ADM 1-03-9 NCIC AND OTHER TELETYPE CRIMINAL HISTORIES**

- A. The dissemination of NCIC Interstate Identification Index (III) records is limited to criminal justice agencies by law and will be done by the LCCA.

**ADM 1-03-10 OTHER TELETYPE RECORDS**

- A. Information and records obtained via the police teletype system are confidential and shall not be disclosed to anyone outside criminal justice agencies without the approval of a Division Captain or higher (excluding N.C.I.C. which is covered above).
- B. For the purpose of this section, teletype records include, but are not limited to: vehicle registration checks, driver's license checks, informational teletypes, etc.

**ADM 3-02 RECORDS RETENTION****POLICY:**

It is the intent of this policy to establish the procedures governing the retention and disposition of all records maintained by the Records Division of the Lea County Sheriff's Department. This policy provides for specific purging schedules of hard copy records, recording of others on microfiche and the destruction of all hard copy where legal microfiche exist of the document. This policy is in compliance with New Mexico Commission of Public Records, State Records Center and Archives, as updated 05/31/2012 and referenced in Title 1, Chapter 15, Parts (2), (3), (6) and (7), and Title 1, Chapter 19, Part (5), or New Mexico Statutes Annotated, 1978, as referenced.

**ADM 3-02-1 OATH OF OFFICE**

- A. Notarized form signed by the person serving as Deputy Sheriff.
- B. Retention Period: One (1) year after termination of service.

**ADM 3-02-2 CRIMINAL HISTORY RECORDS**

- A. Records of complete cumulative original history on any person arrested for a crime by the Lea County Sheriff's Department. Information may include any/all of the following:
  - 1. Name
  - 2. Date of birth
  - 3. Physical description
  - 4. FBI number
  - 5. Address
  - 6. Employment
  - 7. Marital status
  - 8. Education
  - 9. Date of arrest/release
  - 10. Identification information (mug shots, fingerprints, etc)
  - 11. Facts surrounding investigation
  - 12. Final disposition, etc.
- B. Retention Period: 75 years after date created or until death of subject or until placed on



a statewide database accessible to all county sheriffs, whichever come first.

**ADM 3-02-3            OFFENSE/INCIDENT REPORTS**

- A. Records the original report of incident (felony/misdemeanor) and pertinent facts surrounding the incident/offense. Information includes:
  - 1. Incident type
  - 2. Case number
  - 3. NCIC entry
  - 4. Incident code
  - 5. Premises type
  - 6. Incident location
  - 7. Incident date
  - 8. Time and reporting area
  - 9. Victim information
  - 10. Person (suspect) data
  - 11. Arrest data
  - 12. Vehicle data
  - 13. Witness data
  - 14. Narrative
  - 15. UCR data administrative section, etc.
- B. Retention Period: 5 years after date of incident or until investigation is closed whichever is longer.

**ADM 3-02-4            ARREST REPORTS**

- A. Records the arrest/booking of person. Information includes:
  - 1. Persons name
  - 2. Arrest number
  - 3. Physical characteristics
  - 4. Arrest date/time
  - 5. Arrest location
  - 6. Arresting officer's name

7. Charges, etc.
- B. Retention Period: 5 years after date of arrest or until investigation closed, whichever is longer.

**ADM 3-02-5 VIDEO RECORDINGS**

- A. Routine surveillance footage/recordings. (i.e. footage/recordings of booking areas, entrance/exit areas, car parking, etc.)
  1. Retention Period: 30 days after date created.
- B. Evidentiary footage/recordings (i.e. footage/recordings of DWI arrests and or any criminal incident).
  1. Retention Period: 1 year after date of incident or 60 days after date of court disposition, whichever is less.

**ADM 3-02-6 PROPERTY AND EVIDENCE RECORD**

- A. On the record of property and/or evidence section for either seized or found property, the receipt portion will:
  1. Property seized or found
  2. Date/time/location of property
  3. Acquisition
  4. Acquiring officer
  5. Type of offense
  6. Case number
  7. Suspect name
  8. Property owner's name and address
  9. Item description
  10. Serial number or controlled substance weight
  11. Investigative section
  12. Case referred to
  13. Property disposition information, etc.
- B. The chain of custody will indicate:
  1. The portion of locker the evidence is located in
  2. Date and name of person placing evidence in locker

3. Date and name of person removing evidence from locker
4. Location in evidence room where evidence is placed
5. Information of placing/removing evidence in/from evidence room
6. Certificate of release
7. Receiver's signature
8. Property officer's signature
9. Information on disposition of evidence by evidence officer
10. Evidence officer's signature, etc.

C. Retention Period: 1 year after date of disposition of all property and/or evidence for case.

**ADM 3-02-7                      MONTHLY FISCAL RECORDS**

- A. Copies of monthly reports submitted to court clerks, County Treasurer, County Commissioner. Reports may show amounts of fees collected, monies received, etc.
- B. Retention Period: 3 years after close of fiscal year in which created.

**ADM 3-02-8                      UNIFORM TRAFFIC CITATIONS**

- A. MVD prepared uniform traffic citations that show:
  1. Citation number
  2. Name/address city/state of person charged
  3. His/her physical description
  4. Age
  5. Sex
  6. Registration number
  7. Year
  8. Make
  9. Type of vehicle involved
  10. State/number of driver's license
  11. Specific section number and common name of offense charged under NMSA 1978 or of local law
  12. Date/time of arrest
  13. Arresting officer's signature/identification number

14. Conditions existing at the time of violation
  15. Notice to appear information
  16. Penalty assessment notice
  17. Warning notice, etc.
- B. This is a four part form and this policy refers to the Sheriff's copy. The original is forwarded to court; the abstract copy is forwarded to MVD. The blue copy is issued to violator.
- C. Retention Period: 3 years after date citation issued (30-1-8H, NMSA 1978).

**ADM 3-02-9                      UNIFORM CRASH REPORT**

- A. MVD prepared uniform accident report that shows:
1. Date/time of accident
  2. Location
  3. Persons involved
  4. Vehicles involved.
  5. Vehicle/property damage
  6. Injury codes
  7. Seat belt codes
  8. Witness information
  9. Road/weather conditions
  10. Apparent contributing factors
  11. Driver or pedestrian sobriety/physical conditions
  12. Diagrams, etc.
- B. This is a three part form and this policy refers to the Sheriff's copy. The remaining two parts are forwarded to the NM Highway and Transportation Department.
- C. Retention Period: 5years after date of accident (30-1-8D, NMSA 1978)

**ADM 3-02-10                      RADIO/TELEPHONE RECORDINGS**

- A. Radio/telephone recordings of emergency and/or non-emergency call received.
1. Portions of recording may be confidential.
  2. Recordings may be copied and filed with investigative portion of incident reports.

3. Retention Period: 3 years after date of call.

**ADM 3-02-11            RADIO/TELEPHONE LOG**

- A. Record of incoming radio/telephone calls. May show:
  1. Date/time of call
  2. Caller name etc.
- B. Retention Period: 3 years after date of call.

**ADM 3-02-12            DISPATCH RECORDS**

- A. Currently maintained by the Lea County Communication Authority, older records may be retained by the department, if so the following data for a record of incident/offense will include:
  1. Complainant's name
  2. Place of occurrence
  3. Address
  4. Time call received
  5. Dispatcher name
  6. Name of officer dispatched, etc.
- B. Retention Period: 3 years after date of call.

**ADM 3-02-13            EXTRADITION FILES**

- A. Records concerning the extradition and transport of prisoners. File may include:
  1. Court order
  2. Reimbursement voucher
  3. Travel arrangements
  4. Pre-booking documentation
  5. Receipt or prisoner, etc.
- B. Retention Period: 3 years after close of fiscal year in which created.

**ADM 3-02-14            COURT SERVICES DOCKET**

- A. Record of civil processes served including:
  1. Writs
  2. Citations

3. Subpoena
  4. Notices
  5. Injunctions
  6. Warrants
  7. Executions, etc.
- B. Information includes:
1. Party(s) names
  2. Attorneys
  3. Type of writ
  4. Date of entry
  5. Who served the process
  6. Date of service,
  7. Type of service
  8. Sheriff's costs
  9. General remarks/comments, etc.
- C. Retention Period: 3 years after date received.

**ADM 3-02-15            COURT SERVICES DOCKET (PROCESSES SERVED)**

- A. Record log of civil processes served. Information includes:
1. Parties names
  2. Attorneys
  3. Type of writ
  4. Date of entry
  5. By whom served
  6. Date of service,
  7. Kind of service
  8. Sheriff's cost, etc.
- B. Also known as Writ Book, Receipt Book for Civil Papers Served and/or Execution Book. Docket/log may be hand posted, computer generated, or on line.
- C. Retention Period: 5 years after date logged.

**ADM 3-02-16 SALE FILE**

- A. Record of all relevant information pertaining to property sold by the sheriff for satisfaction of judgment or liquidation of confiscated and stolen goods. Information includes:
  - 1. Parties
  - 2. Date of advertisement
  - 3. When sold
  - 4. Description of property
  - 5. Amount
  - 6. By whom sold.
- B. Sale information may be attached to Court Services Docket Sheet.
- C. Retention Period: 3 years after close of fiscal year in which property sold.

**ADM 3-02-17 INTERNAL AFFAIRS CASE FILE**

- A. Records concerning complaints against officer/civilian employees and consequent investigation. File may include:
  - 1. Complaint
  - 2. Tapes/transcriptions
  - 3. Staff inspection order
  - 4. Order to appear
  - 5. Evidence (e.g. tapes, videos, reports, photographs, etc.)
  - 6. Case report
  - 7. Medical releases
  - 8. Supplementary offense report (investigation summary)
  - 9. Review order (chain of command review)
  - 10. Case reviews with case recommendation
  - 11. Determination
  - 12. Determination notification copy, etc.
  - 13. Disciplinary action taken: Confidential 14-2-1 (A), NMSA 1978.
    - a. Confidential unless appealed through an administrative open meeting process.

- b. Dismissed/cleared: Confidential 14-2-1(A), NMSA 1978.
  - c. Confidential unless appealed through an administrative open meeting process.
- B. Retention Period: 3 years after termination of officer or 3 years after complaint.



**ADM 3-03 PUBLIC RECOGNITION AWARDS****POLICY:**

Department policy is to recognize outstanding assistance rendered by citizens to the Sheriff's Office through a public process. This policy identifies the standards and procedures for seeking recognition for a member of the public who has assisted the department.

**ADM 3-03-1 CLASSIFICATION OF PUBLIC AWARDS**

- A. Outstanding assistance rendered to the sheriff's office by citizens will be recognized through the Public Recognition Program. These awards will be classified as Letters of Appreciation, Certificates of Appreciation, and Commendation Awards.

1. *Letter of Appreciation*

- a. A Letter of Appreciation will be considered when an individual has provided significant assistance to the Sheriff's Department. The Letter of Appreciation will not require a formal ceremony of presentation. A letter on department stationery detailing the action or deed will be signed by the Sheriff and mailed to the recipient.

2. *Certificate of Appreciation*

- a. The Certificate of Appreciation Award will be considered when an individual has rendered assistance to a deputy in making an arrest or for actual physical restraint or capture of a suspect, or for providing significant information which led directly to the arrest of a suspect or significant return of property. It will consist of a suitably inscribed certificate accompanied by a letter from the Sheriff detailing the actions of the recipient.

3. *Commendation Award*

- a. The Commendation Award will automatically be considered when individuals, through any act of valor, have been seriously injured, or permanently disabled through their assistance to the Lea County Sheriff Office. The award will consist of a suitable inscribed plaque and Letter of Commendation.

**ADM 3-03-2 PROCEDURES FOR RECOMMENDING AN AWARD**

- A. Any employee may recommend a member of the public, or another employee for an award. The recommending employee or supervisor will write a letter to the Sheriff

through the chain of command.

1. The letter will contain the number of the official report describing the incident; name and addresses of the complainant and victim, if available; date and time of occurrence, and details pertinent to the award being recommended.
  2. Each level in the chain of command will indicate his/her concurrence or non-concurrence.
  3. After a complete evaluation and upon recommendation of the Sheriff, the Sheriff will direct his staff to prepare for a public award presentation, if appropriate. The award ceremony will include a press release, provided the recipient desires one.
- B. These awards may also be given at the direction of the Sheriff.

**ADM 3-04 PRESS RELATIONS AND RELEASE OF LAW ENFORCEMENT INFORMATION****POLICY:**

Department policy is to support the fundamental principles of the First Amendment to the Constitution of the United States, as it pertains to the rights of the news media and the public. The Lea County Sheriff Office is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.

**ADM 3-04-1 DEPARTMENT/PUBLIC LIAISON**

- A. The department public information officer (PIO) is appointed by the Sheriff and serves as an information liaison between the department and the general public.
- B. Information disseminated from this department is to be accurate and timely.
- C. Every effort will be made to release information to the news media with impartiality.

**ADM 3-04-2 SUPERVISOR RESPONSIBILITIES**

- A. Supervisors will immediately notify the PIO on all newsworthy events, with a follow-up through the chain of command.
- B. Initial news media contacts can be handled by the highest ranking supervisor/investigator at the scene of an incident or they can request that the PIO coordinate with the news media when the incident requires a spokesperson.
- C. Supervisors will furnish statements to the PIO and news media (when they are acting in the stead of the PIO) to inform them of factual information about the incident.
- D. Routine news media information such as traffic accidents, simple assaults, batteries, statistics, or follow-up information regarding on-going cases, can be handled by command personnel, the PIO, or their designee.

**ADM 3-04-3 PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

- A. The PIO is available for information between the hours of 0800 and 1700 hours, Monday through Friday. The department PIO will be available during off-duty hours on an emergency basis.
- B. The PIO is available to handle the news media for comment, once the PIO has been thoroughly briefed by the supervisor who is/was at the scene.
- C. Follow-up information will be handled by the PIO. This requires that supervisors or their designees brief and update the PIO as the incident develops.

- D. Non-sworn supervisory personnel can also disseminate routine follow-up information when briefed by the incident supervisor or the PIO.

**ADM 3-04-4                      RESTRICTIONS OF EMPLOYEE RELEASE OF INFORMATION**

- A. Personnel will not discuss or disseminate information to the media on incidents that they have no direct knowledge of or if not directly involved in the investigation. If the incident is of a serious nature, or involves department policy, employees should refer the matter to the PIO, or the Sheriff.

**ADM 3-04-5                      RELEASE OF LAW ENFORCEMENT IDENTIFICATION PHOTOGRAPHS**

- A. All news media and non-Law Enforcement personnel requesting a Law Enforcement identification photograph (mug shot) should be directed to the holding facility where the individual was booked.
- B. Other options of releasing a photograph are:
  - 1. Official court order directing the department to release the photograph.
  - 2. In the event of an emergency situation i.e., aid in locating a missing person, fugitive, escapee, dangerous suspect, etc if authorized by the Sheriff, Undersheriff or Division Captains.
  - 3. Records Section personnel will ensure that the identification number is obliterated before releasing the photograph.
  - 4. If a request is made for a photograph of department personnel, the person making the request will be referred to the PIO, who will coordinate with the Sheriff.

**ADM 3-05 RIDE-ALONG PROGRAM****POLICY:**

In order to promote the public's understanding of the Lea County Sheriff Office's role in the community, the Lea County Sheriff Office allows individuals to accompany its deputies in the field as observers. This order is intended to provide rules and guidelines for the ride-along program.

**ADM 3-05-1 ELIGIBILITY**

- A. Civilians who desire to ride as an observer should contact the on-duty supervisor to determine availability.
  - 1. Civilians seeking to ride-along as an observer must be at least 18 years old.
    - a. Exceptions to this requirement will be considered on a case-by-case basis and must be pre-approved by the Sheriff or his designee.
  - 2. Any person may be denied the opportunity for ride-along without explanation.
  - 3. Non-certified deputies are not allowed to have civilian observers.
  - 4. Civilian observers need to be aware that much of what a deputy does and sees is confidential, and are required to maintain that confidentiality.
- B. On-duty employees may be assigned to ride with a deputy for training purposes and must be scheduled through the employee's supervisor.
  - 1. If such an event occurs, that training will be documented in accordance with the office's training policies.
- C. Off-duty employees are not authorized to participate in ride-alongs.

**ADM 3-05-2 PROCEDURES**

- A. Civilians will complete a "Rider Waiver" prior to participating in their ride-along.
- B. The supervisor receiving the request conducts a local criminal history and a local wants and warrants check on the person requesting a ride-along using the CAD and direct contact with local agencies; these results will be attached or documented to the rider waiver by the supervisor.
- C. All persons with a criminal history will be reviewed and approved on a case-by-case basis. Except under unusual circumstances, persons with serious criminal histories shall be automatically disqualified, unless the ride-along is authorized by the Sheriff.

- D. Upon approval of any ride-along request, the supervisor authorizing the ride-along will notify the Lea County Communication Authority of the individual's identity and who the person will be riding with.
- E. All Rider Waivers, whether approved or not, will be forwarded to the Deputy Division Commander for review and filing.

**ADM 3-05-3                      RESTRICTIONS**

- A. Due to the potential for danger, observers will not be allowed to leave the patrol unit unless a potentially life-threatening situation exists if they remained in the unit, or if previous clearance has been obtained.
- B. Observers will be asked to wear department-provided body armor; refusal to wear armor may be grounds for denying the ride-along. The armor will be in a carrier prominently identifying the wearer as a civilian observer.
- C. Observers may not become directly involved in any law enforcement action unless necessary.
- D. Civilian observers will not be allowed to accompany a deputy with a prisoner into any detention facility or accompany them into a detention facility to retrieve a prisoner for transport.

**ADM 3-05-4                      RESPONSIBILITIES**

- A. Deputies assigned an observer will make every reasonable effort to assure the safety of the observer.
- B. Deputies will immediately return to the station or substation and notify a supervisor if an observer refuses to cooperate.
- C. Supervisors will ensure that an observer is an appropriate candidate for the ride-along program and will ensure they are aware of the limitations imposed on them.

**ADM 3-06 BIASED-BASED POLICING****Policy:**

Public trust and confidence in the Sheriff's Office is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Lea County Sheriff Office to respect and protect the constitutional rights of all individuals during official contacts and/or enforcement actions and that such decisions will not be predicated solely on the basis of an individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, economic or veteran status.

**ADM 3-06-1 General Procedures**

- A. Biased-based policing by any member of this office is prohibited. Routine and spontaneous investigative activity such as interviews, detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, or other types of bodily searches, or the search of real or personal property, arrests, property seizures and forfeiture efforts, or determining the scope or substance of such activity will be based on standards of reasonable suspicion or probable cause. Initiating and conducting investigative activity or determining when or how to take enforcement action will be in accordance with the New Mexico and U.S. Constitutions.
- B. Nothing in this policy prohibits deputies from using the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that deputies would use hair color, height, weight, or gender to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or criminal activity.
- C. Sheriff's Office personnel will provide the same level of service to every citizen regardless of their individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, economic or veteran status.

**ADM 3-06-2 Supervisor Duties**

- A. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- B. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.
- C. Supervisors will respond to all citizen complaints of biased-based policing and will ensure that complaints are handled in accordance with appropriate policies including

internal affairs procedures and corrective or disciplinary actions.

**ADM 3-06-4            Training**

- A. The Lea County Sheriff Office will provide training to its law enforcement deputies during orientation and every two years thereafter to assist deputies in adhering to this policy and the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, §§ 1-4, NMSA 1978 § 29-21-1 et seq.

**ADM 3-06-6            Records Dispositions**

- A. In addition to the maintenance of the records of all investigative and corrective or disciplinary actions related to an allegation of Biased-based policing, the Sheriff 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 law enforcement officer or complainant.



# Chapter 4: Department Equipment

**This section contains policies that give employees guidance in safeguarding and maintaining their equipment, and for using department facilities. It also provides procedures for how we respond to accidents involving department vehicles. In it, you will find:**

- ✓ Procedures for operating official vehicles.
- ✓ Procedures for wearing and maintaining body armor.
- ✓ Standards and procedures for carrying and utilizing firearms and holsters.
- ✓ Standards and Procedures for information technology system.
- ✓ Procedures if an employee gets in an accident in a department vehicle.
- ✓ Procedures if private property is damaged during official activities.

**Employee Notes:**

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**ADM 4-01 DEPARTMENT VEHICLES****POLICY:**

The Sheriff authorizes the assignment of various vehicles to designated employees for on and off-duty use. This practice is intended to increase visibility to the public and increase the number and readiness of available critical personnel for duty requirements. The Sheriff Office also has an interest in reducing administrative costs related to vehicles by regulating their usage with the intent to improve reliability, establish efficient maintenance, improve the longevity of each vehicle; and to control their use. This policy provides guidelines regarding the use and maintenance of official vehicles.

**ADM 4-01-1 VEHICLE ASSIGNMENTS AND "TAKE HOME" STANDARDS**

- A. For the purposes of this policy, "take home use" shall consist of the use of an official vehicle whether on or off-duty.
- B. Take home vehicles may be utilized by personnel under the following criteria:
  - 1. "Take home" use by employees is on a voluntary basis and employees will not be monetarily compensated for operating their vehicle unless a situation arises that requires them go into service.
  - 2. Vehicles assigned may be marked or unmarked.
  - 3. The vehicles assigned will be dependent on the duties and responsibilities of the employee and number of vehicles available.

**ADM 4-01-2 OPERATION OF VEHICLES**

- A. Guidance Specific to Deputies:
  - 1. Deputies will have their commission card, badge, and an official windbreaker, or jacket, available to properly identify themselves while in civilian clothing. They shall also have their authorized handgun alternate, together with issued body armor readily available.
  - 2. Deputies will have their radios on to monitor the proper talk groups for their location.
    - a. While not required to go in and out of service, deputies must advise the Lea County Communication Authority if they are near enough to provide assistance on a call. Further, they must respond to any emergency situation they may encounter and take appropriate action.
    - b. Unless the situation requires immediate action, off-duty deputies will call for an on duty deputy to handle the situation, stand by until their arrival, and assist with the call if necessary.

3. Deputies are cautioned against enforcing traffic laws while operating a marked vehicle while off-duty; they should maintain visual contact and have a marked, on-duty unit respond.
  4. Deputies will not escort any vehicle on an emergency Code-3 response, nor transport victims of sickness and/or injury in a department vehicle unless authorized by a supervisor. Ambulance service will be called for persons in need of medical treatment and hospitalization.
  5. The purpose of emergency equipment on marked emergency vehicles is to allow the vehicle to proceed through traffic, at a reasonable rate of speed, with a minimum risk to lives and property by warning other motorists. When driving under emergency conditions, deputies of this department will conform to New Mexico law, the rules of safe driving, and shall maintain control of the emergency vehicle at all time.
  6. Deputies will be responsible for inspecting the interior of their assigned unit for contraband and weapons during the course of their shift, and immediately following any transport of a prisoner.
    - a. Any contraband or weapon(s) found during the inspection will be reported to the inspecting deputy's supervisor as soon as possible.
  7. Vehicles checked out for prisoner transport or assignments will be checked out (logged in the log book and keys issued) through an on-duty supervisor.
- B. Guidance for All Employees Operating Official Vehicles
1. Employees assigned a vehicle will not operate it outside Lea County unless on official business.
  2. Only county employees or authorized employees from other agencies may operate department vehicles and they will be responsible for the safety, proper appearance, and conduct of all passengers.
  3. Employees are allowed to transport members of their families or other authorized persons in their assigned vehicle or a temporary spare they have been assigned. However, employees will not expose family members or authorized passengers to undue danger. If required to respond to a potentially dangerous incident, employees will stop and have the passenger exit in a safe area, secure from the elements whenever possible.
  4. Employees will maintain professional conduct and will not operate an official vehicle within eight (8) hours after the consumption of any alcoholic beverages, except while acting under proper and specific orders from a supervisor in compliance with their official duties (i.e. specific undercover operations where an undercover agent's identity and/or safety may be compromised).

5. Employees will not possess, consume, purchase or transport personal alcoholic beverages in their vehicles.
6. Employees will exercise good judgment in utilizing their assigned vehicle, and will not drive or use it so as to cause an unfavorable comment, or reflect discredit on the department.
  - a. Official vehicles will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk, windows or out of the beds of pick-ups.
  - b. Employees will not utilize their assigned vehicle for any commercial enterprise, or outside employment.
7. Employees will be appropriately attired when operating any official vehicle.
  - a. Trousers, fitted shorts (such as Dockers ® or 5.11®) and a shirt are considered appropriate for male employees. For female employees, trousers (slacks or jeans), fitted shorts, shirtdresses, or skirt are appropriate.
  - b. Prohibited attire will include, but not be limited to, the following:
    - i. Swim wear
    - ii. Beach style sandals (flip-flops).
    - iii. Tank tops
    - iv. Bare feet
    - v. Bare torso
    - vi. Clothing with profane or offensive material or writing on it.
  - c. Exercise clothing may be worn when travelling to and from the fitness facility.
8. Employees should not let their vehicles run idle unnecessarily.
  - a. When leaving an official vehicle parked unattended, employees shall lock the ignition and doors and retain the key on their person, unless impossible or impractical because of duty requirements.
  - b. Anytime an employee exits a unit, leaving the engine running (i.e. traffic stops), they will make sure the vehicle is transmission is in "Park".

**ADM 4-01-3 PROCEDURES FOR PARKED OR VEHICLES NOT IN USE**

- A. Employees will not presume any special privileges with the vehicle, parking or otherwise.
- B. Employees not using their vehicle for a period of 7 days or more will park their assigned vehicle in the designated department parking area until they return to full-duty status.
- C. If a deputy is on light duty for any reason and is normally assigned a marked unit, they will park their assigned vehicle in the designated parking area. They may be issued an unmarked vehicle for use, provided there is one available, and their light duties still involve critical skills and tasks that require them to be available to work non-scheduled hours at a moment's notice.
- D. In the event of a shortage of vehicles for on duty use, supervisors have authority to obtain needed vehicles from any employee who is off duty and in possession of their assigned vehicle. The supervisor will attempt to make arrangements with the employee prior to obtaining the vehicle.
- E. Personnel will remove all issued property, including portable radios, rifles, shotguns, handguns, etc. from their assigned vehicle when the vehicle is left at a garage for service.
  - 1. Personal property left unattended by personnel in their vehicle will be their sole responsibility.
  - 2. If personnel are incapacitated and are unable to secure their department issued or personal property, it will be the on-scene supervisor's responsibility to ensure that the property is properly secured.
- F. Vehicles not assigned to an employee will be parked at the Sheriff's Office.
- G. A spare key shall be maintained in the key box in the event of an emergency.

**ADM 4-01-4 MAINTENANCE RESPONSIBILITIES FOR OFFICIAL VEHICLES**

- A. Employees are fully responsible for the care, cleaning, and scheduled preventive maintenance of their assigned vehicles, but are prohibited from personally performing, or allowing, anyone other than an authorized mechanic to perform any mechanical repairs or alterations on the vehicle that extend beyond general maintenance and care.
- B. General maintenance which can be done by deputies will include the following:
  - 1. Headlight or windshield wiper replacements.
  - 2. Addition of motor oil or other vehicle fluids.
  - 3. Maintenance of tire pressure.
  - 4. Changing flat tires

- C. Employees are expected to notify their immediate supervisor of any problems or damages to their assigned vehicle as soon as practical.
- D. A monthly inventory and inspection of items assigned to each vehicle will be made to ensure proper maintenance of equipment, and the vehicle in general.
- E. Regardless of weather conditions, employees shall roll up all windows in department vehicles units at the end of their daily work cycle.
- F. In the event an employee moves equipment from one vehicle to another, it is their responsibility to replace the equipment or notify their supervisor of the change and reason.

**ADM 4-01-5                      PROHIBITED ACTIVITIES**

- A. Employees may not:
  - 1. Alter the body, appearance, markings or the mechanical, electrical, or radio systems of the vehicle.
  - 2. Add equipment (i.e. headlight wig-wags, dash mounted emergency lights, rear deck mounted emergency lights, CB radios, radio scanners, or other equipment), to a vehicle, without prior approval of their Division Captain.
  - 3. Rearrange accessories or equipment in the vehicle without prior approval from the Division Captain.
  - 4. Place bumper stickers, window stickers, magnetic ad/placard plates or stickers on department vehicles unless authorized by the Sheriff.

**ADM 4-01-6                      USE OF SEAT BELTS**

- A. All employees as well as their passengers will utilize seat belts when their vehicle is in operation unless a specific situation overrides the safety consideration (i.e. removing the seat belt just prior to arriving at the scene of an emergency call).

**ADM 4-01-7                      UNIT NUMBERS**

- A. Unit numbers will be placed on the rear of all assigned marked vehicles.
  - 1. Personnel will not remove these numbers, except when permanently changing vehicles.
  - 2. If a number comes off for any reason, the number will be replaced as soon as possible.

**ADM 4-01-8                      USE OF PERSONAL VEHICLES ON DUTY**

- A. Only upon written approval of the Sheriff will a personal vehicle be used on any duty assignment. The only exception will be the use of ATV's in circumstances approved by a

supervisor.

- B. In such case where a personal vehicle is used without written approval, the Sheriff Office assumes no responsibility for the vehicle or contents within.
- C. If written approval has been granted, and during the time of vehicle utilization in an official assignment, the vehicle becomes damaged by malicious actions, or by some other case where the fault is not that of the owner and/or operator, the department will assume the cost differential between the cost of damage and insurance payment, not to exceed \$500.00.
- D. In no case will the department take responsibility of reimbursement for personal items or valuables stolen from such vehicle.

**ADM 4-02 CRASHES INVOLVING OFFICIAL VEHICLES****POLICY:**

Lea County Sheriff Office policy is to accurately investigate and document all crashes involving official vehicles, or have them investigated by another agency when appropriate. These procedures are intended to protect the department against accusations of cover-up or mishandling of crashes and to provide procedures that reinforce the office's commitment to public accountability.

**ADM 4-02-1 CRASHES INVOLVING COUNTY VEHICLES**

- A. If any employee of this office is involved in a crash in a county vehicle, they will immediately notify the first available supervisor. In all cases, the ranking sworn supervisor involved will assign an appropriate deputy, or request an agency to take the report and conduct the investigation.
- B. Employees will not make statements regarding the cause of the crash to anyone except Sheriff Office personnel or other authorized persons.
  - 1. The Division Captain will be informed of the location and severity of the crash.
    - a. A detailed report on the appropriate forms will be submitted to the Division Captain as soon as practical.
- C. Any official vehicle extensively damaged will be towed or driven to the office's parking lot and stored at that location pending repairs.
  - 1. Cars incurring minor damage (heavy dents, etc.) will be parked at the Sheriff's Office and not used except in an emergency.
  - 2. The on-scene supervisor at the time of occurrence will give copies of the crash report to the Division Captain.
- D. When law enforcement vehicles are involved in crashes resulting in major damage, photographs will be taken by the appropriate personnel.
- E. All crashes involving a Lea County Sheriff Office unit will be worked by an outside agency.
- H. In the event an employee of this office receives a citation from any Law Enforcement agency as a result of the crash investigation, the employee will:
  - 1. Sign the agreement to appear in the designated court; not in the penalty assessment box.



2. Contact the County Attorney and advise them of the situation and circumstances.
  3. The County Attorney will advise the employee of the manner in which the citation will be handled.
  4. Appear in court on the date indicated.
- I. In the event an outside agency declines to respond in a timely manner and the crash occurred within the jurisdiction of a city police department, that department shall be requested to respond and investigate the crash.
  - J. In all instances, the supervisor managing the incident will direct an employee to submit to a drug and alcohol screening through the facility under contract with Lea County at that time.

**ADM 4-03 DAMAGE TO COUNTY OR CIVILIAN PROPERTY****POLICY:**

Lea County Sheriff Office policy is to document damage to county or civilian property which occurs in the course of official duties. This policy provides guidance and procedures to enable employees to accomplish that commitment.

**ADM 4-03-1 DAMAGE TO DEPARTMENT PROPERTY**

- A. Documentation
  - 1. For incidents not involving a criminal offense, the deputy involved will submit a memorandum through the chain of command to the concerned Division Captain explaining the incident.
  - 2. For incidents involving a criminal offense, the primary deputy will report the damage in their Incident Report. If the damage did not occur as an inadvertent event, and probable cause exists, they will also charge the person who caused the damage with the appropriate criminal offense.
  - 3. Digital photographs will be taken whenever damage to county equipment is sustained and forwarded with any reports related to the damages whether investigative or administrative.
- B. Damaged equipment will be replaced as soon as practical.

**ADM 4-03-2 DAMAGE TO CIVILIAN PROPERTY**

- A. Documentation
  - 1. For incidents not involving a criminal offense, the deputy involved will submit a memorandum through the chain of command to the concerned Division Captain explaining the incident.
  - 2. For incidents involving an official act of the Sheriff Office (for example a search warrant, or writ), the primary deputy will report the damage in their Incident Report.
  - 3. Digital photographs will be taken whenever damage to civilian property is sustained and forwarded with any reports related to the damages.
- B. The Division Captain will coordinate with Risk Management and the Sheriff regarding any possible liability.

**ADM 4-04 USE OF INFORMATION TECHNOLOGY SYSTEMS****POLICY:**

The purpose of the county and Sheriff Office IT systems (including Mobile Data Terminals) is to enhance an employee's ability to obtain necessary information in a timely manner, reduce radio traffic, provide dispatch information and increase employee safety. However, such use must be regulated and focused for the advancement of the goals for the Sheriff's Office. Accordingly, it is the policy of the Lea County Sheriff Office to provide specific procedures for users of the office's IT systems, which includes but is not limited to: all computer systems, mobile data terminals, laptops, "smartphones", desktop stations and servers.

**ADM 4-04-1 REQUIREMENTS FOR USE**

- A. Prior to issuance and use of any department or county information technology system, employees shall receive training on the system's capabilities and use.

**ADM 4-04-2 ACCEPTABLE USE**

- A. All users of a Mobile Data Terminals must attend a training session, conducted by the IT Technician prior to operating the device. Users of servers, desktop computer stations, laptops or smartphones shall receive training as needed in specific programs required to perform their tasks.
- B. The use of IT system equipment and associated software must be in support of law enforcement activities. It shall be used for information gathering or exchange and includes computer aided dispatch, case reporting, intelligence gathering, internet access, and E-mail. Internet access is heavily restricted, normally it shall be for official use only; any attempt to circumvent restrictions may result in termination of the user's account or disciplinary action.
- C. All communications and information accessible by this device are considered records subject to release under New Mexico Inspection of Public Records Act (IPRA) guidelines, and are subject to the office's records procedure as well as statutory law.

**ADM 4-04-3 PROCEDURES**

- A. Due to the sensitive nature of the data available to the user and the risks inherent in utilizing an active computer while in a motor vehicle, the following guidelines will be adhered to:
  - 1. All employees assigned an MDT shall login and remain active on the system whenever on duty.

2. While in a unit, MDT's or similar IT devices must be properly mounted in the docking station or otherwise secured.
3. The viewing screen on MDT's will be down and employees **will not** operate an MDT while driving.
4. No information will be obtained for the personal gain of the user or acquaintances. Any such attempt will result in account removal and potential criminal prosecution.

**ADM 4-04-4            EQUIPMENT**

- A. Employees will respect and handle IT devices with due care.
- B. No unofficial software of any kind may be loaded onto county devices; programs will be loaded by the IT technician or suitably trained designee.
- C. Employees will maintain and store MDT's in a dry area within normal operating temperatures, as indicated by the manufacturer.
- D. MDT's will be removed from the vehicle at the end of an employee's shift and should never be stored in the trunk of a vehicle. Employees will remove MDT's or other IT devices from vehicles which are unassigned, or are being serviced, unless the device is permanently mounted in the vehicle.
- E. Any damage or problems shall be reported to the employee's immediate supervisor and the IT technician as soon as possible; the computer will be evaluated by the IT technician who will repair the issue or recommend a proper course of action to the supervisor.
  1. Any damaged or inoperative computer submitted for repair will be assessed for damage caused by neglect, misuse or abuse to the unit.
  2. Devices will remain out of service until the IT technician repairs the problem, or recommends a solution for solving the issue.
  3. Only the Division Captain or designee may authorize the issuance of another MDT to a user.
- F. Employees may not alter any settings if such alteration could adversely affect the operation of the device's hardware or software.
- G. If an employee must step away from their computer while there is a citizen or non-user located where they can access the computer or view it, the computer's keyboard shall be locked and the screen closed or turned off.

**ADM 4-04-5            SECURITY**

- A. Network security is a high priority for the county and the department. Employees will avoid practices that may compromise network security. Examples of security breaches are identified but not limited to the following:

1. Sharing password access with another person.
2. Using another user's password to login to the system.
3. Leaving computers or devices unattended and unsecured while operational.
4. Releasing another user's account information.

#### **ADM 4-04-6                      SOCIAL NETWORKING SITES**

##### **A. Authorized Use**

1. Social networking sites can be a valuable tool for public awareness, criminal intelligence gathering or as part of a criminal investigation. Employees are permitted to access social networking sites while on duty under the following conditions:
  - a. Employees must obtain written permission from their Division Captain to create, operate, maintain, or access any social networking account if it is related to department activities.
  - b. Activity on the site will be recorded in appropriate reports; either administrative, intelligence or investigative.
  - c. The URL, username, password and all other identifiers for the account shall be recorded and forwarded to the supervisor in charge of the related activity to allow access to the site by auditing personnel to include Office of Professional Standards.
  - d. Use of such sites **MUST** meet the standards enumerated in LCSD Policy **OPR 1-03 Criminal Intelligence** as well as meeting all Constitutional and statutory requirements.

##### **B. Restrictions**

1. Employees should not access their personal social networking sites through the county or Sheriff Office network while on-duty, and are prohibited from utilizing it for extended times.
2. Employees may not create links to official records or data that may be accessed by the general public, unless such links are official information-sharing functions directed or authorized by the Sheriff or his designee.
3. Employees will refrain from conducting any activities related to the Sheriff Office or county on their personal social networking site that damages the office's professional reputation, causes the public to lose trust or confidence in the employee or the department, or adversely impacts operations.

**ADM 4-05 FIREARMS, HOLSTERS AND AMMUNITION****POLICY:**

The Lea County Sheriff Office issues deputies a duty sidearm, 12 gauge shotgun, .223 caliber rifle, approved holster or sling, and necessary ammunition for these firearms, and authorizes the use of alternative, secondary and/or off-duty firearms under certain criteria. Deputies shall be trained in the proficient use of their firearms and are authorized to carry them on-duty and off-duty as set forth in this section. This policy is not intended to limit the rights of a deputy to carry firearms off-duty in the same manner as unrestricted citizens, but rather to define their authorization to carry a firearm under the color of law. Nothing in this section shall prohibit a deputy from utilizing any weapon available to him/her for self defense or for the defense of another in a critical situation.

**ADM 4-05-1 AUTHORIZATION AND APPROVAL TO USE FIREARMS**

- A. Only firearms authorized by the Sheriff or their designee for use under color of law shall be considered as "official" firearms.
- B. Non-certified and part-time deputies are not authorized to carry a concealed loaded firearm pursuant to **4-41-10, NMSA, 1978**, unless they are in possession of a Concealed Carry Permit issued from an appropriate jurisdiction.
  - 1. Part-time deputies who carry firearms in the execution of their duties must meet the requirements listed in this policy; however, they are not authorized to carry weapons or act under color of law when off-duty unless specific authorization has been delegated by the Sheriff.
- C. Probationary deputies, regardless of their certification status, must carry their Sheriff Office issued firearms when on-duty throughout their probationary period. They may request authorization to carry an off-duty firearm, however, the carrying of such firearms are subject to the requirements of this policy and New Mexico law.
  - 1. The restriction for probationary deputies regarding duty firearms may be waived under the Sheriff's authority based on a recommendation from the firearms instructor.
- D. Upon completion of their probationary year, certified, full-time deputies may carry alternative, secondary, and/or off-duty firearms in anticipation of their potential duty to act under color of law at any time. The carrying of such firearms are subject to the requirements of this policy.
  - 1. Only certified, full-time deputies may carry a concealed, loaded firearm without a

- Concealed Carry Permit pursuant to **4-41-10.1, NMSA 1978**. Deputies must ensure they are in compliance with **HR 218**, when performing official duties in another state.
- E. Whenever carrying a firearm under color of law, all deputies are required to have their badge and commission card readily accessible.
    - 1. Deputies who are authorized by law to carry their weapon concealed when off-duty and in civilian attire are encouraged to conceal their firearm.
    - 2. Part-time or non-certified deputies who choose to carry in civilian attire in the same manner as a private citizen shall not display their official badge.
  - F. To obtain authorization to carry an alternative, secondary or off duty firearm, the following requirements must be met:
    - 1. The deputy must have successfully completed their probationary year(s) after hiring, unless this is waived by the Sheriff or their designee.
    - 2. The deputy will submit a letter of request along with the firearm and 50 rounds of test ammunition to the Sheriff Office's chief firearms instructor.
    - 3. The firearms instructor will inspect the weapon for function and safety. If the weapon is deemed appropriate, the deputy will successfully pass the appropriate NMDPS and Sheriff Office qualification courses for each firearm they intend to carry. The firearms instructor will present their written findings and recommendations regarding the firearm and qualification score to the requesting deputy.
    - 4. The deputy shall present the written documentation via their Chain of Command to the Sheriff, with an attached memorandum requesting authorization to carry the weapon as an alternative, secondary and/or off-duty weapon.
    - 5. If approved, the original approval will be forwarded to the training officer from the Office of the Sheriff for inclusion into the deputy's personnel file. A copy will be sent to the deputy.

#### **ADM 4-05-2 FIREARMS RESTRICTIONS**

- A. No official firearm will be subjected to any alteration unless it is done by an authorized armorer or under their supervision.
- B. Deputies who choose to carry alternative, secondary or off-duty firearms shall incur the cost for the weapon, its maintenance and ammunition and the appropriate holster or sling and accessories for the weapon.
- C. The Sheriff Office will not compensate or assume the cost for such firearms, their maintenance, the ammunition, or any accessories.
- D. Deputies are urged to coordinate with the firearms instructor regarding any alternative,

secondary or off-duty firearm they request to carry; and to obtain guidance regarding the ammunition and accessories for the weapon prior to purchase. This will preclude the deputy purchasing items that will not be approved for carry.

- E. Holsters worn for on and off-duty carry under color of law must be approved by the firearms instructor, and must hold the weapon securely to allow for a safe presentation of the weapon. Additionally, deputies shall pass a qualifying course of fire prior to utilization.
- F. All authorized firearms will be maintained in a safe and working condition.
  - 1. Armorers and firearms instructors may "deadline" any weapon or accessory they determine is not suitable or is unsafe. When this occurs, deputies will transition to an approved firearm or accessory until deficiencies are corrected or the weapon/accessory replaced.
- G. Deputies will participate in annual firearms training/qualification to maintain firearms proficiency.

**ADM 4-05-3      TABLE 2-22-1 (A): AUTHORIZED FIREARM TYPES AND CALIBERS**

- A. The authorized types of firearms and calibers for on-duty or off-duty carry are listed in this table. Calibers or firearms types that are not listed on the table **WILL NOT** be approved for carry under color of law.

**Table ADM 4-05-3 (A): Authorized Firearm Types and Calibers**

Classification	Type	Calibers
On-duty Sidearm	Semi-Automatic	.45 ACP, .40 S&W; 9mm
	Double-Action Revolver	.357 Magnum
Off-Duty/Secondary Firearm	Semi-Automatic	.45 ACP, .40 S&W, 9 mm, .380
	Double-Action Revolver	.357 Magnum, .38 +p
Shotgun	Pump	12 ga.
Rifle	Semi-automatic	.223/5.56 mm

**ADM 4-05-4      CARRYING AND HANDLING OF FIREARMS**

- A. Deputies are authorized to carry a firearm into a liquor establishment provided they are acting in accordance with New Mexico statute and the policies of this department.



Deputies are responsible for the security of all firearms under their control.

1. Revolvers will be carried un-cocked and loaded to capacity.
2. Semi-automatic pistols will be carried fully loaded with a round in the chamber.
  - a. Single-action pistols will be carried cocked with safeties engaged.
  - b. Double action pistols will be carried with the hammer down and safeties engaged if such are present.
- B. Firearms will be carried in a safe and secure manner. Horseplay, flippant behavior, removal of firearms from holsters or other carrying devices for "show off" purposes is prohibited.
- C. Shotguns and rifles will be carried with no round in the chamber, hammer back, safety on, and action forward. Magazines will be loaded to capacity.
  1. Shotguns and rifles will be kept in a secured area (e.g., trunk gun lock, etc.), except when needed in the performance of duty or as directed by the Firearms Range staff. At no time will a deputy leave a shotgun or rifle unattended and unsecured.
- D. Personnel will exercise caution to avoid negligent or unintentional discharge of any firearm in their control. If an unintended discharge of a firearm occurs while acting under color of law, the following procedure will be followed:
  1. The employee will immediately notify their direct supervisor and inform them of the event. The direct supervisor is responsible for notifying consecutive superiors as well as Internal Affairs.
  2. The supervisor shall conduct an immediate investigation into the event and render a formal memorandum to the District Commander via Chain of Command reporting their findings.
  3. The only exception to this event is if an employee inadvertently discharges a firearm during a course of fire during training or qualifications that DOES NOT result in damage or injury to any person or item, and the Range Master determines a report is unnecessary due to the specifics of the event.
  4. Employees involved in a negligent discharge will be ordered to undergo a drug/alcohol screening.

#### **ADM 4-05-5            AUTHORIZED AMMUNITION**

- A. Only that ammunition issued or authorized by the Sheriff Office will be utilized when acting under color of law.
- B. The Sheriff or his designee may authorize special-use ammunition and components for use by the SWAT team or other mission-specific situations. Such authorizations will be

recorded in a Memorandum from the Office of the Sheriff.

- C. In addition to a fully loaded sidearm, on-duty deputies will carry at least 1 additional full magazine for semi-automatics or one additional speed-loader for revolvers.

**ADM 4-06 BODY ARMOR****POLICY:**

It is the policy of the Lea County Sheriff Office that body armor will be issued to all full-time sworn personnel. The following policy regarding the wearing and care of issued body-armor is now in effect:

**ADM 4-06-1 ISSUING OF BODY ARMOR**

- A. The Sheriff Office may opt to issue vest carriers that are worn under, or over uniform clothing; in either case, it will reference current National Institute of Justice (NIJ) standards to determine the suitability of the armor it purchases.
- B. Sworn deputies serving in patrol operations must wear their issued body armor while on duty and in uniform. Non-uniformed and command personnel shall wear their body armor when involved in operations that necessitate the protection afforded by the armor.
- C. It is **MANDATORY** for body armor to be worn during pistol, rifle, and shotgun qualifications, and any other type of firearms training.

**ADM 4-06-2 CARRYING OF BODY ARMOR**

- A. When not being worn, body armor shall be kept where it can be easily accessed by the deputy.

**ADM 4-06-3 CARE AND MAINTENANCE OF BODY ARMOR**

- A. Care in cleaning should also be taken in order to prevent failure of the body armor which could lead to serious injury or death to the deputy wearing the vest. It is the responsibility of each deputy to maintain their body armor according to the manufacturer's guidelines.

**ADM 4-06-4 SUPERVISOR'S RESPONSIBILITY**

- A. First line supervisors will make routine inspections of issued body armor to insure proper storage and maintenance by each deputy under their supervision.

**ADM 4-07 FITNESS FACILITY****POLICY:**

This policy governs the use of the Lea County Sheriff Office Fitness Facility. The facility is intended to promote fitness and the safety among our employees. The procedures listed here are designed to maintain the quality of the equipment through care and routine maintenance, to prevent abuse of the equipment when engaged in weightlifting or cardiovascular exercise, and to maintain an orderly atmosphere in which employee's may work out free from potential safety hazards.

**ADM 4-07-1 CONDITIONS OF USE AND WAIVER OF LIABILITY**

- A. Prior to using the fitness facility, employees will read and sign the office's "Waiver of Liability and Informed Consent" and be given a copy of this policy. The employee must also complete and sign the "Administrative Questionnaire". This paperwork must be completed in front of the designated program administrator, or the Undersheriff or Sheriff in their absence.
- B. It is the sole responsibility of each employee to ensure that they are physically able to perform the exercises they intend to conduct.
- C. Use of the fitness facility will be on the employees own time or off duty time, as using this facility is not required as a condition of employment with the Sheriff's Office or Lea County. Employees may use the facility during their lunch hour if they so desire and their assignment permits. Patrol deputies are not allowed to work out during their lunch break as they are subject to call.
- D. For your safety, assistance by a second person or "spotter" is recommended when lifting heavy or "max" loads on the benches or overhead. All safety devices on the machines must be utilized, ie; limiters.
- E. All employees using the facility must use the sign-in log, located in the gym, including date, time in and time out, printed name and signature.

**ADM 4-07-2 USE OF EQUIPMENT**

- A. It is the employee's responsibility to ask for assistance and instruction if they do not know how to use any of the equipment in the facility.
- B. Safety collars are required when using all barbell equipment.
- C. For your safety and convenience, return all Olympic plates and dumbbells to the weight racks after use. Do not leave weights or barbells on the floor.

- D. Do not lean weights against the walls or equipment.
- E. The gym and equipment are for the sole use of department employees only, unless expressly authorized by the Sheriff in writing.

**ADM 4-07-3      MAINTENANCE OF EQUIPMENT AND FACILITY**

- A. The Sheriff will assign a member of the department to inspect the equipment on a monthly basis. However, even under the most rigid preventive maintenance program equipment failure is possible. Should you discover any equipment in need of repair, please notify the designated program administrator, or shift supervisor immediately.
- B. No food is allowed in the facility. Drinks must be in plastic container with a snap on or locking type lid. Do not take any type of coke product or drinks that are sticky if spilled.
- C. Please wipe off any sweat from the equipment after each use. At the end of your workout, please disinfect the upholstered areas where you worked out with the spray provided for that purpose.
- D. Due to OSHA requirements, DO NOT adjust the room temperature above 68 degrees Fahrenheit.

**ADM 4-07-4      CONDUCT DURING USE**

- A. Horseplay will not be tolerated at any time in the fitness facility.
- B. Please be considerate of others using the facility by returning all equipment to its proper place after use. Dispose of all trash in proper receptacles.
- C. Proper work out attire will be worn. Tee-shirts will not have any inappropriate writing or pictures on them. Do not wear clothing that might puncture, cut or damage the upholstery on the equipment.
- D. Music may be played in the facility; however, the volume should never be loud enough to be heard in other areas of the department. Because of varying musical tastes and workout audio, if more than one individual is utilizing the facility; all audio devices should be monitored by the use of earphones, unless mutually agreed by all listeners to a single open audio source.
- E. All doors of the fitness facility are to be kept closed at all times, do not prop open the door to the facility.

**Lea County Sheriff Office**  
**Fitness Facility**  
**Waiver of Liability and Informed Consent**

I, \_\_\_\_\_, have voluntarily chosen to participate in, and/or use the Lea County Sheriff Office Fitness Facility. I am aware that I am using this facility at my own risk and that I am NOT required to use this facility as a condition of my employment with the Sheriff's Office or Lea County. Use of the facility will be on my own time and solely for my benefit and pleasure. I am further aware that if I do not accept the terms and conditions set forth in this agreement, I will not be allowed to use this facility. Also, if I misuse the equipment, act in an inappropriate manner, or fail to abide by the rules and regulations set forth, my privilege to use the fitness facility may be terminated.

I understand there are certain risks involved with the use of the equipment in the fitness facility and that the strenuous physical exercise activities may result in injury to me. I affirm that I am in good physical condition and do not suffer from any disability which would prevent or limit my participation/use of the fitness facility.

In consideration of my participation/use of the fitness facility, I, for myself, my heirs, and for my successors, benefactors, and/or administrators, waive and release any and all claims and rights for damages, pain and/or suffering I may suffer as a result of participation/use of the facility.

I hereby release, discharge and hold harmless Lea County, its elected officials, administrators, employees, and hold harmless the Lea County Sheriff Office, the Sheriff, administration and employees from any and all liability of any kind or type, now or in the future, including, but not limited to heart attacks, muscle strains, pulls or tears, broken bones, shin splints, heat prostration, injuries to knees, lower back and feet and any other illness, soreness or injury however caused, occurring or that may occur during or as a result of my participation in the use of the fitness facility.

I agree, for myself and successors, that the above representations are contractually binding and not mere recitals. Should I or my successors assert my claim in contravention of this agreement, I or my successors shall be liable for the damages incurred by the County including its attorney's fees and court costs in defending the action.

I hereby affirm that I have read and fully understand this **Waiver of Liability and Informed Consent** and the same shall continue in full force and effect for as long as I am employed by Lea County.

\_\_\_\_\_  
**Employee Name (Print)**

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**Lea County Sheriff Office  
Fitness Facility  
Administrative Questionnaire**

**Name of Participant:** \_\_\_\_\_ .

1. Have you read and did you fully understand the Waiver of Liability and Informed Consent form that you just signed? \_\_\_\_\_
2. Have you read and do you understand all the rules and regulations regarding the use of the Fitness Facility? (General Orders 1-18) \_\_\_\_\_
3. Do you fully understand that you will be using the facility on your own time and at your own risk? \_\_\_\_\_
4. Do you understand that you could be seriously injured or die during your workout and you are being asked to forfeit all claims against Lea County? \_\_\_\_\_
5. Do you understand that use of this facility is on your own time and not a condition of your employment with the Sheriff's Office or Lea County? If you are injured during a workout in this facility, you will not be able to file a Workers Compensation Claim? \_\_\_\_\_
6. Do you understand that if during your workout, you experience shortness of breath, dizziness, muscle spasms, cramping, dehydration, or any other physical symptom or ailment, you should terminate your workout immediately and seek medical attention? \_\_\_\_\_
7. This facility is here to help you. However, your exercise program should not interfere with the performance of your job at the Sheriff's Office or Lea County. Do you understand that if you work out to the point where you cannot report for work or cannot perform your job, you could be subject to disciplinary action? \_\_\_\_\_

\_\_\_\_\_  
**Employee Name (Print)**

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Witness**

# Chapter 5: Critical and High Interest Policies

This section contains policies that are critical to the operations of the department and to the public as a whole. These functions, and the policies related to them are often referenced in litigation among various law enforcement departments throughout the nation. In it, you will find:

- ✓ Procedures for handling harassment in the workplace.
- ✓ Procedures for investigating employee misconduct.
- ✓ Procedures for investigating Use of Force and deadly force incidents.
- ✓ Procedures for investigating law enforcement employees who are arrested or charged with a crime.
- ✓ Arrest and Booking Procedures.
- ✓ Search Warrant procedures.

## Employee Notes:

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**ADM 5-01 WORKPLACE HARASSMENT****POLICY:**

It is the policy of Lea County and this office that all employees should be able to work in an environment free of harassment. Harassment is a prohibited form of discrimination under county, state, and federal law and is misconduct subject to disciplinary action by this department. The department shall take immediate action to prevent such behavior and to remedy all reported instances of harassment, sexual or otherwise as defined in this policy, by promptly investigating any complaints and taking corrective or disciplinary action.

**ADM 5-01-1 PROHIBITED ACTIVITY**

- A. Harassment of any kind by supervisors or employees will not be tolerated.
- B. No employee shall explicitly or implicitly ridicule, mock, deride, or belittle any person for any reason, including their race, color, sex, age, religion, ancestry, national origin, physical/mental handicap, or veteran status.

**ADM 5-01-2 SUPERVISOR'S DUTIES AND RESPONSIBILITIES**

- A. Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include:
  - 1. Monitoring the work environment for evidence that harassment may be occurring.
  - 2. Counseling all employees on the types of behavior prohibited, and the official procedures for reporting and resolving complaints of harassment.
  - 3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene; whether or not the involved employees are within their line of supervision.
  - 4. Taking immediate and appropriate action to limit the work contact between two employees where there has been a complaint of harassment.
- B. Each supervisor shall assist any employee who has a complaint of harassment in documenting and filing a complaint with the office's E.E.O. Complaint Coordinator, who shall be the Captain over the Division of the complainant.
- C. The supervisor to whom a complaint is given shall meet with the employee and document the incidents, the person(s) doing or participating in the harassment, and the dates on which it occurred.
- D. The supervisor taking the complaint shall immediately deliver the complaint to their Captain, who will notify the County's E.E.O. Coordinator, through the Office of the Sheriff.
- E. All incidents of harassment shall be brought to the attention of the E.E.O. Complaint coordinator.

**ADM 5-01-3 EMPLOYEE RESPONSIBILITIES**

- A. Each employee of this department is responsible for assisting in the prevention of harassment through the following acts:
  - 1. Refraining from participation in, or encouragement of, actions that are or could be perceived as harassment.
  - 2. Reporting acts of harassment to a supervisor.
  - 3. Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor.

**ADM 5-01-4 PROCEDURES FOR REPORTING HARASSMENT**

- A. Employees encountering harassment should tell the person that their actions are unwelcome and offensive. Employees are encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he or she is being harassed should report the incident(s) to his/her supervisor, another supervisor or the Sheriff as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and corrective measures may be initiated.
- C. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
- D. Complaints or employees accused of harassment may file a grievance/appeal in accordance with procedures when they disagree with the investigation or disposition of a harassment claim.
- E. This policy does not preclude any employee from filing a complaint, grievance, or lawsuit with an appropriate outside agency such as the Human Rights Office, E.E.O.C., or the courts.

**ADM 5-01-6 E.E.O. COMPLAINT COORDINATOR RESPONSIBILITIES**

- A. The E.E.O. Complaint Coordinator reviews all complaints and oversees the investigation of the complaint or may personally handle the investigation.
- B. The E.E.O. Complaint Coordinator shall inform the parties involved of the result of the investigation.

**ADM 5-02 USE OF FORCE, INCLUDING DEADLY FORCE EVENTS****POLICY:**

In vesting law enforcement deputies with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the Lea County Sheriff Office that deputies shall use only that force which is reasonable and necessary to affect lawful objectives. All deputies will act in good faith in the exercise of force. All deputies shall be provided with and be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force. While clear boundaries of reasonableness can be defined for certain law enforcement situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each deputy with policy guidance and direction with respect to the use of force in carrying out their duties and provide procedural guidance for investigating the use of deadly force.

**ADM 5-02-1 JUSTIFICATION FOR THE USE OF FORCE**

- A. Justification for the use of force is limited to what is reasonably known or perceived by the deputy at the time. Facts discovered after the event, no matter how compelling, cannot be used in later determinations of whether the use of force was justified.

**ADM 5-02-2 APPLICATION OF FORCE LEVELS**

- A. Deputies should use the least force available when dealing with individuals, remaining consistent with preserving public safety, order, and individual liberty. Where force is warranted, deputies should assess the incident and employ the level of force they believe is necessary to protect life and or will reasonably de-escalate the incident and bring it under control safely. No weapon may be used with punitive intent.
- B. Deputies are authorized to use those defensive tactics and weapons with which they are trained, qualified, and or certified with, as determined by NMDPS and Sheriff Office training and agency procedures; they shall use them in keeping with their training.
  - 1. Deputies must subject themselves to, witness training staff utilizing, and/or participate in appropriate NMDPS and internal qualifications with all weapons they are issued prior to on-duty carry. This will allow the deputy to become familiar with the effects of each weapon.
- C. Deputies will normally use the following weapons when applying force. They are listed below:
  - 1. Defensive Empty Hand tactics
  - 2. Issued Electronic Control Device (ECD) or Electronic Prisoner Control Device (EPCD)
  - 3. Issued Chemical Weapons
  - 4. Issued ASP Baton

5. 12 Gauge Shotgun Bean Bag Round
6. Issued and approved Firearm and Ammunition

***This list is not a continuum of force which must be progressed through. Deputies shall apply the level of force consistent with their training and necessary to the event.***

- D. When a confrontation escalates suddenly, a deputy may use any means or device at hand to protect themselves or others, as long as the force is reasonable for the existing circumstances.
- E. Division Captains are responsible for ensuring supervisors and subordinates under their command conform to policy regarding the use of force.

#### **ADM 5-02-3                      GUIDELINES FOR X-26/M-26 ELECTRONIC CONTROL DEVICES**

- A. The ECD device may be employed on a person who is resisting lawful efforts to control them by aggressive movements and an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. Deputies will not remove an ECD from their duty belts unless it is to be deployed in a use of force situation, inspected by the deputy, maintenance of the device is being performed by a certified instructor, maintenance of the deputy's duty belt is being done, or they have been directed to do so by a supervisor.
  1. Prior to their shift beginning, deputies will perform a function test on their ECD in accordance with the manufacturer's recommendations.
  2. ECDs will be carried in an approved/issued Taser holster in a manner consistent with training and that helps avoid weapon confusion with the deputy's primary weapon.
    - a. Deputies will carry their ECD armed with the safety on.
    - b. Deputies issued an X-26 or M-26 will be issued a minimum of one spare cartridge as a backup. Deputies will store and carry this cartridge consistent with training and will replace the cartridges consistent with the manufacturer's expiration requirements.
    - c. Only agency approved battery powered sources shall be used in the ECD.
- C. The X-26 Taser ECD is target specific. Recommended target areas are the subject's torso (the back if possible and center mass) and or legs. Deputies should avoid sensitive areas such as the eyes, throat, neck, or groin.
- D. Using the X-26 / M-26 Taser ECD under the following circumstances would normally be prohibited. However, if the X-26 Taser ECD could be used to protect the deputy or another from bodily harm or death, using the device may be justified as follows:
  1. On a handcuffed or secured prisoner, displaying overly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

2. On a subject who is running from the deputy .
  3. In any environment where a deputy knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with a volatile propellant, gasoline, natural gas, propane, or conditions that may be discovered when dealing with a methamphetamine production lab).
  4. In any environment where the subject's fall could reasonably result in death or serious injury or in water where the subject could reasonably drown.
  5. When the Stun Cuff EPCD has been placed on a prisoner, it becomes the primary electronic control device; application of the X-26 or M-26 Taser at the same time as the Stun-Cuff is prohibited unless the Stun-Cuff is inoperative.
- E. Deployment of the X-26 / M-26 Taser ECD
1. In preparation for firing the X-26 / M-26 Taser ECD, deputies will point the device in a safe direction, arm it, and aim.
  2. The deputy should make a reasonable attempt to warn the subject and fellow deputies of the impending use of the ECD by giving verbal warnings such as Taser! Taser! Taser!
  3. When firing the device, the deputy shall energize the subject the least number of times and no longer than necessary to gain control of the suspect.
  4. Deputies should secure the subject as soon as practical while they are disabled by the ECD power to minimize the number of deployment cycles.
  5. The X-26 / M-26 Taser ECD may also be used in certain circumstances in a touch stun or drive stun mode. This involves pressing the unit against an appropriate target area and activating the device. It is important to note that when the device is used in this direct contact mode it is subject to the same deployment (use) guidelines and restrictions as those of the ECD in cartridge deployments.

#### **ADM 5-02-4                      GUIDELINES FOR STUN CUFF DEVICE**

- A. The EPCD device may be employed on a prisoner who is resisting efforts to control them by aggressive movements and an escalation of resistive force, or if a prisoner has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. Once in control of an EPCD, deputies will not remove the control module from their duty belts unless it is to be deployed in a use of force situation, maintenance of the device is being performed, maintenance of the deputy's duty belt is being done, or they have been directed to do so by a supervisor
- C. A determination to fit a prisoner with the Stun-Cuff EPCD will be made by the appropriate Division Captain or his designee, and will be based on the following factors:
  1. Prisoner's history of failing to comply with deputies orders.
  2. High risk / high profile prisoner.

3. High escape risk.
  4. Jury trial where the in-custody defendant is a significant risk based on their past history or nature of the charges.
- D. The transporting deputy in control of the Stun Cuff EPCD will notify the prisoner of the general effects of the device and the general types of circumstances under which it could be activated on the prisoner prior to placing it on them.
1. Deputies in control of the device will carry their activation remote in the department approved carrier and will not relinquish control of the device to any person unless relieved of their post.
- E. Deployment of the Stun-cuff EPCD
1. When activating the EPCD, the deputy shall energize the subject the least number of times and no longer than necessary to gain control of the suspect.
  2. Deputies should secure the subject as soon as practical while they are disabled by the EPCD power to minimize the number of deployment cycles.
  3. When activating the EPCD, the deputy should make a reasonable attempt to warn the subject and fellow deputies of the impending use of the device by giving verbal warnings such as Taser! Taser! Taser!
  4. The Stun-Cuff EPCD device is a touch stun device; it will be applied on the prisoner's wrist or ankle.
  5. The decision to energize an electronic prisoner control device rests with the deputy in control of the device. It is based in the office's policy regarding use of force. No individual may order a deputy to energize the device.

#### **ADM 5-2-05                      AFTERCARE FOR AN ECD OR EPCD**

- A. When the X-26 / M-26 Taser ECD device has been used operationally, deputies will collect the cartridge, wire leads, darts and several of the AFIDs and enter these items into evidence at the Lea County Sheriff Office.
- B. EMS will be called to complete a cursory check on each ECD/EPCD exposure.
- C. The following persons shall be transported to a medical facility for examination following exposure to an ECD/EPCD. Any person who:
1. Is hit in a sensitive area (e.g. eyes, throat, neck, and groin) by the X-26 / M-26 Taser dart(s).
  2. Is in a potentially susceptible population such as children, the elderly, persons of small stature irrespective of age, or those who the deputy has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
  3. Has been subjected to a continuous energy cycle of 15 seconds or more, or, has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECD/EPCD exposure.

- D. Deputies will advise detention personnel whenever they deploy an ECD or EPCD against a prisoner so the detention officers can monitor the suspect in accordance with their policy and procedure.
- E. If the deputy is advised by the detention facility that the prisoner suffers from vomiting, excessive burning, loss of control of breathing or any other adverse effect, the deputy will complete a supplemental report detailing the medical attention received.

**ADM 5-02-6                      OLEORESIN CAPSICUM (OC) SPRAY**

- A. OC Spray may be employed on a person who is resisting lawful efforts to control them by aggressive movements and an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. The use of OC Spray is target specific and will consist of the face, specifically the eyes.

**ADM 5-02-7                      DECONTAMINATION FOR (OC ) SPRAY**

- A. Decontamination begins after the suspect has been restrained with handcuffs or by other means and suspect's resistance has ceased.
- B. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- C. Expose suspect to fresh air and flush affected area with water if he/she is not combative.
- D. Call medical personnel (EMS) if necessary.
- E. Upon arrival at a Detention Facility, the suspect should remove his/her clothing and shower before being placed in detention clothing and put in a cell.
- F. Deputies will advise detention personnel whenever they have deployed (OC) Spray against a prisoner so the detention officers can monitor the suspect in accordance with their policy and procedure.
- E. If the deputy is advised by the detention facility that the prisoner suffers from vomiting, excessive burning, loss of control of breathing or any other adverse effect, the deputy will complete a supplemental report detailing the medical attention received.
- G. Under no circumstances will the deputy apply any creams, salves or oils to the affected area.

**ADM 5-02-8                      ASP BATON**

- A. The baton may be employed on a person who is resisting lawful efforts to control them by aggressive movements and/or an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. The ASP Baton is not designed to be used as a club or bludgeon. Strikes should target the areas of the body which may result in compliance by the suspect or allow the deputy to gain control.

- C. Strikes to parts of the body (head, neck, spine, groin) capable of inflicting death or serious injury shall be avoided unless justified by the guidelines of the deadly force section of this chapter.

#### **ADM 5-02-9                    12 GAUGE BEAN BAG SHOTGUN ROUND**

- A. All Shotguns firing less-than-lethal munitions will be *dedicated* to this purpose. The designated shotguns will be marked on the stock and barrel with yellow tape. Once marked, these shotguns will not be loaded with any rounds other than less-than-lethal munitions.
- B. Each deputy will receive training in the proper use and deployment of the less-than-lethal munitions prior to their use.
- C. All deputies issued the less-than-lethal munitions will be required to qualify on a course designated by the department, thru the Training Division, with the less-than-lethal shotgun. This will be in addition to the qualification with the regular shotgun.
- D. All less-than-lethal munitions will be issued thru the Special Weapons and Tactics Team (SWAT) commander.

#### **ADM 5-02-10                SPECIAL WEAPONS**

- A. Special purpose tactical munitions are provided as an alternative use of force. Standard issue and special issue weapons and ammunition utilized by the Lea County Sheriff's SWAT team are designated by the team commander in compliance with department policy on approved weapons and ammunition and/or authorized by the Sheriff under memorandum.
- B. Special purpose weapons utilized by SWAT members are carried and utilized only by the members trained in the use and care of such weapons under the direction of the team commander.
- C. Weapons will be maintained in the armory except during training, team mobilizations or as otherwise directed by the team commander.
- D. The shelf life will be checked during annual inventory and rotated out as practical. Special munitions includes, but is not limited to:
  - 1. Chemical agents
  - 2. Diversionary devices
  - 3. Non-lethal projectiles

#### **ADM 5-02-11                FIREARMS AND DEADLY FORCE MECHANISMS**

- A. Firearms or any other type of deadly force mechanism may be employed against persons in order to protect the deputy or other persons from what the deputy reasonably believes to be an **immediate threat of death or serious physical injury**, or to prevent the escape of one reasonably believed to have committed a felony, **when there is probable cause to believe the suspect poses a significant threat of death or serious physical injury to the deputy or others.**



- B. Deputies shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
- C. Where feasible, some warning should be given prior to engaging in the use of Deadly Force.
- D. Warning shots are prohibited, unless doing so could save the deputy or another from death or great bodily harm.

#### **ADM 5-2-12      REPORTING NON-DEADLY USE OF FORCE**

- A. In all instances where force is used (other than in training or for authorized recreational purposes), the primary deputy involved will notify their immediate supervisor and complete a written report of the incident and a department use of force form.
  - 1. The uniform incident report and use of force form must, when examined together, provide a detailed description of the events leading to the necessity for the use of law enforcement action; the amount and type of action used; the nature and extent of injuries and treatment rendered to the deputies and subjects; the identity of combatants, deputies involved, witnesses and medical personnel involved, if applicable; and all pertinent information to the incident or crime which the deputy was responding to.
    - a. Assisting deputies will complete supplemental narratives to the form and uniform incident report.
    - b. Deputies will make every attempt to take photographs of any injuries a suspect or prisoner sustains. If the suspect or prisoner refuses to allow the deputy to take photographs, the deputy will note this in their report and request copies of detention documentation photographs when available.
  - 2. Copies of all reports will be submitted through the chain-of-command for review by the appropriate Division Captain to determine whether:
    - a. Current Policies, Rules, or Procedures were violated.
    - b. The relevant policy was clearly understandable and effective to cover the situation.
    - c. Training was adequate.
    - d. If the review indicates a serious violation of the office's use of force policy has occurred, the Division Captain will notify the Undersheriff and Sheriff.
  - 3. If the force used involved the use of an ECD or EPCD, reviewing supervisors must also forward a copy of the uniform incident report and the office's use of force form to the office's Electronic Control and Electronic Prisoner Control device instructors. Further, deputies shall specifically articulate the rationale for any instance for which:
    - a. An ECD/EPCD is energized.
    - b. An energy cycle longer than 15 seconds in duration is used.

- c. More than one ECD/EPCD is used against a subject in any given incident, or, an ECD/EPCD is used against an individual designated to be in the susceptible population as described previously.
4. If the force used involved the use of a firearm or other deadly force mechanism by the deputy that resulted in an injury that was not life-threatening to a person, the on-scene supervisor will ensure the Division Captain of the division involved, the Undersheriff and Sheriff are advised of the event as soon as practical.
5. An administrative review, internal affairs investigation, or both may be ordered by the Sheriff based on the circumstances of the event.
6. All findings of policy violations or training inadequacies shall be reported to the Sheriff.

**ADM 5-02-13      RESPONSE TO A USE OF FORCE EVENT INVOLVING DEATH OR SERIOUS INJURY**

- A. The first supervisor on the scene will:
  1. If necessary, assign a deputy to resolve or assume investigative responsibility for the initial event the deputy involved in the use of deadly force was responding to.
  2. Assign deputies to secure the outer perimeter of the crime scene and to search for possible suspects believed to be in the area.
  3. Direct all witnesses, including involved personnel, in separate locations to ensure witness credibility.
  4. Remain on the perimeter of the crime scene to provide assistance.
  5. Immediately initiate an area canvas to locate any witnesses who may have information.
    - a. Any witness found should be brought to the immediate attention of the primary investigator.
  6. Ensure the Division Captain, Undersheriff and Sheriff are notified as soon as practical.
- B. The Sheriff or their designee shall request another agency conduct an investigation into the deadly force event itself.
  1. This request will normally involve the activation of the Officer Involved Fatal Incident Protocol, which is hereby appended to this policy by reference.
- C. The Sheriff Office may choose to retain investigative responsibility for those events in which a deputy is injured or killed during a deadly encounter where there is no reason to suspect a criminal act on the part of the deputy.
- D. All participating law enforcement personnel other than principals, regardless of rank, will submit a report. All original reports will be submitted before personnel end their tour of duty.
- E. The Captain of the involved Division shall be the liaison between agencies. Copies of all reports, statements, and documentation of the incident will be furnished to the Sheriff

and Undersheriff through the Captain of the involved division who will forward copies to the District and County Attorneys as soon as practical.

- F. Whenever a deputy is a principal participant in an incident involving the use of deadly force resulting in death or great bodily injury, the deputy shall be placed on administrative leave with pay; they will make themselves available to internal affairs investigators.
  - 1. Any deputy who has to resort to the use of deadly force will be directed to attend psychological counseling. A report of the licensed psychologist's findings will be forwarded to the Sheriff before the deputy will be allowed to return to duty; the report must indicate a fitness for duty prior to reinstatement.
  - 2. Returning to former duty status must be authorized by the Sheriff or his designee.

**ADM 5-03 ARRESTS, ARREST WARRANTS AND BOOKING****POLICY:**

Department policy is to arrest felony and misdemeanor violators of laws which its deputies are empowered to enforce and to follow correct legal procedures required in arresting, booking, and filing charges against such violators.

**ADM 5-03-1 ARREST AUTHORITY**

- A. Felony arrests may be made through the authority of a warrant or on probable cause as guided by New Mexico statute.
  - 1. Probable cause felony arrests may be made for all:
    - a. Felony narcotic offenses.
    - b. Felonies in progress (e.g., violent crimes, burglaries, etc.)
    - c. Violent crime offenses (e.g., aggravated battery, aggravated assault, criminal sexual penetration, etc.).
- B. Misdemeanor arrests may be made:
  - 1. By the authority of a warrant or court order.
  - 2. Based upon the deputy's personal observation of the offense.
  - 3. As the result of petty misdemeanor traffic investigations involving accidents.
  - 4. For petty misdemeanor shoplifting offenses.
  - 5. At the scene of a domestic disturbance when there is probable cause to believe that the person has committed an assault or battery upon a family or household member.
  - 6. For certain other offenses in which statutory law specifically permits misdemeanor arrests to be made based upon information received, rather than upon direct law enforcement observation.
- C. All arrests involving a controlled substance require a field test by a trained deputy to establish probable cause for an on-view arrest.

**ADM 5-03-2 REPORTS TO BE WRITTEN**

- A. An offense report indicating all charges and detailing the circumstances will be written by the arresting deputy for any incident requiring the completion of a criminal complaint with the exception of traffic arrests which can be detailed in the narrative section of the arrest report or on an offense report if the deputy desires.
- B. A supplemental report will be written for warrant arrests stemming from an official report or if someone is taken into protective custody. Offense reports are not necessary for warrants issued from other agencies unless additional charges are filed by the

deputy.

- C. Arresting deputies will check N.C.I.C. on all persons taken into custody. In the case of a hit subsequent to an arrest on other charges, the arresting deputy will verify the hit through the N.C.I.C. operator and advise the operator that the subject is in custody.

**ADM 5-03-3                      ARREST OF U.S. POSTAL SERVICE DRIVERS, MILITARY PERSONNEL, ILLEGAL ALIENS, AND ARMORED CAR DRIVERS**

- A. The drivers of mail-carrying vehicles and armored cars shall not be taken into custody except when they are charged with a felony or DWI, or when their mental or physical state is such that they are a hazard to the public.
  - 1. Upon taking such a driver into custody the arresting deputy shall immediately have the local United States Postal Service office or armored car company notified.
  - 2. Pending the arrival of a postal representative or armored car company supervisor the arresting deputy shall maintain the safety of the postal vehicle or armored car and its contents.
- B. Whenever active duty military personnel are arrested and booked for any offense, the arresting deputy shall notify the law enforcement agency at the closest installation of the service member's branch of service and advise them of the arrest.
- C. Enforcement of immigration laws and arrest of illegal aliens resides exclusively with federal agents.
  - 1. Deputies shall stop and question, detain, or arrest persons in accordance with the U.S. and New Mexico Constitutions and New Mexico statute, without consideration as to whether the person is a deportable alien.
  - 2. When an arrest results in the possibility that the person seized may be an illegal alien, deputies shall notify the closest Immigration and Customs Enforcement (Border Patrol) office immediately, so that they may respond appropriately. This may result in an "immigration hold" being placed on the person by agents.

**ADM 5-03-4                      ARREST WARRANTS**

- A. In order to serve any warrant the following information must be provided by the agency requesting service of the warrant:
  - 1. Physical Description: The warrant must include a description of the wanted person sufficient to identify the fugitive. The description must include:
    - a. Name
    - b. Sex
    - c. Race
    - d. Height
    - e. Weight

- f. Hair color
  - g. Date of birth or Social Security Number.
- 2. Warrant Description: The warrant must include:
  - a. Originating agency
  - b. Court issuing warrant
  - c. Jurisdiction and state
  - d. Charge(s)
  - e. Date of warrant
  - f. Warrant number
  - g. Issuing judge, and bond.
- 3. Extradition:
  - a. If the warrant is not issued in the state of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite before the warrant can be served.
- B. Requests for additional information from the issuing agency should be made when a question exists in the mind of a deputy or supervisor as to the identity of the defendant or the validity of the warrant.

**ADM 5-03-5 TELEPHONE REQUESTS**

- A. A telephone request for the arrest of a fugitive will be treated as information only until confirmed by teletype, N.C.I.C. or letter meeting the requirements set forth by law.

**ADM 5-03-6 TELETYPE REQUESTS**

- A. Teletypes requesting assistance in locating and arresting a fugitive must include information necessary for the service of a warrant as outlined by law and this policy.
  - 1. If these requirements are not met, the issuing agency will be advised that the department will not serve the warrant without additional information and the teletype will be considered as information only and not as arrest authority.
- B. Teletypes permitting a choice will not be honored (e.g., collection of fine in lieu of jail, restitution, court costs, etc.).
- C. Teletypes from out-of-state agencies requesting arrest on high court misdemeanors should be evaluated by a supervisor prior to service.

**ADM 5-03-7 GRAND JURY INDICTMENTS**

- A. Knowledge that a "true bill" has been returned by the grand jury does not constitute ground for a valid arrest. Arrests stemming from grand jury indictments will be made only after the resulting bench warrant is received by the department.

**ADM 5-03-8 EXECUTION OF ARREST WARRANTS**

- A. N.C.I.C. hits by themselves do not meet probable cause for arrest.
  - 1. N.C.I.C. hits are sufficient probable cause to arrest with warrant authority when the identity of the defendant is clearly established and the warrant has been confirmed by the originating agency.
  - 2. The arresting deputy shall advise the N.C.I.C. operator when the defendant is in custody.
- B. The search of private property for a wanted person when not in hot pursuit may be conducted only with consent to search or with a valid search warrant.
  - 1. If deputies are denied access to private property and they have probable cause to believe the wanted person is inside, the scene should be secured and a search warrant obtained before proceeding with the search for the wanted person.
  - 2. Only personal knowledge (e.g., view of the wanted person through a window) establishes sufficient probable cause to search without consent or a search warrant.
- C. When in doubt, deputies are expected to further investigate the validity of any warrant.

**ADM 5-03-9 BOOKING ON THE BASIS OF A WARRANT FROM LEA COUNTY**

- A. The originals of all active warrants are maintained by the Lea County Communication Authority, as such, the records section will coordinate with the LCCA regarding warrant status.
- B. When notified by LCCA that a warrant has been served, records personnel will make the proper entries into the office's records system and coordinate directly with the detaining agency and the on-duty Lieutenant regarding the pick-up.
- C. Deputies shall sign the return on all warrants which require the signature of the person serving the warrant.

**ADM 5-03-10 BOOKING ON THE BASIS OF A WARRANT ISSUED OUTSIDE LEA COUNTY**

- A. The arresting deputy will cause a teletype to be sent to the jurisdiction holding the warrant advising that the defendant has been detained and requesting a return teletype as soon as possible containing the name of the judge who issued the warrant, charges, bond, warrant number, and if the agency will extradite.
- B. The suspect will be booked into the County Detention Facility.
- C. A copy of the N.C.I.C. readout and/or teletype will be furnished to booking personnel by the deputy at the time of booking.
- D. Records personnel will verify that there is an outstanding warrant in the office's records and reclassify it as "pending extradition". They will confirm LCCA has forwarded a teletype to the department holding the defendant requesting a hold be placed on them, confirming the defendant's description and warrant number, and advising the department is the point of contact for extradition.

- E. Records personnel will coordinate information between the Lea County Communication Authority, the District Attorney's Office and the on-duty Lieutenant regarding any extradition or inquiry regarding a defendant wanted by the Sheriff Office.

**ADM 5-03-11                      RELEASE OF PRISONERS CHARGED IN ERROR OR PENDING FURTHER INVESTIGATION**

- A. When a prisoner has been arrested and booked in error, the arresting deputy or on-duty supervisor shall contact the District Attorney or their designee and inform them of the circumstances of the arrest, and request their assistance in obtaining the person's lawful release as soon as possible.
  - 1. When appropriate, the arresting deputy may notify the court of jurisdiction to request the charges be dismissed.
- B. Deputies may release **suspects** pending further investigation if they have been detained but not charged with a crime.
- C. When a deputy arrests for forgery of a prescription, all elements of the crime and essential information (names, addresses, phone numbers) on the pharmacist to whom the prescription was presented, the doctor whose prescription was used, and all witnesses will be indicated in the offense report.
  - 1. All cases pertaining to forgery of a prescription and/or fraudulent acts to obtain a controlled substance will be referred to the District Attorney's office for prosecution.
- D. Deputies are cautioned from using the promise of release to obtain confessions or incriminating evidence. Whenever possible, deputies will tape record conversations with suspects concerning release. Deputies will not release a person once a formal complaint has been filed.

**ADM 5-03-12                      BOOKING**

- A. Adult prisoners who deputies have arrested in Lea County will be booked into the Lea County Detention Facility. If the deputy makes an arrest in another county, they shall book the prisoner into the facility utilized by that county's Sheriff Office and arrange for the prisoner's appearance before a Magistrate of that Judicial District as soon as possible.
  - 1. Deputies will enter the Detention Facility via the sally port on the east side of the building and use the intercom system to signal corrections personnel to open the entryway, when possible.
  - 2. The arresting deputy will determine the charges and count level on all arrests in accordance with department guidelines, state statutes, and federal statutes. The arresting deputy will ensure that the correct specifications are indicated on the booking form by detention personnel.
  - 3. When additional charges are placed against an individual, the deputy will notify the booking desk personnel in person, making sure that the offender is still in custody, that the right inmate is charged with the additional charge(s), and that the paper



work is properly administered. A supplemental report will be written to indicate this notification.

4. Deputies will secure all weapons in the lock boxes prior to entering the booking facility.
5. Damaged lock boxes will be reported to the booking supervisor.
6. Deputies will refer to the County Detention Facility Rules and Regulations manual (herein incorporated by reference) for additional booking and processing procedures.

**B. Criminal Complaints**

1. Deputies who are charging a prisoner with an offense or offenses will submit a complete Criminal Complaint form, unless the arrest is by a warrant at the time the prisoner is booked.
  - a. The upper portion of the complaint form, with the exception of the docket number and date filed, will be completed in its entirety by the charging deputy.
  - b. The narrative section will include only the essential facts necessary to support each charge in a synopsis format. Statutory language will not be used.
  - c. Identifying numbers for each offense will include the proper county ordinance or state statute designations.
2. Prior to the arrested subject being booked, the charging deputy will serve a copy to the prisoner and allow them to read the complaint. The copy given to the prisoner suspect will be placed into his/her property.
3. Only after the above steps have been completed will a copy of the complaint form be submitted to detention personnel. The original complaint will be submitted with the arrest report to the records section.

**ADM 5-03-13      BOND SURRENDERS**

- A. Bond surrenders will be administered via the Records Section.
- B. Deputies will coordinate with records personnel prior to taking custody of any individual whose bond is being surrendered.

**ADM 5-04 EXECUTION OF SEARCH WARRANTS****POLICY:**

Standardized procedures will be followed in the execution of search warrants to ensure the effectiveness of the operation, the safety of personnel, and that all legal requirements are met.

**ADM 5-04-1 RESPONSIBILITIES OF AFFIANT OR AFFIANT'S REPRESENTATIVE**

- A. Ensure that a supervisor is present and thoroughly briefed before the search warrant is executed.
- B. Brief all participants about the area to be searched, items to be seized, and any exigent circumstances involving the premises or its occupants.
- C. In situations where exigent circumstances are anticipated, the affidavit will include detailed facts upon which exigent circumstances are believed to be present.
- D. Have all necessary copies of the warrant, audio and video recording devices, and containers for evidence at the scene.
- E. Initiate an audio and video recording of the proceedings at the start of the search. The recording will be tagged into evidence.
- F. Accomplish the following when a special entry team is not being used:
  1. Accompany a uniformed deputy to the point of entry.
  2. Announce the search if the premises is occupied.
- G. Ensure that the following tasks are accomplished once entry has been made.
  1. Enter on the Return and Inventory the specific description of found evidence, location where found, and the name of the law enforcement officer finding the evidence. When multiple items are to be listed, a separate inventory sheet should be used.
  2. Have evidence video recorded or photographed prior to seizure.
  3. Inventory all seized property.
  4. Maintain all evidence seized and ensure that it is tagged into evidence.
  5. Give the defendant's copy of the warrant and affidavit to the defendant, if present, or leave on the premises along with a copy of the inventory of all items seized.
  6. Be responsible for the return of the warrant, affidavit, and inventory to the District Court Clerk within the required time period.

**ADM 5-04-2 RESPONSIBILITIES OF SUPERVISOR IN CHARGE**

- A. Coordinate with other supervisors to ensure there is not another unit within the Sheriff Office conducting a similar investigation on the same subjects and/or location which

would be jeopardized by the service of the warrant.

- B. If it is found that another unit is conducting a similar investigation, the supervisor overseeing the warrant will contact the supervisor of the other investigating unit to coordinate their efforts regarding the same subjects and/or location.
- C. Be thoroughly briefed by affiant or affiant's representative and review the search warrant prior to it being presented to the District Attorney's Office.
- D. Accompany deputies on all search warrants involving a dwelling or occupied structure and determine the number of personnel to be deployed as well as whether other agencies should be included in the search.
- E. Ensure that specific tasks are assigned to each deputy involved in the search and ensure that at least one uniformed deputy will be present, as well as a deputy capable of videotaping or photographing the scene.
- F. The supervisor will make certain that all non-uniformed law enforcement officers who participate in the initial entry of the premises to be searched are wearing an official windbreaker or uniform coat that clearly identifies them as law enforcement officers or deputies.
- G. In some instances, a ruse may be necessary to affect the initial entry of the premises. In these cases, if the supervisor can clearly justify the deviation from standard procedure, the official windbreaker or uniform coat need not be worn.
- H. When a special entry team is not being used, assign deputies to points of entrance and exit as necessary until entry has been made. A uniformed deputy will accompany deputies who are assigned to the point of entrance unless a supervisor has approved of a ruse to gain entry.
- I. Assign deputies to specific areas of the scene to protect the scene, search for evidence and prevent the destruction of evidence.
- J. Have the person who owns or controls the property to be searched present during the search, if practical.
  - 1. All persons found on the premises will be placed in a designated area which has been searched and secured, with a law enforcement officer present at all times.
  - 2. Persons will be frisked for the safety of everyone; however, they should not be searched unless it is specifically indicated in the search warrant, or if there is probable cause to believe the persons are armed or concealing or will destroy any possible evidence.
- K. Ensure that the scene is audio and video recorded or photographed prior to and after the search, and have evidence video recorded or photographed as it is discovered prior to its seizure and removal.
- L. When a warrant is to be executed, notify the division commander who may then advise the Sheriff or Undersheriff. These notifications will not be transmitted over law

enforcement radio frequencies for confidentiality reasons.

- M. Ensure that if a warrant is to be served outside the county limits, but within the State of New Mexico, the appropriate agency is notified prior to the service of the warrant so that representatives of that agency can be present, if possible, and if they so desire, when the warrant is served.
- N. Have the affiant or affiant's representative audio and video record the service of the search warrant. Of particular importance is the period of time from just prior to entry until after the premises is secured. The recording will be tagged into evidence in a timely manner.
- O. Make every reasonable attempt to secure the premises upon completion of the warrant service.

**ADM 5-04-3                      WARRANTS AUTHORIZING THE SEARCH OF ALL PERSONS PRESENT AT A RESIDENCE AT THE TIME A SEARCH WARRANT IS BEING EXECUTED**

- A. An affidavit seeking an "all person" warrant may be submitted where the affiant has probable cause to believe that any person who would be at the residence during the search would be there for the purpose of engaging in unlawful activity.
  - 1. The affidavit to the court must set forth in detail the facts known to the affiant that lead him or her to the conclusion that such probable cause exists.
  - 2. Probable cause to believe that contraband is being used or sold in the house is not a sufficient basis, by itself, for an all persons warrant.
- B. As an example, an affidavit seeking an all persons warrant must allege the following types of facts in order to support probable cause to believe that any person who would be at the residence during the search would be there only for the purpose of engaging in unlawful activity:
  - 1. Information from confidential informants based on their personal observations identifying the location as a "crack house" or other type of drug activity center, i.e., a place where they have actually seen people buying and/or using drugs.
  - 2. Information setting forth the specific manner and physical locations in which the suspected illegal activity is being carried out at and around the place to be searched.
  - 3. Information attesting to the volume of activity and the constantly changing players involved.
  - 4. Information from surveillance data identifying the comings and goings of many different people in short periods of time and their interaction with people already on the premises who are known drug dealers.
  - 5. Information regarding prior police searches or activity at the same location and the results of such searches or activity.
- C. Absent good cause, the approval of a supervisor must be obtained before applying for an "all persons" search warrant.

**ADM 5-04-4 STRIP SEARCHES IN THE FIELD**

- A. Except as provided in section B, below, strip searches shall not be conducted on persons in the field who have not been placed under arrest unless a deputy has a valid search warrant that expressly and specifically authorizes a strip search of the persons identified to be strip searched.
- B. In the absence of a search warrant authorizing a strip search (as described in section A, above), a person who has not been placed under arrest may be strip searched only if:
  - 1. A deputy has first conducted a pat down and has articulable and specific reasonable suspicion to believe the person has a weapon under his or her clothing. Under such circumstances, the search must be limited to searching under or removing only that clothing necessary to retrieve the weapon, or;
  - 2. The deputy has articulable and specific probable cause to believe the person has contraband hidden under his or her clothing which is in imminent danger of destruction if not immediately seized.
- C. For persons lawfully arrested, the arrestee shall not be strip searched incident to the arrest unless the deputy has articulable and specific reasonable suspicion to believe the person has a weapon under his or her clothing or probable cause to believe the arrestee is hiding or concealing evidence or contraband under his or her clothing or in a body cavity. With respect to a strip search for evidence or contraband, a strip search shall not take place outside the jail unless there is imminent danger of destruction if not immediately seized.
- D. Strip searches that are authorized under the above principles shall be conducted only in the following manner:
  - 1. The deputy is of the same sex as the arrestee (unless there is an exigency and a law enforcement officer of the same sex is not available to respond);
  - 2. The deputy may not have physical contact with the arrestee except contact that is reasonably necessary to search for and recover items and to control or direct the arrestee;
  - 3. The search must be conducted so that the search cannot be easily observed by the public and reasonable efforts must be made to provide as much privacy as possible; and
  - 4. The deputy must document the search and the need to conduct the search in the field in the appropriate report.

**ADM 5-04-5 FORCEFUL ENTRY**

- A. Forced entry may be justified by exigent circumstances. Based on the appropriate supervisor's evaluation of exigent circumstances, forced entry may be made without waiting to be denied admittance. Exigent circumstances include:
  - 1. Consideration of safety - when prior to entry, deputies in good faith believe they or

- someone within are in peril of bodily harm.
2. Destruction of evidence - when prior to entry, deputies in good faith have reasonable grounds to believe that evidence will be destroyed or is being destroyed. The evidence involved should either be substantial in quantity or of significant importance to the case.
- B. The supervisor in charge will confer with the Division Captain in command over the section conducting the search warrant when a warrant may require force to gain entry.
1. The Division Captain is responsible for the decision to use force to gain entry in all situations where exigent circumstances are believed to exist, prior to arriving at the scene.
  2. Once at the scene, new information may be developed regarding exigent circumstances requiring immediate action.
  3. In these cases the supervisor in charge will evaluate the situation and make the decision of whether or not to use force to gain entry.
- C. The supervisor in charge will attempt to contact the property owner prior to making a forced entry on property crime search warrants.

#### **ADM 5-04-6                      SEARCH WARRANT REPORT**

- A. The deputy who obtained any search warrant under which any person has been searched shall be responsible for documenting in their report:
1. Who was searched.
  2. Name of the searching law enforcement officer.
  3. Type of search conducted of each person, and
  4. Result of each such search.
- B. Deputies executing a search warrant as part of their investigation will ensure that any reports written by any deputies incidental to the search warrant execution are submitted and included as part of the investigative report.
1. Evidence or property seized and tape recordings of the warrant execution will be listed in the "Evidence" section of the completed report.
- C. When a strip search is conducted without a warrant, the deputy who authorized the strip search and/or the case deputy shall be responsible for documenting in his or her report:
1. Who was searched.
  2. Grounds for the strip search.
  3. Name of the searching law enforcement officer.
  4. Type of search conducted of each person, and
  5. Result of each such search.

- D. Whenever a strip search has been conducted, the deputy who conducts the strip search shall submit a supplemental report describing the manner in which the strip search was conducted, i.e., outer clothing removed, all clothing removed, visual body cavity search conducted, parts of the body touched.

**ADM 5-05 VEHICLE PURSUITS AND DISABLING TACTICS****POLICY:**

Lea County Sheriff Office policy is to provide general guidelines and procedures to deputies who become involved in vehicle pursuits or choose to employ disabling tactics to stop a vehicle in motion. The intent of this policy is to assist deputies to evaluate their duty to pursue criminal violators in light of the safety concerns inherent in this action, and to assist sworn personnel to perform their sworn duty in a safe manner. All personnel operating official vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary.

**ADM 5-05-1 STATUTORY COMPLIANCE**

- A. All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Deputies engaged in emergency vehicle operations shall utilize both audible and visual emergency warning equipment when engaged in a pursuit.

**ADM 5-05-2 JUSTIFICATION FOR PURSUIT**

- A. A vehicle pursuit is justified when:
  - 1. The deputy knows, or has reasonable grounds to believe, the suspect presents a clear and immediate threat to the safety of other motorists or persons; or
  - 2. Has committed or is attempting to commit a violent felony.

**ADM 5-05-3 INITIATING OR PRIMARY UNIT RESPONSIBILITIES**

- A. The decision to initiate a pursuit rests with the individual deputy.
- B. The deputy initiating a pursuit shall, in all cases, notify the Lea County Communication Authority (LCCA) as soon as reasonably possible that a pursuit is underway and provide the following information:
  - 1. Unit identification
  - 2. Location, speed, and direction of travel;
  - 3. Vehicle description and license number;
  - 4. The specific reason for the pursuit, including known laws violated;
  - 5. Number of occupants;
  - 6. Traffic and weather conditions.
- C. Failure to provide the above information may be cause for the on-duty field supervisor to order termination of the pursuit.
- D. The initiating or primary unit shall be in field command and bears operational responsibilities of the pursuit unless relieved by a supervisor.



- E. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the on-duty field supervisor.
- F. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
- G. The decision to abandon pursuit may be the most intelligent course of action. Deputies must continually question whether the seriousness of the crime justifies continuing the pursuit. **DEPUTIES ARE NOT OBLIGATED TO CONTINUE ANY PURSUIT.** A pursuit shall be terminated under any of the following circumstances:
  - 1. If, in the opinion of the pursuing deputy or the on-duty field supervisor there is a clear and unreasonable danger to the deputy and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
  - 2. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
  - 3. The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
  - 4. There is a change in weather or traffic conditions that increases the likelihood of danger as a result of the pursuit.
  - 5. The pursuing deputy knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile, and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.
  - 6. It becomes evident that the suspect cannot be apprehended when:
    - a. The distance between the pursuit vehicle and the fleeing vehicle increases.
    - b. The pursuit vehicle loses visual contact with the fleeing vehicle to the extent that identification of the fleeing vehicle becomes uncertain.
  - 7. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinstate pursuit, if the opportunity and conditions permit.
  - 8. If or when the driver is identified, the deputy shall take appropriate enforcement action on the driver for the offense which initiated the pursuit as well as for any criminal offense the deputy has reason to believe the driver committed during the pursuit.

**ADM 5-05-4 ASSISTING UNIT RESPONSIBILITIES**

- A. Assistance will be coordinated through LCCA under the direction of the ranking supervisor managing the pursuit. The on-duty field supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- B. The active pursuit will normally involve not more than two units:
  - 1. Primary unit
  - 2. Backup unit
- C. If more assistance is specifically requested, the amount will be determined by:
  - 1. Nature of the offense;
  - 2. Number of suspects;
  - 3. Whether the participating units have more than one deputy;
  - 4. Other clear and articulated facts that would warrant the increased hazard.
- D. Only the field supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not respond or parallel the pursuit on adjacent streets, unless specifically authorized to do so.
- E. The assisting unit, upon joining the pursuit, shall immediately notify dispatch of his/her identity. The assisting unit may assume radio communications responsibilities, allowing the primary unit to devote full attention to driving.
- F. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.
- G. Assisting units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
- H. If the primary unit becomes disabled, the assisting unit will become the primary unit. The next unit to join the pursuit will be designated by the field supervisor.

**ADM 5-05-5 LEA COUNTY COMMUNICATION AUTHORITY ACTIONS**

- A. Receive and record all incoming information on the pursuit and the pursued vehicle.
- B. Immediately notify the on-duty field supervisor when a pursuit is initiated.
- C. Notify an on-duty Lieutenant as soon as practical during the pursuit or immediately upon its termination.
- D. Clear radio channel of any unnecessary traffic.
- E. Perform relevant record and motor vehicle checks.
- F. Control all radio communications during the pursuit.
- G. Coordinate assistance under the direction of the field supervisor.

H. Continue to monitor the pursuit until it has been terminated.

**ADM 5-05-6 SUPERVISOR'S RESPONSIBILITIES**

- A. Upon being notified of the pursuit, the on-duty field supervisor shall verify the following:
  - 1. No more than the required or necessary units are involved in the pursuit;
  - 2. Proper radio frequency is being utilized;
  - 3. Affected allied agencies are being notified.
- B. Additionally, the field supervisor will:
  - 1. Monitor the pursuit and will make every reasonable effort to deploy the department issued "Stop-Sticks", as outlined in this policy, before more severe methods are used.
  - 2. Continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the field supervisor may order termination of the pursuit.
  - 3. Pay particular continuing attention to their subordinates driving habits to ensure that they drive safely and reasonably and follow the regulations contained in this order.
  - 4. Avoid becoming involved in the actual pursuit or assuming the primary unit's pursuit responsibilities unless the situation leaves them no practical alternative. The supervisor must maintain their ability to manage the pursuit and evaluate the safety issues related to the event.
    - a. As with any tactical field problem, it is not necessary that the field supervisor be physically present in order to begin coordination and assert control of the pursuit.
  - 5. Respond immediately to the point of termination of the pursuit (if on duty, otherwise, the Division Captain of the involved division will be notified).
- C. Ensure that notification is made to the remaining Chain of Command.

**ADM 5-05-7 EMERGENCY VEHICLE OPERATION AND DISABLING TACTICS**

- A. Offensive Tactics
  - 1. In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited, unless such actions meet the criteria required for the application of deadly force by a deputy.
  - 2. Pursuing deputies shall not discharge their firearms from moving vehicles, and shall not discharge their firearms at the fleeing vehicle's tires in attempt to deflate them, unless deadly force is justified and it can be done in an area or location where there is no risk to others.

3. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.
4. Deputies will not caravan; only the primary and backing units will actively pursue.
5. There shall be no attempt by deputies to pass other field units involved in the pursuit unless the passing deputy received specific permission from the field supervisor.
6. All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another Sheriff's unit, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

B. Unmarked Units

1. Deputies operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to human life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

C. Controlled Access Roadways

1. Deputies shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the field supervisor.

D. Roadblocks

1. The use of a roadblock must be authorized by the on-duty field supervisor.
2. If possible, attempts should be made to deploy the department "Stop Stick". Otherwise; a roadblock will be employed only as a last resort.
3. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
4. The roadblock should be set up at a location visible to traffic approaching from all directions, with adequate warning to allow vehicles to come to a safe stop.
5. Department vehicles used in stationary roadblocks shall keep the units emergency lights activated. Headlights, spotlights, and takedown lights should not be directly focused toward oncoming traffic.
6. An avenue of escape that can be maneuvered through at a reasonable rate of speed should be established at the site of the roadblock. Pursuing units should be advised by deputies at the roadblock of any measures being taken to stop the pursuit at that point. Pursuing units should slow their vehicles to a safe speed on approaching the roadblock in the event evasive action is necessary to avoid deployed "Stop-Sticks" or other devices.
7. The roadway shall not be completely blocked unless the use of deadly force would be authorized.

## E. Stop Sticks

1. Stop Sticks contain sharp spikes. DO NOT bend this product or push the spike tips through the housing walls. DO NOT pick up interconnected 3' "Stop Sticks". Disconnect on the ground before picking up the individual units. As they are designed to be used on vehicles with four or more tires, it is prohibited to deploy them on any two or three wheeled vehicle.
2. To deploy Stop Sticks, deputies will set up a roadblock as prescribed previously and deploy the "Stop Sticks" device across the avenue of escape provided for the pursued vehicle using the following guidelines:
  - a. When time allows, connect the three "Stop Sticks" end to end across the avenue of escape, creating a 9' unit of sticks.
  - b. Place the sticks across the projected path of the vehicle or the cord reel can be utilized. (There is approximately 80 feet of nylon cord available within the cord reel).
  - c. Place the sticks lengthwise to the side of the road; dispense a sufficient amount of cord from the reel and as the pursued vehicle approaches, pull the sticks into the projected path of the pursued vehicle.
  - d. The sticks can also be inserted into the issued black sleeve for add camouflage against the dark surface of the roadway.
  - e. Deputies should advise pursuing units that "Stop Sticks" have been deployed.
  - f. Pursuing units should slow their vehicles to a safe speed in the event that evasive action is necessary at the roadblock to avoid deployed or damaged "Stop Sticks."
  - g. If the pursued vehicle can be expected to continue on the damaged tires for approximately one (1) mile before they become flat.
  - h. If time does not allow for the connection of the three "Stop Sticks", deputies may lay the three sticks end-to-end across the avenue of escape as the pursued vehicle approaches, or a single stick can be tossed into the path of the pursued vehicle.
  - i. Deputies should position themselves in a safe location away from the point of impact between the pursued vehicle and the "Stop Sticks".
  - j. If the "Stop Sticks" were effective in stopping the pursued vehicle, the damaged stick must be turned in to the Training Officer for return to the factory.
  - k. If the pursued vehicle does not pass through the roadblock, deputies should return the "Stop Sticks" to the rack in the patrol unit.
- L. DO NOT WRAP THE CORD REEL AROUND ANY PORTION OF YOUR BODY. ONCE YOU LOCK THE STICKS TOGETHER, DO NOT PICK THEM UP UNLESS YOU FIRST DISCONNECT THEM.

**F. Traffic Control Devices**

1. Extreme caution must be used whenever deputies are approaching traffic control signs or signals, even though statutes specifically permit crossing against such signs or signals. Deputies shall make use of all available warning devices to alert other motorists and pedestrians.

**ADM 5-05-8 INTER-JURISDICTIONAL PURSUITS**

- A. All non-violent felony pursuits will be abandoned upon entering the incorporated city limits of any city, unless the deputy knows, or has reasonable grounds to believe, the suspect presents a clear and immediate threat to the safety of others.
- B. LCCA will normally notify outside agencies if this agency is in pursuit in their jurisdiction, but the field supervisor should verify this has been done. Supervisors should ensure LCCA staff specify to the outside agency that the call is either a request for assistance or merely a courtesy notification, with no participation desired.
- C. Deputies shall not become involved in another agency's pursuit unless specifically directed to by the field supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all pursuit policies are in effect.

**ADM 5-05-9 OVERTAKING /PURSUIT OF A VIOLATOR**

- A. The decision to overtake rests with the individual deputy. In arriving at their decision they must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the general public. In order to diminish the likelihood of a pursuit, deputies intending to stop a vehicle should be within close proximity to the vehicle prior to activating the emergency lights and siren.

**ADM 5-05-10 ACCIDENTS DURING PURSUITS**

- A. If a deputy is involved in a traffic accident during the course of a pursuit, the deputy should terminate their part in the pursuit unless circumstances demand otherwise.
- B. The field supervisor will make the determination, as to whether the pursuit should be terminated or continued with the backup deputy moving up to the primary unit.
- C. The field supervisor will insure that the accident involving the primary unit is investigated.

**ADM 5-05-11 PURSUITS ACROSS STATE LINE**

- A. If a deputy of this department is in a pursuit and it crosses the Texas State Line, the deputy will have LCCA notify the Texas authorities. Once Texas authorities join the pursuit the pursuit will be handled by them. Deputies will only assist if requested by the Texas authority and authorized by the field supervisor.
- B. The Texas authorities may arrest the felon, based on probable cause supplied by the deputy, and hold the defendant for twenty-four (24) hours pending the issuance of a

warrant from New Mexico. Once the warrant has been issued, formal extradition proceedings can begin.

- C. Under no circumstances will a Lea County Sheriff Office deputy transport any person apprehended in Texas back across the state line without proper extradition proceedings being completed.

#### **ADM 5-05-12            REPORTING REQUIREMENTS**

- A. The primary deputy, and any other deputy involved in the pursuit, shall submit reports detailing the pursuit and their involvement prior to the end of shift.
- B. If, during the course of the pursuit, a collision involving injury or death, or the use of deadly force is initiated, all involved deputies will submit a memorandum, directed to the Sheriff, through the chain of command detailing their involvement or first-hand knowledge of the circumstances and events.
- C. Within twenty-four (24) hours of a pursuit, the field supervisor shall conduct an after-action review into the pursuit, unless the field supervisor became an actor in the pursuit. In this case, the after-action review will be conducted by the next supervisor in the Chain of Command.
- D. The Division Captain of the involved division will evaluate the findings of the after-action review in order to determine if any additional or supplemental training is required, and if the pursuit met policy guidelines.
  - 1. The Sheriff or their designee will make a final determination whether a pursuit was conducted within policy and/or direct changes to the policy, identify additional training for personnel, or direct an investigation by Internal Affairs if appropriate.
- E. The pursuit policy report will be forwarded to the Office of Professional Standards after review by the Sheriff or their designee.

**ADM 5-06 INTERNAL AFFAIRS INVESTIGATIONS****POLICY:**

The public expects fair and impartial law enforcement services. To protect the rights of the public as well as the employee rights, it is necessary that allegations of misconduct be thoroughly investigated. Any person may file a complaint with the Sheriff Office if they feel they have been stopped, searched or treated unfairly and without legally sufficient cause, to include racial, ethnic, or gender-based profiling. No person shall be discouraged from filing a complaint, or discriminated against because they have filed a complaint. No person will be asked to waive his or her right to sue over police misconduct by a member of this agency.

**ADM 5-06-1 DESIGN AND FUNCTION OF INTERNAL AFFAIRS**

- A. Internal Affairs documents, reviews, classifies, investigates, and/or monitors the investigation of allegations of personnel misconduct, no matter how the complaint is received.
- B. Additional employees may be designated as IA investigators as an assigned duty, or on a temporary basis. This selection process will be based on the recommendation of command staff and must be approved by the Sheriff or his designee.
- C. When acting in the capacity of an investigator for Internal Affairs, personnel operate within the Internal Affairs Chain of Command, consisting of the appropriate Captain, the Undersheriff and the Sheriff. IA investigators have full authority to question all involved persons and to challenge their version of the facts.
- D. Investigators shall not discuss their activities with anyone outside of Internal Affairs without authorization.
- E. A designated Captain maintains the complaint log and controls the secure central file for complaint investigations.

**ADM 5-06-2 EMPLOYEE REQUIREMENTS REGARDING MISCONDUCT**

- A. Employees who have reason to believe they have contributed to a situation that may result in a citizen complaint should make a reasonable attempt to resolve the area of misunderstanding at the time of the occurrence.
- B. Whether or not the employee is able to resolve the complaint, the employee will report the details of the incident to their supervisor, who may then require the deputy to document the incident.

**ADM 5-06-3 COMPLAINT LEVELS**

- A. Major Complaints will be investigated by the Undersheriff or their designee and involve allegations of employee misconduct in the following categories:
  - 1. Specific criminal acts



2. Brutality
  3. Corruption
  4. Use of Force violations
  5. Mixtures of personnel misconduct and criminal acts
  6. Violations of Civil Rights
  7. Prejudicial acts related to race, ethnicity, religion, gender, physical or mental handicap, age, color, or sexual orientation.
  8. Sexual Harassment
  9. Hostile work environment
  10. Those assigned major complaint status by the Sheriff..
- B. Minor Complaints will be investigated by the employee's immediate supervisor and consist of all allegations regarding personnel misconduct that do not rise to the level of a major complaint.

#### **ADM 5-06-4 AUTHORIZED FORMS**

- A. Complaint forms shall be maintained in locations accessible to the public.
1. Complainants will not be required to file a complaint form to initiate an investigation, although a form will be offered to complainants to assist them in relating useful information.
  2. Complainants will not be required to sign their forms.
- B. Report of Investigation – Minor Offense:
1. This document is the substantive source of information from the supervisor regarding the initial inquiry or minor complaint, their investigative actions and their resolution or recommendation for the incident.
- C. Report of Investigation – Major Offense:
1. Contains the record of the major investigation, its findings and any recommendations related to the incident for review by the supervisor rendering corrective action.

#### **ADM 5-06-5 PROCESSING INQUIRIES AND COMPLAINTS**

- A. Inquiries and Minor Complaints
1. Any employee may accept a complaint. Non-supervisory employees should refer the complainant to the on-duty supervisor of the division involved, or if the supervisor is not available, accept the person's complaint and forward it to the appropriate supervisor in a sealed envelope.
  2. Upon their receipt of information, supervisors will determine if the information provided by the complainant meets the criteria of an inquiry or minor complaint. If it does, the supervisor will investigate the issue, including any corrective action and

forward their Preliminary Investigation Report up the Chain of Command to the Division Captain, who will review and file the report.

B. Major Complaints

1. If information is received that meets the criteria of a major complaint, supervisors will complete a Memorandum of Investigation detailing the information they have received and forward it directly to their Division Captain and the Undersheriff.
2. The Undersheriff and Sheriff will review the information and either initiate an investigation, or coordinate with the appropriate command staff regarding the method of investigation.

**ADM 5-06-6 RULES OF PROCEDURE**

- A. Complaints may be received in person or in writing, via mail, email, telephone or facsimile; however, anonymous complaints against specific employees will not be investigated unless convincing evidence is provided to indicate the complaint is valid. Anonymous complaints involving this office's practices in general will be evaluated to see if the practice may be improper.
- B. Anonymous complaints involving allegations of the provisions of **29-21-2 NMSA, 1978, Prohibition of Profiling Practices Act** will be accepted and investigated, provided the complaint is determined to be valid.
- C. Allegations of violations of provisions of NM statutes, county ordinances, or this office's policy by sheriff's office personnel will be accepted and investigated if received within one hundred and eighty (180) days from the commission of the alleged violation.
- D. All complaints will be investigated in a timely manner.
  1. Under normal conditions, investigations will be completed within 45 days of receipt, except in the case of an especially complex or time-consuming investigation, where the particulars for the delay are explained in detail via a letter to file.
- E. A thorough investigation shall be conducted in accordance with Chapter 29, Article 14, (NMSA 1978), utilizing proper investigative procedures, the investigator's training, and recognized best practices.
  1. All employees must appear for interviews and are compelled to answer questions completely and truthfully during an internal investigation. They are protected in a criminal investigation pursuant to Constitutional guarantees, Garrity v. New Jersey, 385 U.S. 493 (1967), and applicable laws.
- F. A letter of verification of receipt will be mailed to the complainant within three business days of a complaint's receipt by the supervisor or Internal Affairs investigator conducting the investigation.
  1. This letter will identify the supervisor or investigator and contain the assigned case number for reference.
  2. If the complaint investigation exceeds forty-five days, the supervisor or investigator

- will notify the complainant by phone or in writing if necessary, as to the status.
- G. Supervisors and investigators will investigate all employee conduct during an incident and document their findings.
  - H. If an employee is placed on Administrative Leave in conjunction with a complaint investigation, they will remain within a geographic area sufficient to enable them to be physically available to the Sheriff Office between the hours of 0800 and 1700, Monday through Friday. Exceptions to this requirement will be authorized by the Sheriff or their designee.
  - I. Whenever a supervisor or investigator develops reason to suspect that a criminal act has occurred in relation to the complaint, they will immediately suspend their investigation, and notify the Undersheriff, as well as the employee's chain of command. The investigation will remain suspended until after a criminal investigation into the incident has been conducted by an agency outside the sheriff's office.

#### **ADM 5-06-7 CLOSING COMPLAINT INVESTIGATIONS**

- A. Withdrawal of a complaint or unavailability of a complainant to make a statement should not be a basis for closing an investigation or rendering a disposition of "Insufficient Evidence to Prove or Disprove" without further attempt at investigation.
- B. There is no automatic preference in favor of an employee's or the complainant's statement; the investigation will be weighed by the facts collected.
  - 1. In making credibility determinations, the supervisor or investigator should consider:
    - a. The employee's history of complaints including those with dispositions other than "sustained" and the disciplinary record related to those complaints.
    - b. The complainant's criminal history for crimes involving untruthfulness.
    - c. Any credibility determinations should be explained fully in writing.
- C. At the conclusion of any investigation, the supervisor or investigator will issue a report describing:
  - 1. Alleged misconduct.
  - 2. Other misconduct identified during the course of the investigation.
  - 3. A summary of all evidence gathered during the investigation (including an explanation for any absence of evidence).
  - 4. Documentation of all credibility determinations.
  - 5. The accused employee's complaint history.
  - 6. And any other material pertinent to establishing the investigation.
- D. The supervisor or investigator will also forward a memorandum to the subject(s) of the investigation informing them the investigation is completed and notifying them of the supervisor tasked with reviewing the final report and making a final recommendation. In

some cases (as in a minor complaint), this notification will be inclusive to the corrective letter issued by the investigating supervisor.

- E. The appropriate supervisor will determine findings with respect to all potential misconduct, and include their analysis supporting the findings along with the disposition.
- F. Once an investigation is complete, any employee identified as a principal may submit a written request through their chain of command to review their portion of the investigation.
- G. Within three days of the completion of all personnel action, the supervisor or investigator will notify the complainant in writing of the **findings** of the investigation.

#### **ADM 5-06-8      EMPLOYEE ACKNOWLEDGEMENT AGREEMENTS**

- A. An Employee Acknowledgement Agreement (EAA) is an alternative method to a full investigation when the employee readily acknowledges their error, wants to conclude the matter promptly, and the violation was a minor, first-time violation. It is also one of the last steps in the education based discipline option.
- B. In addition to the matter being closed far more quickly, less investigative resources are used. The intent is to establish what happened during the event using a fair process, document the truth, and develop an immediate corrective solution while still preserving an employee's rights.
- C. Employee Acknowledgement Agreements must be drafted by an employee's direct supervisor, and approved by the Division Captain. The employee must accept responsibility for their actions, and must either write a memorandum accepting responsibility, or be interviewed on a digital recording acknowledging the conduct.
- D. Investigating supervisors must advise the employee of their right to consult with their attorney before deciding to accept an EAA; writing the memorandum; or, acknowledging their error on a digital recording.
- E. An EAA will be documented in a memorandum and may include an Employee Performance Improvement Plan drafted in accordance with the education based discipline program (**ADM 1-05-9**).

#### **ADM 5-06-9      RECORDS**

- A. At the completion of any investigation, the original copy of the complaint and the final investigative report will be forwarded to the Captain maintaining Internal Affairs records.
- B. Corrective action will follow the guidelines listed in the Lea County Personnel Ordinance and Sheriff's Office policy or procedures.
- C. The Sheriff or Undersheriff may review any investigative action, findings or recommendations at their discretion, or at the request of Command Staff.
  - 1. If the Sheriff, or any senior staff with whom they consult, does not agree with the investigation, reports, findings or recommendations, they will not attempt to influence the findings of the supervisor or investigator, but will detail their rationale,

in writing, and the Sheriff, if necessary, will render express findings and a final disposition.

#### **ADM 5-06-10            TYPES OF DISPOSITIONS**

- A. The following dispositions will be used at the conclusion of any investigation.
  - 1. EXONERATED - incident occurred but was lawful and did not violate policy.
  - 2. INSUFFICIENT EVIDENCE TO PROVE/DISPROVE - insufficient evidence exists to either prove or disprove the allegation(s).
  - 3. SUSTAINED: evidence sufficient to prove allegation.
  - 4. SUSTAINED FOR MISCONDUCT NOT BASED ON COMPLAINT: where misconduct not alleged in the complaint is substantiated.
  - 5. UNFOUNDED: allegation is false or not factual or the employee was not involved.
  - 6. INADEQUATE POLICY: Present policy provided inadequate guidance or was not in line with present legal standing or recognized common, and/or best practices, thus contributing to the complaint at issue. (In this case, recommendations must include recommended steps necessary to correct the policy).

#### **ADM 5-06-11            MANAGEMENT AND PUBLIC OVERSIGHT**

- A. Complaints received for investigation will be assigned a control number. Inquiries will not receive a control number.
- B. A designated Captain will prepare an annual report of all investigations conducted.
  - 1. Such reports will include each investigation's significant dates, general allegations, disposition, and any resulting supervisory steps or discipline.
  - 2. This report will also identify those employees with three or more complaints of misconduct in one year, except that complaints determined to be 'Unfounded', 'Exonerated' or 'Inadequate Policy' shall not be counted.
    - a. Upon reviewing this report, the employee's direct supervisor shall develop a professional improvement plan with the employee detailing necessary retraining, counseling, assignment to a field training officer, transfer, and/or reassignment intended to correct the substantiated misconduct.
- C. At least annually, administrative staff will review inquiries and complaints in order to gauge the effectiveness of policies and training and to determine the need for new or further training, revisions of policies and procedures or other management action.
- D. All administrative investigative files are confidential and shall be used exclusively by the Sheriff Office in assuring internal discipline and integrity. Access to these files is strictly limited and they shall not be released to anyone without the permission of the Sheriff or by court order.

**ADM 5-06-12                      INVESTIGATIONS BY OTHER AGENCIES**

- A. All sheriff office personnel, upon becoming aware that they or another employee are the subject of or witness in an investigation by an outside law enforcement agency, will notify a supervisor before making any statements to representatives of the outside agency.
- B. This procedure will ensure that all personnel are fully informed of their applicable legal rights, which may include, but not be limited to:
  - 1. Talking with an attorney of their choice, if personnel are the subject of a criminal investigation.
  - 2. Being fully advised of their rights.
  - 3. Having an audio or video recording device present during the interview.
- C. This requirement may be waived when the Officer-Involved Fatal Incident Protocol is invoked.

**ADM 5-07 CRIMINAL INVESTIGATIONS OF SHERIFF OFFICE PERSONNEL OR OF OTHER LAW ENFORCEMENT AGENCIES****POLICY:**

The transparent and professional investigation of sheriff office personnel and other agency personnel is critical for the maintenance of professional conduct in a law enforcement agency. Additionally, the integrity of the sheriff office depends on the personal integrity of its personnel. This policy provides direction whenever an employee of this or of another law enforcement agency is a defendant, suspect or person of interest in a criminal investigation.

**ADM 5-07-1 CRIMINAL INVESTIGATIONS OF SHERIFF OFFICE PERSONNEL**

- A. Deputies may cite an employee of this office for minor traffic violations in the same manner they would any other driver.
- B. With the exception of a minor traffic violation, whenever there is reason to suspect an employee has committed a crime, the responding deputy or supervisor will take all necessary actions to protect life and safeguard property. Once the situation is stabilized and the scene secure, they will notify the Chain of Command.
- B. The Sheriff or their designee shall request another agency having concurrent jurisdiction conduct the criminal investigation.
  - 1. If no agency agrees to conduct the investigation, or the issue is of such urgency that it must be immediately attended to, the sheriff office will conduct the investigation following all procedures and legal requirements of such investigation.
  - 2. In addition to the actions necessary for a proper investigation, the Sheriff and Undersheriff, the employee's Division Captain will be notified immediately by the first supervisor having knowledge of the event.
  - 3. The Sheriff or their designee will act as liaison between any prosecutor's office and the sheriff office in any investigation involving criminal offenses by office personnel.
- B. The criminal investigation of an employee will take precedence over the internal affairs investigation. As such, it will be completed before any administrative questioning or investigation is initiated.
  - 1. Initiating an internal affairs investigation prior to the completion of a criminal investigation is authorized only when it is deemed absolutely necessary in order to address safety or performance issues that would adversely impact the sheriff office's missions. The decision to allow an administrative investigation to commence while the criminal investigation is the Sheriff's alone and may not be delegated.
- C. If an employee of this office has been booked by this office or another agency, the first supervisor having knowledge of the event will ensure that the proper documentation has reached the appropriate Division Captain's office by 0800 hours the following day.

**ADM 5-07-2                      CRIMINAL INVESTIGATIONS OF PERSONNEL FROM OTHER LAW ENFORCEMENT AGENCIES**

- A. Deputies may cite an employee of another department for minor traffic violations in the same manner they would any other driver.
- B. If during the preliminary investigation into an incident a deputy develops reason to suspect an employee from another law enforcement agency has committed a crime, the primary deputy will notify their supervisor who will direct the deputy to conduct the investigation, transfer investigative responsibility to an investigator or a deputy of higher rank, or assume the investigation themselves.
  - 1. The sworn employee who assumes the investigation shall conduct it pursuant to statutory requirements and policy, using the same discretion and standards employed when dealing with any other citizen.
- C. If probable cause is established that a crime has been committed, the arrest will be made by the investigating sworn employee following statutory guidelines and sheriff office procedures.
  - 1. The suspect will be booked and the arresting deputy, investigator or supervisor will ensure the detention personnel are aware the person is a law enforcement employee and request that, for their safety, they be segregated from other prisoners after the booking process.
  - 2. The field supervisor aware of the incident is responsible for making notifications to their Chain of Command as soon as possible.
  - 3. Where arrest is not appropriate, the chain of command will be notified prior to release of the suspect and this will be documented in the report.
  - 4. A completed criminal case will be submitted to the District Attorney's Office.
- D. The Sheriff or their designee will act as liaison between the sheriff office and the arrested person's law enforcement agency.



# LEA COUNTY SHERIFF OFFICE

## Operations Policies

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This portion of the Employee Manual contains protocols for activities that involve the daily functions of the sheriff office such as courts, uniformed patrol, or investigations. General guidelines tend to involve both sworn personnel and certain civilian employees, and are not necessarily tied to a specific section or assignment. Other, more specific protocols are also provided that give guidance for accomplishing tasks that may be rare, or require standardization. These protocols often define the section having overall responsibility for an activity for you, explain the processes that are usually followed in a given situation, and establish the manner in which an activity would normally be documented. In this section, you will find:

- ✓ OPR Chapter 1: General Guidelines
- ✓ OPR Chapter 2: Courts and Prisoner Protocols
- ✓ OPR Chapter 3: Patrol Protocols
- ✓ OPR Chapter 4: Investigation Protocols
- ✓ OPR Chapter 5: Emergency Response and SWAT Protocols

# Chapter 1: General Guidelines

This section contains operational policies and procedures that relate equally to all personnel, or involve a shared function of some type. It explains when employees assigned to a particular function have responsibility for an event or process, and how to carry out certain processes in an efficient and standard manner like handling, processing or submitting evidence. In it, you will find:

- ✓ Basic procedures for preliminary and follow-up investigations.
- ✓ Technical procedures for handling, submitting, and disposing of evidence or found property.
- ✓ Procedures and guidelines for gathering intelligence and using informants.
- ✓ Procedures involving juveniles whether they are a suspect, arrestee, witness or victim.
- ✓ The guidelines for running code 3, 2, or 1.
- ✓ Procedures for how we respond to clandestine labs and marijuana grows.

Employee Notes:

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**OPR 1-01    REPORTS AND CASE FILES****POLICY:**

Lea County Sheriff Office policy is to conduct investigations related to criminal activity as well as certain non-criminal events and document such activity on the appropriate forms or reports. It is the responsibility of all deputies to carry out assigned investigations in a thorough, efficient, and timely manner. It is the duty of all non-sworn employees to carry out their responsibilities in support of these functions efficiently.

**OPR 1-01-1            PROCEDURES**

- A. Deputies will enter their documentation into the Records Management System for review.
- B. Supervisors will check reports every shift and either approve them or reject them to the deputy with remarks for any necessary corrections.
  - 1. Initial reports are due no later than the end of shift unless authorized by the on-duty supervisor. The pending of an initial or on-view report will be authorized only on a case-by-case basis. If this occurs, the approving supervisor must forward an email memorandum up the chain of command explaining why they authorized the pending of the report.
  - 2. In all cases, immediate supervisors coordinate with their subordinates to ensure corrections are accomplished and the approved reports finalized in the Records Management System no later than one calendar day from the incident report date unless otherwise authorized by the next supervisor in the Chain of Command.
  - 3. For any active incident, deputies must complete a supplemental report no more than every 10 days documenting all investigative activity during the prior 10 days, if any has occurred. If the case warrants, they may complete supplements more often. Any deputy who is involved in a case, but is not the primary investigating deputy should complete their supplement within 48 hours unless otherwise authorized by their supervisor, and in all cases before a deputy goes on days off.
- C. Immediate supervisors will document any observations or directives necessary to managing the case within the records system.
- D. Patrol deputies should create physical case files of active incidents. To facilitate effective review by others who may need to look over a case, these files will be put together in a standard format with all pending or on-going investigative activities stored on the left side; all completed activities will be placed on the right side of the folder. **(See Table OPR 1-01-3).**
- E. At any time, any supervisor needing information on an investigation should obtain the case file and read through it, making notations in the records management system as appropriate.

- F. After the completion of all possible investigative effort, the deputy or investigator will do one of the following:
1. Suspend the case when all logical leads have been expended, although the case has not been resolved.
  2. Declare the case unfounded where the deputy or investigator has established that no crime occurred.
  3. Clear the case:
    - a. By arrest or warrant.
    - b. If the District Attorney's Office refuses to prosecute (felony only).
    - c. If the State refuses to extradite within the designated area.
  4. Close the case:
    - a. If the offender dies.
    - b. If a double homicide occurs (both offenders kill each other).
    - c. If the victim knowingly and willingly declines prosecution.
    - d. Upon receipt of Judgment and Sentence.
  5. No case will be suspended, cleared or closed by a deputy without a reviewing supervisor's authorization.
  6. Initial reports will be completed by the deputy or investigator having primary responsibility for the investigation.

**OPR 1-01-2                      RECLASSIFICATION OF CRIMES**

- A. Any deputy with primary responsibility over an investigation may reclassify it, if after proper investigation, the elements of the original crime reported are not present. If this should occur, they are to submit a supplemental report explaining why the crime is being reclassified.

**OPR 1-01-3****TABLE: PATROL CASE FILE**

<b>CASE FILE</b>	
Draft Narrative (Optional)	Completed Initial Report
Statements (with Rights Advisal)	Supplemental Report(s) (In order)
Other Agency Reports	Statements Forwarded with Supplement
Draft Court Documents (Search Warrants. etc)	Other Reports Forwarded with Supplement
Lab Requests and Reports	Completed Court Documents
Evidence Documents	Final Lab Reports
Photographs	Evidence tags
Additional Documents	Negatives/Digital Data
Field Notes	Additional Final Documents
(What needs to be done)	(What is completed)

*The above diagram reflects how a case file is to be put together. The entries at the top of each list are the items topmost on that side of the file. In other words, when the file is opened, the first document on the left is the draft narrative; the first thing on top on the right is the initial report and so on down the list.*

**OPR 1-01-4****CID REFERRALS**

- A. If a deputy responds to a call they determine is CID's primary responsibility, they will immediately secure the scene, request an investigator and notify their immediate supervisor.
- B. It is the responsibility of the investigating deputy or investigator to properly channel all pertinent case information to the District Attorney.
- C. Active cases that are not a primary responsibility of CID but are going to be referred to them will transfer through a deputy's immediate supervisor to the investigations supervisor, with the transfer recorded in the activity report.

- D. Investigators will notify the reporting parties or victims of the status of an active case every two weeks, or when it is being suspended or closed, unless doing so would compromise the investigation.

**OPR 1-01-5                      CID CASE MANAGEMENT**

- A. Upon receipt of a referred file, the investigations supervisor reviews the present case load of all investigators and determines who will be assigned to the case.
- B. On a weekly basis the investigations supervisor holds a review with all investigators regarding their case load and status.
- C. On a monthly basis, investigators will forward a case activity summary reporting the activities and status on their cases to their supervisor. A copy of this report is sent to the Division Captain commanding the Criminal Investigations Detachment.
- D. This case activity summary will be retained by the investigative supervisor for one year from the time it has been suspended or closed.

**OPR 1-01-6      DISPOSITION OF PHYSICAL CASE FILES**

- A. Within 30 days of a case being adjudicated and a Judgment and Sentence issued, or its being unfounded, closed or suspended, deputies will forward the physical case file to the Records Section for storage. The physical case file will retain all items placed in it during the course of the investigation.

**OPR 1-01-7                      REFERRALS TO LEA COUNTY DRUG TASK FORCE**

- A. Deputies will forward reports related to controlled substances or money laundering to the Lea County Drug Task Force.

**OPR 1-02 EVIDENCE, CONFISCATED ITEMS AND FOUND PROPERTY****POLICY:**

Lea County Sheriff Office policy is to ensure proper chain of custody and to provide for the safe, efficient, and careful handling and preservation of all property and evidence that comes under the sheriff office's control.

**OPR 1-02-1 EVIDENCE AND PROPERTY**

- A. Deputies taking any personal property or item into their possession or control in connection with their official duties, either as personal property of a suspect, arrestee, or prisoner, as evidence or found property, shall complete an evidence tag, and attach it to such property.
- B. Deputies are cautioned to use appropriate protective equipment, such as gloves, mask, etc, when packaging chemical or biological or potentially contaminated evidence.
- C. All items will be properly tagged and placed into evidence at the first available opportunity and under no circumstance longer than the end of shift.
- D. No property coming into possession of sheriff office personnel will be stored in offices, vehicle or anywhere other than the evidence / property room.
- E. When the evidence technician is present, evidence or property shall be turned over to the technician after proper tagging.
- F. If the evidence technician is not present, the evidence or found property will be properly tagged and secured in a temporary locker by pushing the appropriate button. For large items utilize the temporary oversized lockers, and secure with the padlock provided.

**OPR 1-02-2 CONTROL NUMBERS**

- A. All evidence shall have a control number, which will be the incident report number(s).

**OPR 1-02-3 DATES**

- A. Always use the date the evidence was taken into law enforcement custody as the collection date. If the submission date is different, annotate that date also.

**OPR 1-02-4 EVIDENCE CARDS OR LABELS**

- A. Issued evidence cards and labels will be utilized.

**OPR 1-02-5 PACKAGING**

- A. All evidence will be packaged according to the directions provided by the evidence technician in the packaging manual. Every item placed into evidence will be bar coded.
- B. Multiple items from the same case will be bar coded individually.

**OPR 1-02-6 FIREARMS**

- A. Describe any firearms as shown in the following examples:
  - 1. Make and Model of weapon: S&W Model 686, Colt .45 ACP, Ruger RG-10
  - 2. Type of weapon: Semi-automatic, revolver, shotgun, rifle, or derringer
  - 3. Caliber: .38, .25, 12 gauge
  - 4. Serial number; include all numbers found on the weapons; S&W have a crane number and a serial number.
  - 5. Barrel length
  - 6. Color of metal and grips.
  - 7. Any damage to weapon (this is for your protection at a later date.
  - 8. Deputies will not mark initials on any weapon or other evidence that has a serial number on it.
    - a. Evidence which must be initialed should be done so in an inconspicuous place so as not to mar the item's appearance.
    - b. Remove all ammo from the clip and the weapon, tag separately, and place the ammo in an envelope.
    - c. Mark all packages with live ammunition with "live ammo" on the outside of the package.
- B. Refer to the packaging manual for guidelines to follow when packaging firearms.

**OPR 1-02-7 LARGE OR WEATHERPROOF ITEMS**

- A. These items will be stored in accordance with instructions from the evidence technician and the location noted in the report.
- B. Large quantities of items such a green leafy marijuana from a marijuana grow or several pieces of heavy equipment, require coordination with the District Attorney or their representative at the time seizure to determine the appropriate method for seizure, storage and disposition. These actions will be carefully detailed in the deputy's report.

**OPR 1-02-8 PROPER TAGGING**

- A. Any evidence not properly tagged will not be accepted by the evidence technician and the responsible deputy will be notified, by the division Commander or his designee, to re-tag the evidence.

**OPR 1-02-9 KNIVES AND SHARP INSTRUMENTS**

- A. Utilize the packaging tubes that are provided for knives and other sharp instruments. If the item is too large or oddly shaped to utilize a tube, cover blade or secure it in some



way that injury will not result while handling the object. (i.e. Cover blade with cardboard and secure with tape.)

**OPR 1-02-10                      NARCOTICS**

A. Seized narcotics:

1. All narcotics seized by deputies shall be placed in an evidence bag to prevent leakage.
2. Evidence cards will be filled out completely and attached to the evidence.
3. The evidence shall be placed in one of the evidence lockers and secured by pushing the appropriate button.
4. Large quantities of narcotics seized that would constitute trafficking or possession with intent to distribute, the evidence technician will be contacted to secure that amount in the evidence room.
5. On all narcotics, there shall be an Incident Number. It shall be the responsibility of the primary deputy to weigh and field test the evidence before securing it in a locker.
6. All syringes will be secured in the SHARPS ® container provided.
7. All narcotics will be logged separately from other evidence or found property and directed to the evidence technician.

B. All narcotics or paraphernalia that require testing by the New Mexico Department of Public Safety Crime Lab will be inventoried and delivered to the Hobbs facility. Alternatively, the narcotics may be prepared and mailed by the primary deputy, with the assistance of a criminal investigator who will use confidential funds to send it registered mail, return receipt requested. In all cases, the deputy must complete the state's evidence receipt and maintain the chain of custody.

C. Narcotics Destruction:

1. The evidence technician will periodically, and as soon as practical after court disposition, cause narcotics and narcotic paraphernalia stored in the evidence section to be reviewed by the case deputy to determine eligibility for destruction.
  2. Narcotics and narcotic paraphernalia deemed eligible for destruction shall be isolated and an accurate inventory will be made setting out:
    - a. Incident Number
    - b. Name of defendant
    - c. Total weight or number and description of narcotics to be destroyed.
  3. Upon completion of an accurate inventory of the narcotics and narcotic paraphernalia eligible for destruction, a request for a destruction order will be forwarded to the Division Commander and the Sheriff for their review.

- a. Upon approval of the Division Commander and the Sheriff, the request and inventory will be transferred to the District Court for a destruction order, through the District Attorney's Office.
4. The evidence cards or labels will remain attached to the narcotics and/or narcotic paraphernalia after inventory and until such time those individuals serving as witnesses to the destruction are satisfied with the nature and content of the property pending destruction.
5. During transport of the narcotics and narcotic paraphernalia to the location of destruction, they will be secured in an enclosed vehicle in such a manner to prevent loss or unauthorized access.
6. In the presence of witnesses, the narcotics and narcotic paraphernalia will be destroyed by burning or other process that will totally render them useless for their previous intended purpose.
- D. Item(s) destroyed will be entered as such into the evidence control program.
- E. The evidence technician will maintain a separate file on all court destruction orders with one copy going to the Office of the Sheriff.

**OPR 1-02-11                      PROPERTY DISPOSITION – EVIDENCE AND OTHER PROPERTY**

- A. Evidence Technician Responsibilities
  1. The evidence technician is responsible for the safekeeping and return of evidence and other properties that have been stored within the evidence facilities.
- B. Court Dispositions
  1. The deputy with primary investigative responsibility for a case will ascertain the court disposition for the evidence that has been stored within evidence facilities.
  2. Upon making a determination that a case has been fully adjudicated (to include the appellate time limit), the deputy with primary investigative responsibility will notify the evidence technician in a memorandum of the proper type or manner of disposition.
  3. The evidence technician will then take appropriate steps to return the property to an authorized person or request a "destruct order" for the item(s) if it is not returnable, or an owner cannot be identified.
    - a. If a deputy leaves the sheriff office prior to the adjudication of evidence, the Captain of the appropriate division or his designee will complete this task.
- C. Authorized Persons to Receive
  2. Evidence stored within the evidence facilities that are eligible for return may be returned as follows:
    - a. To the owner.

- b. To the legal spouse, if the legal owner is not available.
  - c. To other authorized persons as determined by the Lea County Sheriff's Office if both the legal owner and spouse are unavailable or unauthorized (e.g., weapon taken from a convicted felon, legal owner and spouse are deceased, etc.).
- D. Contraband
  - 1. Properties having the nature or characteristics of being illegal to possess (e.g., narcotics, switchblade knives, etc.) will be disposed of according to a court order.
- E. Unclaimed Non-Monetary Property
  - 1. Evidence which has been deemed eligible for return that remains unclaimed after an exhaustive effort by the evidence technician to locate a legal owner, legal spouse or other authorized person will be held by the sheriff's office for a period of three (3) months. Upon expiration of this period, the property will be so marked and stored for proper disposition.
- F. Unclaimed Money and Transaction Receipts
  - 1. Unclaimed money or funds forfeited to the County, with the exception of forfeited narcotics monies, will be transferred and receipted to the Lea County General Fund.
- G. In all cases where property is returned, it will be the responsibility of the evidence technician to properly identify the person to whom the property is returned and to prepare a receipt describing the transaction.
- H. Property Found by Deputies
  - 1. All lost, abandoned or unclaimed personal property found by or given to a deputy shall be properly recorded and held by the sheriff's office until claimed or for a period of three (3) months.
    - a. During the holding period, property may be returned to the person who establishes his right to possession.
    - b. If ownership is established, the evidence technician will attempt to contact the owner by documented correspondence.
- I. Citizen Finders Rights to Claim
  - 1. Citizens turning in property to the sheriff's office do not have the right to retrieve such property if right or title has not been established during the designated period of time (3 months).
  - 2. Such property will be disposed of in accordance with law.
  - 3. Property will be marked and stored for proper disposal.

J. Sheriff's Office Employees' Right to Claim

1. Employees of the sheriff's office do not have the right to claim title to property they have found when such property remains unclaimed.
2. If the property is found by an employee, it shall be disposed of in accordance with law.
3. This does not prohibit an employee from participating in an auction where goods are sold to the public for the highest bid.

K. Records and Title Questions

1. The evidence technician will maintain accurate records of all property found, seized or disposed of in accordance with law.
2. All disputes of the title or possession arising from such property will be brought to the attention of the appropriate Division Captain and the Undersheriff.
3. The County Attorney will be consulted on all matters in question regarding property held by this office.

**OPR 1-02-12                      SECURED EVIDENCE ROOMS – AUTHORIZED PERSONNEL**

- A. If personnel other than the Evidence Technician or their alternate require entry into the evidence storage areas, they will be escorted by the technician or their alternate, no exceptions.
- B. Any persons other than evidence technicians will log in and out of the evidence room in a log book that is provided for that purpose.

**OPR 1-02-13                      OFFICE HOURS**

- A. The evidence property section will normally be open between 7:00 a.m. and 3:00 p.m., Monday through Friday.
- B. Coordination for the release of evidence should be made through the evidence technician.

**OPR 1-02-14                      EVIDENCE AND FOUND PROPERTY - CASH**

- A. All cash will be logged separately from other evidence or found property and directed to the evidence technician or their alternate.
  1. The evidence technician will log this cash on a ledger in addition to regular evidence cards, and place the money in a secured area accessible only to the evidence technician.
  2. Any cash amounts over \$500.00 will not be placed into an evidence locker. An evidence technician will immediately be notified and the cash will be logged into the evidence room safe.

3. All cash monies entered into or taken from the evidence room will be counted by both the primary evidence technician and their alternate. Both parties will initial the evidence control documents and confirm the amount.
4. In the event only one technician is available, an on duty supervisor will witness the count and the securing of the money in the evidence room safe.

**OPR 1-02-15                      EVIDENCE CHAIN OF CUSTODY**

- A. The chain of custody on the evidence card/label, and bar coding data, shall always be kept current as to evidence location and who is in possession. This accurate chain of custody is necessary for court presentation as well as accountability for property.

**OPR 1-02-16                      DISPOSITION AND STATUS OF CASE**

- A. When returning evidence to the evidence room, the item(s) will be secured in a temporary evidence locker if the evidence custodian is not present.
- B. If the court disposition is available, deputies will submit an "Authorization for Release" form attached to the evidence when it is returned.

**OPR 1-02-17                      EVIDENCE AND PROPERTY CHECKOUTS**

- A. Deputies will notify the evidence technician twenty four hours prior to a court case that evidence is needed for court.
  1. At the time the evidence is picked up the receiving deputy will log out the evidence by signing a signature pad on the bar coding system.
- B. Court Retention
  1. Items that are retained by the court as evidence will be entered as such into the evidence control program by the evidence technician. A receipt will be prepared requiring a signature from the court for the retention and a copy made to file.
  2. This receipt will be completed as soon as possible after the property has been entered into court evidence and retained by the court.
- C. Laboratory Examination
  1. Items sent for laboratory analysis will be checked out via the evidence control program have a NMDPS Forensic Laboratory Receipt completed with all required information.
    - a. A copy will be made to file for the evidence section.
    - b. Items sent for analysis will be inventoried and prepared for mailing by the primary deputy, with assistance of a criminal investigator who will use confidential funds to send it registered mail, return receipt requested.

D. Evidence Return After Hours:

1. When evidence is returned after the evidence technician's working hours, the evidence will be placed in one of the evidence lockers, with the exception of money or narcotics, which constitutes trafficking or possession with intent to distribute, in which case an evidence technician will be called out.

**OPR 1-02-18                      RETURNING PROPERTY**

- A. Property belonging to a victim will not be tagged with property belonging to any defendant.
- B. Under no circumstances will any property be returned to any victim, offender, or any other person without the authority of the case deputy or their Division Commander.
- C. For unidentified property refer to **OPR 1-02-10 (E) (1)**.

**OPR 1-03 CRIMINAL INTELLIGENCE****POLICY:**

Lea County Sheriff Office policy is to provide for a system to control the collection, maintenance, and dissemination of criminal intelligence by the sheriff office and to provide guidelines for managing, funds, operations at the sheriff office level, and maintenance of the informant and intelligence files. The sheriff office uses information supplied from a variety of sources, including informants, and this information is utilized only if it relates to allegations of a criminal act and in accordance with rules of criminal procedures and constitutional guarantees. The sheriff office's intent is to maintain a balance between the rights of individuals guaranteed by law and the needs of government to maintain the public safety and control organized criminal activity. Intelligence investigations will be conducted in a lawful manner, following rules consistent with a citizen's right to privacy and constitutional guarantees.

Note: This policy in no way attempts to affect the Crimestoppers program policies or procedures as established by the Crimestoppers Board of Directors.

Note: Wherever a conflict arises between the policies for the Lea County Drug Task Force and this office, deputies assigned to the Task Force shall adhere to is office's policy.

**OPR 1-03-1 COMPOSITION OF INTELLIGENCE SYSTEM**

- A. The intelligence system is made up of the following components:
  - 1. Intelligence investigations.
  - 2. Use of informants.
  - 3. Intelligence Background Investigations.
  - 4. Intelligence Case Management.
  - 5. Intelligence Analysis.
  - 6. Dissemination of Criminal Intelligence

**OPR 1-03-2 AUTHORITY TO CONDUCT INTELLIGENCE OPERATIONS**

- A. Conducting intelligence investigations and criminal background investigations is normally a function of the Criminal Investigations Detachment (CID); however, other divisions are authorized and may have occasion to conduct such investigations.
- B. Criminal intelligence activity shall be an element of a deputy's investigation whenever actual or potential criminal activity is brought to their attention.
- C. Each investigation is conducted by the appropriate unit which can maintain objectivity. If a conflict of interest is possible, the assistance of an appropriate outside agency should be sought.

**OPR 1-03-3                      APPROVAL REQUIRED TO OPEN INTELLIGENCE INVESTIGATION**

- A. No intelligence investigation not inclusive to an active criminal investigation may be initiated without an employee's first line supervisor's authorization.
  - 1. To authorize the opening of an intelligence investigation by sheriff office personnel, the initiating deputy must forward a memorandum setting forth the justification for the request to his first line supervisor.
  - 2. The first line supervisor shall review the facts justifying the request and indicate their approval or disapproval, and set forth the initial limits for the investigation.
- B. Again, nothing in this order shall prevent any deputy from conducting analysis and dissemination of criminal intelligence during their lawful investigation into criminal activity.

**OPR 1-03-4                      COLLECTION OF INFORMATION MUST BE LEGAL AND RELEVANT**

- A. Information may be gathered to identify members or associates of groups suspected of organized criminal activity, or provide evidence of suspected criminal activity.
- B. Information will be collected on a subject only when there is reasonable suspicion that they are engaged in criminal activity and the information is relevant to the criminal activity.
- C. No intelligence information will be collected by illegal means or methods, or directed to be collected by illegal methods.
- D. Unless the information is necessary and relevant to the investigation of criminal wrongdoing, information will not be collected on any individual or organization based on any of the following:
  - 1. Ethnic background or race.
  - 2. Support of unpopular causes.
  - 3. Religious or political affiliations.
  - 4. Personal habits or lifestyles.
  - 5. Sexual Orientation.
  - 6. Veteran Status.

**OPR 1-03-5                      OBJECTIVE ANALYSIS AND REPORTING**

- A. When conducting and documenting criminal intelligence investigations, personnel will report all findings in a clear, concise, and objective manner.
- B. Personnel shall make every attempt to analyze and report fully and accurately all information and findings when forwarding intelligence reports to authorized personnel or other law enforcement agencies.



- C. Deputies determine and classify the reliability of their information and its source utilizing the table in **OPR 1-03-08**.
- D. All criminal intelligence activity will be assigned a unique sequential number.
  - 1. The numbering system will be the agency abbreviation, followed by the year, month and sequential number of the document in ascending order. For example a criminal intelligence file number would appear as LCSD-2012-01-0001.
- E. Criminal intelligence and informant files will be maintained in a secure manner under the control of a single Intelligence Control Officer, who shall be responsible for the security, administration and disposal of files.
- F. The Intelligence Control Officer will be the Lieutenant in the Investigations Detachment's Chain of Command.

**OPR 1-03-6                      INFORMANTS**

- A. Deputies must ensure the information supplied by informants will be utilized only if the information relates to allegations of a criminal act and in accordance with the Rules of Criminal Procedure and constitutional guarantees. To that end:
  - 1. Personnel will only use legal means to gather information.
  - 2. Informants will not be used to circumvent any constitutional rights or guarantees of citizens, nor will they be utilized to entrap offenders.
  - 3. When meeting with informants, optimally, a minimum of two deputies will be present. When necessary, the second deputy can witness the meeting from a discreet distance.
  - 4. A paid juvenile informant may only be utilized when written permission has been granted by the parent or guardian.
    - a. Casual information received from a juvenile may be used, however, continual gathering of information from the same juvenile requires written permission from the parent or guardian.
  - 5. Informants will not be utilized in an active role when they are on probation or parole unless there is written approval from the Secretary of Corrections and the sentencing District Judge.
- B. All operations involving the use of informants will be documented in offense reports, intelligence reports, and/or informant profile sheets to comprehensively describe the activity or operation that occurred.
  - 1. This documentation should include statements, tape recordings, expense reports, and/or receipts.
- C. Efforts shall be made to substantiate or otherwise verify all information received from informants prior to utilization of such information unless there is imminent danger to life

or property. This type of exception must be approved by command level staff.

- D. Informants are to be monitored as closely as may be feasible by the investigating deputy. Informants will never be given authorized law enforcement powers or led to believe they have law enforcement powers.
- E. Confidential informants will be registered in a file containing at a minimum:
  - 1. Informant number.
  - 2. Informant alias.
  - 3. Physical identifiers.
  - 4. Current photograph.
  - 5. Fingerprint card.
  - 6. III return.
  - 7. Informant contract.
  - 8. Copies of case documents and/or cases and or intelligence file numbers where they have been used, the results of those cases, and payment history.

#### **OPR 1-03-7 SOURCE EVALUATION**

- A. Informants are to be evaluated for reliability prior to disseminating any information unless there will be an immediate impact on life or property. In this case, a Division Lieutenant's authorization is required prior to the release of information.
- B. The evaluation will be conducted by the investigating deputy and the evaluator will use the following criteria:

	Source Evaluation		Information Evaluation
A.	Complete Reliable	1.	Confirmed By Another Source
B.	Fairly Reliable	2.	Possibly True
C.	Reliability Unknown	3.	Truth Unknown
D.	Anonymous		

#### **OPR 1-03-8 PAYING INFORMANTS**

- A. Prior to payments, the investigating deputy will submit a request for informant funds to the Sheriff or their designee via the Chain of Command for the purpose of receiving information from documented informants.
- B. The investigating deputy will establish the necessity, feasibility and the reason for any cash payment to an informant.
  - 1. The amount to be paid to the informant will be determined by the reviewing supervisor, based upon the value of the information, and the impact of payments on

available funds.

2. Upon issuance of the funds, the investigating deputy will sign a receipt for the funds, and the receipt will be attached to the expense report completed by the disbursing supervisor.
3. A receipt will be completed when funds are distributed to the informant with the informant's alias signature and number, the signature of the deputy disbursing the funds, and the signature of a witnessing deputy.
4. Prior to an informant being paid for services, deputies will verify the source's identity.
5. Monies disbursed will be given only to the source.

#### **OPR 1-03-9                      EXPENSE REPORTS**

- A. An expense report and a receipt will be required for each transaction by the deputy, and will contain sufficient information to cross reference the receipt to the specific case report.
  1. The supervisor disbursing funds will complete the expense report for each disbursement. The original receipts of cash out, cash in, and the payment receipt signed by the informant will be attached.
- B. The expense report will contain only the informant's unique number. The signature of the disbursing deputy and the witnessing deputy shall appear on the report.

#### **OPR 1-03-10                    AUDIT OF INFORMANT FUNDS**

- A. The Sheriff or his designee is required to conduct continual audits of informant funds to ensure proper use and to promptly identify procedural deficiencies. Additionally, the Sheriff or his designee will periodically audit the actual informant file to ensure that proper documentation and evaluation of informants is occurring.

#### **OPR 1-03-11                    CRIMINAL BACKGROUND INVESTIGATIONS**

- A. Personnel may conduct criminal background investigations on their own initiative only when at least one of the following circumstances exist:
  1. Information is received that named persons or businesses are believed to be involved, or are about to engage, in some type of criminal activity.
  2. As necessary for licensing of business or persons, when required by law or regulation.
  3. When the subject of the investigation has consented in writing to a background investigation.

#### **OPR 1-03-12                    CRIMINAL PREDICATE REQUIRED FOR BACKGROUND INVESTIGATION**

- A. If a criminal background investigation is being conducted as an element of a criminal investigation, the deputy must have a reason to believe that the background will take the investigation toward actual or possible criminal situations.

- B. If the deputy does not know or believe the information is crime related, the investigation must be terminated.

**OPR 1-03-13                      CONFIDENTIALITY OF INTELLIGENCE AND BACKGROUND INFORMATION**

- A. Intelligence and background information collected as part of a criminal investigation is considered classified due to its sensitive nature. Personnel, both sworn and non-sworn, must be extremely careful to maintain strict confidentiality.
- B. Criminal intelligence will only be shared after the receiving entity's right to know has been confirmed by the employee releasing the information.
- C. Criminal intelligence will be shared on a need to know basis.

**OPR 1-03-14                      REQUESTS FROM AGENCIES**

- A. Personnel shall not perform an intelligence or background investigation at the request of another agency if it is clear from the request that the investigation would violate constitutional rights or would be a violation of law.

**OPR 1-03-15                      POTENTIAL SOURCES OF INFORMATION**

- A. Potential sources of information include but are not limited to the following:
  - 1. Neighbors
  - 2. Court Records
  - 3. County Assessor, Treasurer
  - 4. Health Department
  - 5. Welfare Department
  - 6. Utility Companies
  - 7. County and City Clerk
  - 8. Schools
  - 9. Past Employers
  - 10. Military Records

**OPR 1-03-16                      PURGING INTELLIGENCE INFORMATION**

- A. Purging of intelligence and background information will be conducted when it is determined that the INFORMATION is no longer needed to meet statutory or regulatory requirements.
- B. Information gathered as part of a criminal investigation will become a part of the operational file of the investigation and will be subject to any purge requirements established for criminal investigations.

**OPR 1-04 JUVENILES****POLICY:**

Lea County Sheriff Office policy is to enforce the laws relating to juvenile crime appropriately, to protect child victims as effectively as possible and initiate criminal investigations of adult offenders of child victims pursuant to law. The sheriff office recognizes the state's legislative intent for agencies to endorse and support programs that are designed to prevent and control juvenile delinquency and child safety. This policy provides guidelines for employees when dealing with crimes involving juveniles as offenders or victims.

**OPR 1-04-1 JUVENILE JUSTICE COMPONENTS**

- A. The sheriff office actively works with all other juvenile justice system components in the development of policies and procedures relating to juveniles.
  - 1. The juvenile justice components consist of such agencies as the:
    - a. Children, Youth and Families Department, the courts, corrections, probation and parole, and other components of the criminal justice system which meet on a daily basis.
    - b. Lea County Juvenile probation office.
    - c. Child Protective Services.
    - d. Other social agencies who deal with juveniles.

**OPR 1-04-2 JUVENILE WITNESS AND VICTIM INTERVIEWS**

- A. The guidelines of the Children's Code do not prohibit the deputy from interviewing and taking statements from victims or witnesses of any age. However, care should be exercised when interviewing a juvenile victim or witness to a crime. Deputies may request assistance from investigators when determining whether an interview should be conducted by a person trained in interviewing juveniles.

**OPR 1-04-3 JUVENILE VICTIM PROTOCOLS FOR ABUSE, NEGLECT AND ABDUCTIONS**

- A. By office policy, incidents involving abuse or neglect are investigated by the Criminal Investigations Detachment. If, upon arriving on a call for service, a uniformed deputy learns the juvenile has made a disclosure of abuse, neglect, or the call involves an abduction, they will:
  - 1. Ensure the safety of the juvenile if they are present, which may include taking them into protective custody. If the juvenile is not present the deputy should take immediate actions towards attempting to locate the juvenile and gaining information on any offenders for transmittal to other deputies and agencies.
  - 2. Secure the scene and evidence.
  - 3. Ensure Lea County Communication Authority communications specialists dispatch an investigator to assume responsibility for the investigation.

4. Complete an initial report detailing the circumstances of their response and the disclosure made by the juvenile.
  - a. Deputies will not conduct an interview with a juvenile victim of abuse, neglect or abduction, unless an exigent circumstance is present such as determining the whereabouts of a second juvenile who has been abused, neglected or abducted.
- B. Upon arriving to the scene, CID investigators will:
  1. Assume investigative responsibility for the investigation to include initiating AMBER alerts or coordinating with trained personnel to conduct forensic interviews with the juvenile and arranging for medical examinations when appropriate.
- C. If hospitalizing an abused or neglected juvenile is necessary:
  1. Deputies or investigators will complete a law enforcement hold on the juvenile.
  2. The child will not be removed unless authorized by the investigator handling the case, or the agency that has been given custody of the juvenile.
- D. When a juvenile is already hospitalized because of injuries, the following conditions apply:
  1. Deputies may take them into protective custody if the parents attempt to remove the juvenile from the hospital.
  2. Deputies have the legal right and responsibility to prevent the removal of the juvenile in cases where the deputy reasonably believes:
    - a. The parents are directly responsible for the injuries to the juvenile.
    - b. There appears to be danger to the physical well-being of the juvenile.
- E. Victims of juvenile abuse may be photographed in all cases without the consent of the parents or legal guardian.
  1. Photographs will be taken, if possible, when it will not interfere with the well-being of the juvenile. A person from the hospital should be present.

**OPR 1-04-4 JUVENILE INTERROGATIONS, STATEMENTS AND INTERVIEWS**

- A. Basic Interrogations Procedures
  1. Digitally record (audio and video) all interrogations of juveniles whenever possible.
  2. Attempt to contact a parent or legal guardian. If contact is made, no interrogation will be conducted until the parent(s) have an opportunity to speak with their child. Parent(s) need not be present when the interrogation takes place.
  3. The length of questioning will be conducted over a reasonable period of time with periodic breaks, (i.e. meals, drinks, contacting of parents or legal guardian if prior contact has not been made, etc.).

4. To avoid the appearance of intimidation, a minimum number of deputies, consistent with deputy safety, will conduct all interrogations.
  5. Deputies interrogating juveniles will provide the juvenile(s) with an explanation of agency and juvenile justice system procedures prior to beginning the interrogation.
- B. Juvenile Suspects 14 Years of Age and Under
1. Cannot waive their Constitutional Rights.
  2. Their statements may not be introduced as evidence against them; therefore, circumstantial evidence or eyewitness statements must be obtained to prove the case.
- C. Juvenile Suspects 15 through 17 Years of Age
1. Can waive their constitutional rights.
  2. Deputies should obtain a signed waiver of rights prior to taking a statement.
  3. It is desirable to have a parent, legal guardian, or legal counsel present prior to taking a formal written statement.
- D. In determining whether juveniles knowingly, intelligently, and voluntarily waived their constitutional rights, the courts consider the following which deputies should note in their report. Deputies must consider all these factors when establishing time limits for interrogations:
1. Age and education of the juvenile.
  2. Whether the juvenile was in custody.
  3. The manner in which the juvenile was advised of his/her rights.
  4. The length and circumstances of questioning.
  5. The location of questioning.
  6. The time of day and treatment of the juvenile.
  7. The mental and physical condition of the juvenile.
  8. Whether the juvenile had the counsel of an attorney, friend, or relative.

**OPR 1-04-5                      JUVENILE MISDEMEANOR OFFENSES AND CITATIONS**

- A. Misdemeanor Offenses Classified as Delinquent Acts
1. The deputy handling the call will take an original report and conduct a preliminary and follow-up investigation. If there is probable cause to believe the juvenile committed an act which would be classified as a misdemeanor if the offender were an adult, the deputy shall take the appropriate enforcement action and contact the Juvenile Probation Office to coordinate the exchange of reports and assist the JPO as they adjudicate the case.

- B. Before issuing a misdemeanor citation, deputies shall determine if there is an outstanding warrant or if the juvenile is on probation. And serve the warrant and or notify the JPO as soon as practical.
- C. When juveniles are cited, every attempt should be made to notify the parents. In any case, the offender must sign the citation.
  - 1. The deputy who issues the citation may take the juvenile home and issue the citation there or have the parents travel to the place of occurrence.
  - 2. Juvenile offenders refusing to sign the citation may be booked, however, for them to be held in detention, the deputy must contact the JPO.
- D. The issuing deputy shall write a report whenever a misdemeanor citation is issued and forward the report to Juvenile Probation.

**OPR 1-04-6                      TRAFFIC OFFENSES**

- A. Per NMSA 1978 Children's Code 32A-2-3, the following listed traffic offenses by juveniles have been deemed delinquent acts. Therefore, Children's court procedures apply.
  - 1. Any driving while under the influence of an intoxicating liquor or drugs (DWI).
  - 2. Any failure to stop in the event of an accident causing death, personal injury or damage to property.
  - 3. Any unlawful taking of a vehicle or motor vehicle.
  - 4. Any receiving or transferring of a stolen vehicle or motor vehicle.
  - 5. Any homicide by vehicle.
  - 6. Any injuring or tampering with a vehicle.
  - 7. Any altering or changing of an engine number or other vehicle identification numbers.
  - 8. Any altering or forging of a driver license or permit or making of fictitious license or permit.
  - 9. Any open container of an alcoholic beverage in possession of a juvenile while operating a motor vehicle.
  - 10. Reckless Driving.
  - 11. Driving with a Revoked or Suspended license.
  - 12. Any other traffic offense punishable as a felony.
- B. Juveniles cited for traffic offenses other than those listed above (e.g., no drivers license, red light violation, stop sign violation, etc.) shall be cited into Magistrate Court.
  - 1. If the juvenile refuses to sign the citation, the deputy shall make attempts to notify the parents. If all attempts fail, the deputy shall note on the citation, "Signature



Refused" and release the juvenile. A report will be written and forwarded through normal channels.

2. Juveniles with an open container of alcohol or those who are found to be in possession of alcohol fall under the jurisdiction of the Children's Court. They shall be issued a misdemeanor citation or shall be arrested for possession of alcohol by a minor or under the open container law.
- C. Whenever a deputy is handling a traffic stop/incident and there are multiple violations for which juveniles are to be cited and, one or more of these violations is a delinquent act listed in 2-34-10, and one or more is a violation that comes under the Magistrate Court jurisdiction, then all violations shall be referred to Children's Court. Example:
  1. A traffic accident involving a juvenile driver who is arrested for DWI and is also cited for no driver license and careless driving. DWI is a delinquent act and no driver license and careless driving are violations cited from the same incident/accident. All charges are to be referred to the Children's Court.

#### **OPR 1-04-7 JUVENILE ARRESTS**

- A. The following methods of arrest shall be used involving juveniles of the ages of 7 through 17.
  1. Physical Arrest:
    - a. A physical arrest occurs after a deputy contacts the Juvenile Probation Office and a Juvenile Probation Officer authorizes the deputy to take the juvenile into custody, transport them to the Detention Facility, book them and incarcerate them under the JPO's authority.
    - b. The arresting deputy or a deputy designated by the arresting deputy will:
      - i. Fill out an Arrest report with complete information establishing probable cause prior to leaving the detention facility.
      - ii. Complete a Juvenile Advice of Rights Form on the Juvenile.
      - iii. Complete a Juvenile Probable Cause Determination Form and attach to the Arrest Report.
        - (a) If this form is filled out during normal business hours of the Magistrate or District Judge having jurisdiction over the juvenile, then that Magistrate or District Judge will be contacted by phone, given the probable cause for the arrest and the determination will be noted on the form.
        - (b) If the booking takes place outside normal work hours of the Judge, then records personnel working the arrest report the following day will the Judge and read the information on the form to him/her.
        - (c) This MUST be accomplished within 48 hours (including weekends or holidays) from the time of the arrest unless the arrest is made pursuant to

a warrant.

- (d) If the Judge does not find probable cause for the arrest, the juvenile will be released immediately to the parent, guardian, or custodian.
  - (e) If one of these responsible parties is not available the JPO will be contacted for assistance.
  - (f) The employee receiving the non-probable cause finding will attach a report of the reasons the Judge ruled such, to the Juvenile Probable Cause Determination Form.
- B. Physical arrests of juveniles ages 6 and under can only be made pursuant to a court order. If an arrest is made, the deputy will follow guidelines outlined by the Children's Court.

**OPR 1-04-8 JUVENILE ARREST WARRANTS**

- A. Deputies should utilize the approved juvenile forms for Children's Court when seeking a warrant or making an arrest.
- B. Once an arrest warrant is signed by a district judge, it shall be filed.
- C. Only a Children's Court judge or a District Court judge can issue a juvenile warrant.
- D. When deputies identify a juvenile through a juvenile warrant that is entered in N.C.I.C, deputies will verify the warrant through communications.
  - 1. Once verification has been made, deputies shall transport the juvenile to the County detention facility to be booked and notify the Juvenile Probation Office of the arrest.

**OPR 1-04-9 JUVENILE REPORTS**

- A. When arresting a juvenile, the offense incident report and any available supplements and statements shall be submitted by the end of the deputy's tour of duty.
- B. Deputies must contact a JPO within 24 hours if a juvenile is an offender or victim and supply the name, date of birth, sex, race, and details of the incident. The deputy must also inform the JPO as to whether or not the child is a Native American and if so, the Tribe the child belongs to. All of this information must be detailed in the report.

**OPR 1-04-10 FINGERPRINTS, PHOTOGRAPHS AND PHYSICAL EVIDENCE**

- A. Juveniles age 12 and under shall not be photographed and/or fingerprinted without obtaining a court order.
- B. Fingerprints and photographs on file of juveniles 13 and over are normally taken by detention personnel.
- C. Other forms of identification, e.g., hair, blood, urine, etc., will not be obtained without a court order.

**OPR 1-04-11 FAMILIES IN NEED OF SERVICES**

- A. Deputies shall take a report and refer parents or guardians complaining of an alleged child in need of supervision to the Juvenile Probation office for appropriate counseling and services.

**OPR 1-04-12 TAKING PROTECTIVE CUSTODY OF A CHILD**

- A. When responding to any form of child abuse the responding deputy must determine if the child should be removed from the environment for the child's safety.
- B. Pursuant to New Mexico Statute 32-1-22, a deputy may take a child into protective custody when the deputy has reasonable grounds to believe the child is:
  - 1. Suffering from illness or injury.
  - 2. Has been abandoned.
  - 3. Is in danger from its surroundings and removal from those surroundings is necessary.
- C. In making a determination of removal for protective custody deputies will obtain all pertinent information and review the need for removal with their supervisor.
- D. When taking a child into custody the deputy will:
  - 1. Notify Child Protective Services immediately via LCCA communications specialists.
    - a. A Child Protective Services case worker can assist with placing the child in a temporary home.
    - b. Immediate contact with C.P.S. is critical so custody petitions can be filed within 24 hours.
  - 2. Pursuant to New Mexico Statute 32-1-24, if a child is taken into custody and is not released to the child's parent, guardian, or custodian, the person taking the child into custody shall give written notice as soon as possible, and in no case later than 24 hours, to the child's parent, guardian, or custodian and to the court together with a statement of the reason for taking the child into custody. This should be accomplished by the C.P.S.
- E. C.P.S. Requests
  - 1. When C.P.S. workers request a deputy to take custody of a child the deputy shall ask the case worker for any documentation of abuse or neglect.
  - 2. If the case worker has no documentation and the deputy does not find reasonable grounds to remove the child, the deputy shall:
    - a. Digitally record the case worker's statement before making the decision to remove the child.
    - b. Request that the case worker get a court order to remove the child.

3. The initial report will list the offense for which the child was taken into protective custody.
  - a. "Protective custody" is not an appropriate title for the offense/crime report as protective custody cases are public record.
  - b. Records obtained from Child Protective Services or the Human Services Department are confidential and cannot be released to the general public or news media.

**OPR 1-04-13                      JUVENILE REPORTED AS MISSING OR RUNAWAY**

- A. The deputy initiating the report will include:
  1. Child's full name given at birth.
  2. Child's date of birth
  3. Child's county, county, and state of birth
  4. Mother's maiden name
  5. If child is a Native American and if so, the child's Tribe.
- B. The deputy will ensure Lea County Communication Authority (LCCA) communications specialists enter the identification information of the juvenile into NCIC immediately and document the name of the communications specialist entering the information in the report.
- C. If the reported juvenile is not located within 24 hours it will be the responsibility of the Patrol Lieutenant to ensure records personnel notify the State by telephone, facsimile or electronic transmission to the Division/District of Vital Statistics so the child's birth certificate can be flagged.
  1. State Law requires all the above information be included in the report to the State Registrar, within 3 days.
- D. If the juvenile is located, a supplementary report will be written to cancel the original report.
  1. LCCA personnel will remove the juvenile information from NCIC.
  2. First line supervisors will ensure the Patrol Lieutenant is notified of the juvenile's recovery so they can notify the State Registrar.

**OPR 1-04-14                      LOCAL, IN-STATE AND OUT-OF-STATE RUNAWAYS**

- A. Local and In-State Runaways
  1. Local and in-state runaways can be detained at the sheriff office, but cannot be placed in the Detention facility.

2. Deputies encountering such runaway juveniles should attempt to notify parents or legal guardians, and will notify the Juvenile Probation Office.

B. Out-of-State Runaways

1. Out-of-state runaways taken into custody by authority of an out-of-state law enforcement agency teletype can be taken to the Juvenile Detention Facility.
2. Out-of-state runaways can be detained there for a reasonable period of time until the parent(s) or guardian of the runaway is notified.
3. Deputies must immediately notify the Juvenile Probation Office of out of state runaways that are apprehended. Arrangements will made by the Juvenile Probation Office through the Interstate Compact for the return of the runaway.

**OPR 1-05 RESPONSE CODES****POLICY:**

Different response codes are defined by the sheriff office to provide deputies with varying methods of utilizing their emergency equipment to augment their safety, as well as the safety of the public. This policy is intended to provide guidelines to deputies to help them evaluate the appropriate level of response to a given situation. Deputies are cautioned the policy does not relieve them from the duty of driving with due regard for the safety of all persons, nor does it protect them from the consequences of any reckless disregard for the safety of others.

**OPR 1-05-1 AUTHORITY AND RESPONSIBILITY OF CODE RESPONSES**

- A. Deputies are authorized to exercise the special privilege of right-of-way, as provided for by law, in NMSA 1978 [66-7-6] when responding to an emergency call, or when in pursuit of an actual or suspected law violator.
- B. Deputies are authorized the code responses described in this policy following the guidelines that are provided.
- C. Anytime a deputy utilizes code 2 or 3 operation, the deputy will notify the Lea County Communication Authority (LCCA) communications specialist so proper documentation can be made on the radio log.

**OPR 1-05-2 CODE THREE RESPONSE (ALL EMERGENCY EQUIPMENT ENGAGED)**

- A. In emergency conditions, when the posted speed limit must be exceeded, deputies will utilize emergency lights and siren, (Code 3 response).
  - 1. The posted speed limit may be exceeded with reason, keeping in mind the inherent dangers.
  - 2. Deputies shall obey traffic control devices such as stop signs, traffic control signals, and railroad grade crossing signals. Deputies may proceed through such traffic control devices only after slowing to a safe speed and assuring themselves that they can safely proceed.
- B. Deputies may operate their vehicle Code 3 when responding:
  - 1. As the primary, and/or closest backing deputy to any call involving a potential threat of injury or death due to violence.
  - 2. As the primary (or closest) deputy to any call where human life is known to be in danger (such as an accident with injuries).

**OPR 1-05-3 CODE TWO RESPONSE (LIGHTS ENGAGED, SIREN OFF)**

- A. In emergency conditions, deputies utilize Code 2 operation when arriving at a scene where detection of their presence could jeopardize their safety or the safety of others, and only within a reasonable distance from the scene, or when stationary and the unit

lights are being used to increase visibility such as channeling traffic at an accident scene or traffic stop, or blocking a roadway that has been closed.

- B. Deputies will also use Code 2 response when escorting funerals, parades, or other types of movement on a roadway where increased visibility is necessary for safety.

**OPR 1-05-4                      CODE ONE RESPONSE (ALL EMERGENCY EQUIPMENT OFF)**

- A. Code 1 response will be used for all other calls for service.

**OPR 1-05-5                      SUPERVISOR AUTHORITY**

- A. Because supervisors are responsible for monitoring safety in the field, they may direct a code response other than as provided for, if the circumstances dictate.

**OPR 1-06 CLANDESTINE DRUG LABS AND LARGE MARIJUANA GROWS****POLICY:**

It is not sheriff office policy to enter or attempt to render safe any clandestine drug laboratory, or to gather, test, process, store and dispose of large quantities of green marijuana without the assistance of agencies trained and equipped to carry such actions out. This office will secure the scene and will coordinate with the Lea County Drug Task Force, New Mexico State Police and/or the Drug Enforcement Administration for assistance. This policy provides guidelines for deputies to follow in coordinating with other agencies for these types of events.

**OPR 1-06-1 CLANDESTINE LABORATORY PROCEDURES**

- A. Once an investigation has determined the location of a clandestine drug laboratory, and proper legal procedures met for entrance to the property, the following actions will be taken:
  - 1. The deputy or Task Force Agent will contact the Lab Section Supervisor of the Drug Enforcement Administration to request support and assistance in investigating the lab and contents, and the disposition of the chemicals.
  - 2. The Lea County Drug Task Force will be notified and will stand by until the scene has been secured.
  - 3. Unauthorized personnel will be excluded from the scene. Once entry has been made, the scene will be roped off or otherwise secured and perimeter guards posted to ensure security. Suspects will be removed from the scene.
  - 4. Only properly trained personnel will enter the laboratory to assess the risk of exposure to dangerous chemicals and the possibility of explosion. They will evaluate the safety hazards before any other personnel are allowed to re-enter the scene.
- B. The search of the scene shall be directed by the scene supervisor from the NM State Police or DEA.
- C. All personnel who enter the scene will complete a supplemental report detailing their actions.

**OPR 1-06-2 PROCESSING MARIJUANA GROWS OR LARGE QUANTITIES OF GREEN MARIJUANA**

- A. Once an investigation has determined the location of large quantities of packaged green marijuana or a marijuana grow, and proper legal procedures have been met for entrance onto the property, the following actions will be taken:
  - 1. The deputy or Task Force Agent will contact the Patrol Division Captain and the CID Sergeant to arrange for sufficient manpower and equipment to secure and process the scene.
  - 2. The Lea County Drug Task Force will be notified and requested to assist in the



- seizure, testing and processing.
- B. The search of the scene shall be directed by the scene supervisor from the Task Force.
    - 1. Samples will be taken for testing from multiple points within the field or from multiple packages, as will evidence.
  - C. All personnel who enter the scene will complete a supplemental report detailing their actions.

**OPR 1-06-3                      PHOTOGRAPHS AND DIAGRAMS**

- A. Photographs will be taken in the manner described by office policy. Aerial photographs may be taken using the sheriff office's aircraft. Diagrams may be completed using survey equipment if available and practical.
- B. The locations where sample are taken should be depicted in the photograph and/or on any diagram or the area.
- C. All chemicals, and equipment at a laboratory site as well as product will be photographed
- D. The entire lot of seized marijuana shall be photographed.

**OPR 1-06-4                      RECORDING AND DESTRUCTION**

- A. After execution of the search warrant, the total weight of product or confiscated marijuana shall be recorded.
- B. Destruction and/or disposal of the contraband shall be in accordance with procedures agreed to by the District Attorney's Office and current training.

- ✓ **Procedures for serving legal process.**
- ✓ **Procedures for employees to follow when called to court or needing to interact with court entities.**
- ✓ **Procedures and guidelines for handling prisoners.**
- ✓ **Procedures for prisoners in sheriff office custody who require medical or psychological attention.**
- ✓ **Procedures for the forfeiture of monies or property.**

[illegible]

**OPR 2-01 CIVIL PROCESS****POLICY:**

By law, the Sheriff Office serves legal process in support of the courts. This includes the service of civil and criminal process received from the courts or from individuals whose legal interests are affected by the courts' decisions. The service of criminal process is primarily detailed in other policies while this policy provides guidelines for serving civil process. For this particular policy, unless otherwise defined, the terms "deputy" and "deputies" refer to a full-time, certified deputy sheriff.

**OPR 2-01-1 CIVIL PROCESS SECTION**

- A. As officers of the court, all deputies shall strive to promptly serve and make timely return of all legal process they are assigned. At times this may include legal process received from other jurisdictions.
- B. 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.

**OPR 2-01-2 PROPERTY SEIZURE**

- A. All writs which require the seizure of real or personal property must be executed by a sworn deputy.
- B. All property acquired through the civil process function will be properly accounted for in office records.
- C. All property and monies collected will be disposed of by the agency pursuant to legal authority.
- D. Any property collected as a result of an execution or other lawful court order will be secured in an office storage facility or other facility bonded to provide such a service.
- E. Normally cash money will not be collected by deputies. Persons will be directed to obtain a cashier's check or money order made out to the Lea County Sheriff's Office for the amount being collected. If circumstances demand however, deputies may accept cash towards a judgment with their supervisor's approval.

**OPR 2-01-3 GENERAL DUTIES, RESPONSIBILITIES AND SUPERVISION**

- A. Service of any civil process, where any State Agency is named as the Defendant, must be served on the Head of the Agency in addition to the Attorney General's Office in Santa Fe, New Mexico. The court document will not be accepted by the Civil Clerk for service. The individual will be instructed to deliver the document to the Sheriff of Santa Fe County for service, see District Court Rule 1-004 (F) 3D; Magistrate Rule 2-202 C6.

- B. Deputies will not involve themselves and/or the Sheriff office with re-possessors and/or their agents unless specifically directed to do so by a court of record within this jurisdiction.
- C. Deputies will not make a determination as to lawful ownership of goods and/or chattels or cause these items to be repossessed unless ordered to do so by the court. Deputies must instruct the parties involved to seek direction through the courts.
- D. If a repossessing agent has documents signed by a District Judge and either issued or filed with the court, that individual must present those documents to the deputy before any determination or action will be taken.

**OPR 2-01-4                      SUMMONS AND COMPLAINT**

- A. A summons is a notice from the court of a civil action. Attached to the Summons is a copy of the complaint filed. This Summons requires a response to the court within the stipulated time period. The time period begins from the date of service of the Summons. Service can be effected through personal service, posting, service of a permanent resident who is 15 years of age or older at the residence, or an authorized agent who can accept service for the defendant. There are many different types of Summons, the general rule for service, follows the methods listed above, unless there are special instructions from the issuing court. Failure to answer a Summons may result in a default judgment against the defendant.

**OPR 2-01-5                      SUMMONS FOR NOTICE OF TRIAL ON PETITION FOR WRIT OF RESTITUTION (EVICTION)**

- A. 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. The following process applies for this type of writ:
  - 1. Landlord must post a 3-day, or 30-day (as defined in the process) eviction notice which is a notice the landlord serves on the tenant to inform them they are behind in rent payments or have violated a clause of the rental contract. 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 is lawful. If forwarded from a court, they shall be served by deputies.
  - 2. After (3) days have elapsed, if the tenant (s) have not vacated, the landlord files a Summons for Trial of Restitution in Magistrate Court, and brings it to the Sheriff's Office.
  - 3. A deputy then posts, or serves, the Summons for Notice of Trial of Restitution. This informs the tenant of a specific court date. The Notice for Trial of Restitution must be posted or served no less than seven (7) calendar days and no more than ten (10) days prior to the trial or hearing date. It will be the responsibility of the assigned deputy to ensure the dates are adhered to.

4. 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.

**OPR 2-01-6                      WRIT OF RESTITUTION (EVICTION)**

- A. A removal of tenants from rental property by court order.
- B. The actual physical eviction can only be effected by a sworn deputy.
- C. Once deputies arrive and serve the Restitution, the tenants are evicted from the property. Deputies may allow them 10 to 15 minutes to gather essential items. Following that, they must vacate the premises. Once the tenants are gone, the landlord should do the following to meet statutory requirements:
  1. Landlord must change locks on the premises to ensure security of the property once the deputies have left. The landlord should change the locks while the deputies are present.
  2. The landlord must inventory property left behind by the tenants.
  3. 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. Landlords should not furnish the new key to the ex-tenant(s).
  4. Before leaving the eviction, the deputy should inform the landlord that if the ex-tenant does not contact them to remove their possessions, the landlord should take the following actions:
    - a. If the tenant abandons the property the landlord must store all the personal property left on the premises for not less than 30 days.
    - b. If the tenant voluntarily surrenders the premises, the landlord must store all the personal property for a minimum of 14 days following the surrender of the premises.
    - c. If the tenant is evicted by a writ of restitution, the landlord is not obligated to store the property left by the tenant for more than 3 days, (unless other arrangements have been made between them).
    - d. 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.
    - e. 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.

**OPR 2-01-7                      EVICTIONS INVOLVING MOBILE HOMES**

- A. Mobile home evictions are similar to the previous evictions; however, in many of these cases the mobile home is owned by the tenant, but they have fallen behind in payment on the trailer space.
- B. Every available effort should 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.
- C. When the Writ of Restitution is obtained for the mobile home, the presiding judge will normally direct the landlord to serve the notice of judgment to the mobile home owner.
- D. This notice will 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 oversee the peaceful and orderly removal of the mobile home under that order of the 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 for the highway travel.
- E. If the mobile home owner fails to have the mobile home safe and ready for physical removal from the premises or if inclement weather or 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 to 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 weather or other conditions will make removal less hazardous to the mobile home.
- F. 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.
- G. 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.
- H. If the mobile home owner is not present when the Writ is served, 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.
- I. The liability of the Sheriff or deputy 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.

- J. A written statement on the mobile home owner's application for 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.
- K. 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.
- L. The Writ of Execution/Restitution will not be closed out/completed until every effort is made to locate the owner/resident.

#### **OPR 2-01-8                      WRIT OF REPLEVIN**

- A. A Writ of Replevin is a court order to repossess goods or chattels that the defendant wrongfully detains from the plaintiff.
- B. In order for a 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. It is the duty of the deputy to see that the bond is adequate before executing the Replevin. If the Writ of Replevin is a *FINAL JUDGMENT* from the issuing court, no bond and/or waiver is required.
- C. When large or multiple items are involved, 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.
- D. 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.
- E. An Execution of Replevin is a judgment with the repossession, and this document requires no bond.
- F. When a mobile home is subject to 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.

**OPR 2-01-9****WRIT OF EXECUTION**

- A. An order from a court ordering the Sheriff to collect money or levy (confiscate) on property to satisfy a judgment.
- B. The Writ can be served to the person named or someone authorized to accept the court document.
- C. The Writ orders the Sheriff, or a **full-time** deputy sheriff to levy on the personal property of the defendant.
- D. District Court writs can order a full-time deputy to levy not only on the personal property, but also land can be levied against. 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.
- E. If the judgment names the business but it is incorporated, the judgment must also name the business as a corporation to be valid.
- F. 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 is sold, the judgment will be paid. If a deputy receives a Writ of Execution and finds the house is for sale, he will obtain the information concerning the realty company and then return the document to the plaintiff.
- G. Prior to the services 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, with the understanding the debtor had ten days to file listed exemptions with the court file for a hearing on the exemptions.
- H. When a 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 the defendant, his 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 must be provided by the defendant to stop or stay the Execution. The bankruptcy number must be affixed to the civil process worksheet and the Return of Service.
- I. The defendant has fifteen days after the entry of the judgment to file an appeal. The appeal is filed with the District Court. The action that stays the Execution is the filing of a Supersedes Bond with the Clerk of the District Court. The judge may waive the bond in either case if so desired, however, documentation from the court must accompany the Writ.



**OPR 2-01-10 WRIT OF GARNISHMENT**

- A. 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.
- B. A garnishment must be served to an executive officer, payroll officer, or someone authorized to accept service for the employer.
- C. A Writ of Garnishment, is a summons for the employer and must be answered even when the defendant named is not known or is no longer an employee.
- D. The person being garnished can be served the Writ of Garnishment. Example: if the garnishee is the boss.
- E. 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.

**OPR 2-01-11 WRIT OF ATTACHMENT**

- A. A 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 must be served on the defendant themselves.

**OPR 2-01-12 SUBPOENA**

- A. An order from the court that requires a person to appear for a specific matter at a definite time and place.
- B. A subpoena must also be served on the individual themselves, unless the subpoena is for a minor, in which case a deputy may serve the person's parent or legal guardian.

**OPR 2-01-13 SUBPOENA DUCES TECUM**

- A. A subpoena which directs the person to appear, as well as bring records, papers, and other documents which relate to the matter at hand.
- B. Subpoenas must be personal service only, but an attorney can accept service for his client.
- C. An agent authorized to accept service may be designated in some cases. For example, doctors may designate their secretaries to accept service for them. Another example would be the Office of Medical Examiner/Investigators. The secretary accepts service for all medical investigators. Deputies must print the authorized individual's name and title accepting service for the recipient on the work sheet and the Return of Service.
- D. There are subpoenas, specifically those from the State Labor Commissioner, which must be served at least ten days prior to the court appearance date.

**OPR 2-01-14                      RECIPROCAL SUBPOENA AND MOTION FOR CHILD SUPPORT**

- A. 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.

**OPR 2-01-15                      WRIT OF ASSISTANCE**

- A. A court issued writ which orders the Sheriff or a deputy to take a specific action on behalf of the plaintiff. These orders normally involve the recovery of property or the restoration of premises to the plaintiff, and authorize the serving deputy to take whatever action necessary to obtain entry into the property in question. Great care should be taken in the execution of these orders, and the following steps taken:
  - 1. All property removed or disbursed to the various parties named in the writ must be recorded on an inventory form. Details should be included on who took possession of the property, and where it was taken.
  - 2. Normally only those persons who are named in the Writ should be allowed access to the home/property. If other people are present to assist either party, their names must be recorded on the worksheet. During the execution of the writ none of the parties, or other people present who are helping them, should be left unsupervised and allowed to remove **any property/items** from the residence unless directed by the serving deputy.

**OPR 2-01-16                      WRIT OF EXECUTION AND FORCIBLE ENTRY AND DETAINER**

- A. Similar to the Writ of Assistance, this writ 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.

**OPR 2-01-17                      CHILD PICK-UP ORDER**

- A. A court order which specifically directs the Sheriff or a deputy to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing.

**OPR 2-01-18                      OUT OF STATE CHILD PICK-UP ORDERS**

- A. Court orders for child pickup orders from other states must be adopted by the District Court of this Judicial District before we may enforce them. Before these orders are brought to us for action, the petitioner must obtain a Court order from a 5<sup>th</sup> Judicial District Court which authorizes us to take action for the petitioner.

**OPR 2-01-19                      ORDER SEALING PREMISES**

- A. This type of order originated with the State 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.

- B. The order is served to the owner and the business is closed. Everyone is sent home and a 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.

**OPR 2-01-20                      WARRANT OF LIEN OR LEVY**

- A. 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.
- B. 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 NNSA 7-1-31 (1990 Replacement).

**OPR 2-01-21                      DOMESTIC VIOLENCE RESTRAINING ORDER / ORDER OF PROTECTION**

- A. An order of protection granted under the Family Violence Protection Act [40-13-1 to 40-13-7 NMSA 1978] shall be filed with the clerk of the court and a copy shall be sent by the clerk to the Sheriff of the county in which the court is located. It is an order directing the respondent to stay away from the petitioner pending the outcome of a court hearing regarding an incident of domestic violence.
  - 1. These orders are signed by either an appointed Special Commissioner or a District Court Judge. These orders are explicit and can instruct/order the deputy to perform certain tasks.
  - 2. In some instances these orders will require deputies serving them to evict the respondent (defendant) from the home where the petitioner lives.
- B. Remember 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.
- C. Deputies will serve these orders directly to the respondent, unless they or their attorney was present at the time the order was issued.
- D. An order of protection granted by the court shall be effective for a fixed period of time not to exceed six months. The order may be extended for good cause upon motion of the petitioner for an additional period of time not to exceed six months.
- E. A deputy shall arrest without a warrant and take into custody a person whom they have probable cause to believe has violated an order pursuant to the order.
- F. The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the petitioner.

**OPR 2-01-22                      VIDEO TAPING CIVIL PROCEDURES**

- A. Deputies are encouraged to digitally record any civil process they have reason to believe may require additional documentation.

- B. Before recording, the date and time will be set internally so that it will be recorded as the tape is made. The tape should begin with a recording of the front of the business/residence which would indicate the address. At the same time the deputy making the recording should audibly announce the date, time, address, and case number, so that it will be documented on the digital media.
- C. Recordings will be submitted in a timely manner, and will be appropriately marked with the date, time, civil case number and uniform incident number.
- D. Recordings will be stored in Evidence. Only issued tapes, videos and discs are authorized to be used by sworn personnel.
- E. Duplication of the video tapes may be made at the discretion of the Division Captain, pursuant to a lawful court order, or in compliance with a defendant's motion for discovery.

**OPR 2-01-23      RECORDS KEEPING**

- A. Upon receiving any legal process, the sheriff office's Civil Clerk will:
  - 1. Log the writ into the records management system prior to forwarding to the civil section for service. The system's number will be used for tracking all property in office control.
  - 2. Make a copy of the top sheet of the writ and attach it to the original service documents, together with a copy of a Civil Process Worksheet.
- B. Fees will be due and collected in the form of a cashier's check, money order or company check from an attorney's office on behalf of their client, prior to service of any civil process unless exempt by law.
- C. A memorandum should be completed for writs that are highly complex or involve unique circumstances. The report should contain all information concerning the execution of the writ, and where recordings and property are stored. The report number assigned to the process will be documented in the memorandum's subject line.
- D. Deputies serving civil process must document all their attempts to serve, together with any other actions they take regarding the process they are serving on the worksheet as well as on the Sheriff's Return of Service.
- E. At the completion of the service, or attempted service, the deputy will maintain the top copy and the worksheet in their case file. A copy will be forwarded to the Civil Clerk or their designee.
- F. For any process involving the Office of the District Attorney, the Civil Clerk or designee will forward an email to the Assistant District Attorney listed on the process informing them of the status of the process, i.e. served, or unserved, etc, and will attach a digital scan of the deputy's Legal Process Worksheet listing the activity on the process. The email will be sent with both the delivery receipt, and read receipt options activated.

- G. The deputy serving a process is responsible for data collection and record keeping until completion of litigation and shall keep the top copy and original worksheet in their file for one year.

**OPR 2-01-24                      FEE SCHEDULE**

- A. The fee schedule for serving civil process shall be posted in the sheriff office lobby.
- B. The following fees and compensations shall be charged:
  - 1. For serving every writ, citation, order, subpoena or summons, not more than forty dollars (\$40.00).
  - 2. For every writ of capias or attachment for each defendant, six dollars (\$6.00).
  - 3. For taking and returning every bond required by law, five dollars (\$5.00).
  - 4. For levying every execution and return of same, six dollars (\$6.00).
  - 5. For making, executing and delivering every sheriff's deed, to be paid by the purchaser, six dollars (\$6.00).
  - 6. For every return of non est inventus, fifty cents (\$.50) whenever the defendant is not found within the county.
  - 7. For making every return of any process, order, summons, citation or decree of any court, two dollars (\$2.00).
- C. The Civil Clerk will not collect more than one of the fees listed in this policy, regardless of how many documents may be served upon one or more individuals when those documents are served at the same time and at the same location.
- D. All monies will be collected in a money order or cashier's check. Cash and credit cards will not be accepted.

## **OPR 2-02 COURT**

### **POLICY:**

Lea County Sheriff Office policy is to ensure that employees appear for court and Motor Vehicle Division hearings properly prepared and attired.

### **OPR 2-02-1 SPECIAL COURT NOTICES**

- A. Cases involving persons in custody will normally be set within ten days of arraignment day, however personnel notified by "Special Court Notice" in lieu of a subpoena or posted court notice will appear at the date and time specified.

### **OPR 2-02-2 NOTIFICATION OF ADDITIONAL DEPUTIES AS WITNESSES**

- A. Citations, complaints, and reports must indicate the primary deputy on a case. The primary deputy should attach a witness list to any documents he sends to a prosecuting agency or the courts, listing all witnesses needed so that subpoenas may be completed.
- B. Deputies prosecuting their own misdemeanors will need to contact the Magistrate Court in which they filed to have subpoenas issued for their witnesses.

### **OPR 2-02-3 ATTENDANCE AT COURT AND MOTOR VEHICLE DIVISION HEARINGS**

- A. Any employee directed to appear in court/M.V.D. hearings must appear and be prepared to testify. A special court notice, posted court notice list, notices of Motor Vehicle Division (M.V.D.) hearings, or subpoenas are all considered orders to appear.
- B. When employees receive special court notices, subpoenas, or M.V.D. hearing notices requiring simultaneous appearances, the higher court notice shall take precedence between courts, and courts shall take precedence over M.V.D. hearings. Employees should notify the lower court of the conflict and shall attend the court of higher jurisdiction. It is helpful to document the name of the court employee notified.
- C. When employees are scheduled for court or M.V.D. hearings and are unable to appear because of unforeseen conditions, they shall notify the court at the earliest possible time, prior to the scheduled appearance, as follows:
  1. Magistrate Court notification for cases being prosecuted by a deputy - contact the appropriate Magistrate Court, Monday thru Friday, 0800 to 1700 daily. Request a continuance if appropriate.
  2. Magistrate Court notification for cases being prosecuted by the District Attorney's Office - contact the Assistant District Attorney's Office, Monday thru Friday, 0800 to 1700 hours.
  3. District Court or Grand Jury notification - contact the Assistant District Attorney named on the subpoena and their Office Monday thru Friday, 0800 to 1700 hours.
  4. Federal Court notification - contact the U.S. Attorney's Office Monday thru Friday, 0800 to 1700 hours.

5. M.V.D. hearings notification - contact their immediate supervisor as soon as possible. Deputies will not contact the hearing deputy and/or M.V.D. directly to reschedule a hearing.
- D. When deputies present Magistrate Court cases without the aid of an assistant district attorney and the defendant receives probation or a pre-sentence report is ordered, deputies shall notify an Assistant District Attorney within 24 hours.

**OPR 2-02-4 COURTROOM ATTIRE AND SECURING WEAPONS**

- A. Male deputies not in uniform, and non-sworn employees appearing or testifying in any court, shall be attired in a dress suit or sport coat, slacks, and a tie. Female deputies not in uniform or non-sworn employees shall be attired in pant suits, dress suits, dresses, dress pants, or skirt and blouse. Pressed jeans are not acceptable. Dress shoes or dress boots shall be worn by both male and female deputies. If in uniform deputies shall wear Class A Formal or Class A uniform as described in the office's Uniform and Appearance policy.
- B. Only in an emergency will the uniform be worn in Federal Court. Uniforms may be worn at preliminary hearings and in Municipal, Magistrate, and District Courts.
- C. Before appearing in Federal District Court or Federal Grand Jury, firearms or other weapons and cellular phones or pagers will not be taken into the building. Firearms to be used as exhibits will be checked for safety by the U.S. Marshal before they are taken into a courtroom or its surroundings. If a marshal is not available, the presiding judge may designate a suitable person to take custody of the firearms and check the safety of the exhibits.
- D. Deputies in plain clothes carrying weapons into a Municipal or Magistrate Court will identify themselves to Court personnel before proceeding into the courtroom. Weapons will be concealed while in civilian clothes.

**OPR 2-02-5 COURTROOM DEMEANOR**

- A. When properly notified for court appearance, pretrial conferences, or meetings with the defense attorneys, employees will be punctual, have the case properly prepared, and evidence suitably arranged for presentation.
- B. Employees shall show the utmost attention and respect for the court. Employees shall testify with the strictest accuracy, confining their testimony to the case before the court.

**OPR 2-02-6 JURY DUTY AND WITNESS FEES**

- A. Employees called for jury duty will be paid their regular salary while serving on a jury. Any monies received by employees for serving on a jury must be paid to the County by endorsing the check payable to the county and turning it in to the Executive Secretary, who will forward it to the Treasurer's Office.
- B. Employees called as witnesses in cases as a result of their employment will be paid their

salary, per diem, and travel expenses by the County as prescribed by law.

1. When testimony is required in United States Federal Court, employees will travel in an on-duty status in a county vehicle, however, employees may receive per diem from the Federal Government, as prescribed by law, in lieu of County per diem.
2. Any monies received as witness fees for testimony given in any trial will be paid to Lea County.

**OPR 2-02-7                      WITNESS FEES FOR TESTIMONY IN CIVIL CASES**

- A. Only the employee named on the subpoena in a civil case will accept service of the subpoena.
  1. Failure to obey a subpoena may be deemed contempt of court. Employees will accept service of civil case subpoenas naming them whether or not fees are attached.
  2. Employees will, however, at the time of service, demand such fees as are appropriate.
    - a. Appropriate fees are \$75.00 per day.
    - b. If fees are not tendered upon service or prior to the required appearance, this fact will be brought to the attention of their Division Captain through the chain of command.
- B. If the civil case is one which involves a pending claim or suit against the employee, Sheriff's Office, or county, or if the employee believes there may be potential liability, they will notify their Division Captain via the chain of command within 24 hours of subpoena service.
- C. Employees appearing in civil court during their regular duty hours will endorse the check "payable to the County of Lea only" and return it and the subpoena to the Executive Secretary.
- D. When an employee is not required to appear in court, any checks received will be returned to the issuing party.
- E. Employee appearing in civil court during off-duty hours may either keep the check, or submit an overtime slip in the same manner as other court overtime.
- F. Employees will not be permitted to take vacation or compensation time solely for the purpose of collecting the witness fee.

**OPR 2-02-08                      CONFERRING WITH ATTORNEYS**

- A. Civil Cases
  1. Employees may cooperate with private attorneys on civil cases in which the County of Lea has no involvement in the same capacity as any other citizen. However, on-duty employees are directed to inform inquiring attorney's that they will be available for conferences only when they are off-duty.



2. An employee may not utilize any skills or training they have received in their tenure with the sheriff office to augment an attorney's case unless they are testifying pursuant to a subpoena. In other words, a Use of Force instructor may not contract with an attorney to conduct an analysis of a citizen's use of a firearm and provide testimony on their findings in the civil case between the parties.
  3. No overtime and/or compensatory time slips will be accepted by supervisors for off-duty conferences between employees and attorneys on civil cases.
- B. Criminal Cases
1. When requested by defense attorneys, witness employees will notify the District Attorney's Office and the County Attorney of the interview.

**OPR 2-02-9                      CONFLICT OF INTEREST TESTIMONY**

- A. Employees are subpoenaed to testify in any case in which they have not been involved in as a witness, victim, investigator, or reporting deputy or support employee will contact their Division Captain who will determine what testimony is being sought.
- B. If it appears that the testimony will be directed against another employee or law enforcement agency, subpoenaed personnel will contact their immediate supervisor and the County Attorney prior to giving any testimony or deposition.

**OPR 2-03     RESTRAINTS AND MOVEMENT OF PRISONERS****POLICY:**

Lea County Sheriff Office policy is to ensure safety and security for prisoners, transporting deputies, and the general public when moving prisoners. This policy provides guidelines for the movement of arrestees and prisoners in custody.

**OPR 2-03-1             RESTRAINTS**

- A. The following restraint devices are authorized for regular use by sworn employees:
  - 1. Belly Chain.
  - 2. Double locking handcuffs.
  - 3. Double locking leg shackles.
  - 4. Sheriff office issued flex-cuffs.
  - 5. Sheriff office issued thigh restraint straps.
  - 6. Leather wrist and ankle restraints.
  - 7. Prisoner transport device.
- B. This does not restrict sworn personnel from using any other restraint device necessary to gain control of a prisoner in an emergency.

**OPR 2-03-2             HANDCUFFING INDIVIDUALS**

- A. Generally, adult or juvenile prisoners and all persons in protective custody will be handcuffed behind the back and remain so restrained while being transported.
  - 1. Exceptions may be made for the elderly, invalids, ill or injured individuals, or persons with other physical handicaps which prelude the use of handcuffs or cuffing in the back.
  - 2. Very careful evaluation and discretion must be utilized by deputies in determining when exceptions apply. The nature of an individual's illness, injury, or physical handicap must be weighed against the threat the individual poses to the deputy. Partial restraint is preferable to no restraint at all.
- B. Handcuffs and leg shackles will be double locked when in use.
- C. Long-Distance transports
  - 1. Adult and juvenile prisoners being transported in situations where the prisoner will be restrained for a significantly long period of time will be secured with belly chain, leg irons, and handcuffs placed at the front.
- D. Court Ordered Transports
  - 1. Deputies transporting prisoners to court proceedings, mental evaluations or hospital transports will use leg irons, belly chain and handcuffs.

- E. Exceptions may be granted by a supervisor on a case-by-case basis where medical necessity or security requires alternative transports such as restraining the prisoner on a medical gurney or transport control device.
- F. If a prisoner attempts to spit on a deputy or other parties, the deputy should place a "disposable transport hood" that allows for normal breathing over their head.

**OPR 2-03-3                      SEARCHING PRISONERS**

- A. When making an arrest or transporting a prisoner for any reason, carefully search the prisoner prior to and after transport for weapons or contraband of any type.
  - 1. If weapons or contraband items are found, seize the items as evidence and pursue the appropriate criminal charges.
- B. In the event a prisoner is turned over to another deputy for transportation, the transporting deputy shall take the same precautions.
- C. If possible, prisoners will be searched by personnel of the same sex. If personnel of the same sex are not immediately available, deputies will search for weapons consistent with approved training and recommended best practices such as digitally recording the search.

**OPR 2-03-4                      SEAT BELTS**

- A. In all cases, seat belts will be utilized by each prisoner and the driver provided the vehicle is factory equipped with them.

**OPR 2-03-5                      TRANSPORTATION OF PRISONERS**

- A. All transports not conducted under the general authority afforded a deputy by New Mexico statute shall be under an appropriately signed and filed order from the courts. When the transport is by court order, deputies will not be required to complete a report unless unique circumstances warrant it.
- B. Transporting deputies will search their vehicle to assure that no contraband, weapons, or other items are present prior to and after transporting prisoners and at the beginning and end of each work shift.
- C. Transportation of prisoners shall be made without unnecessary delay. When transporting deputies observe a situation requiring law enforcement response, they shall notify the Lea County Communication Authority (LCCA) and have another deputy respond to the incident.
  - 1. Stopping to respond to the need for law enforcement services while transporting a prisoner should be considered only when the risk to third parties is both clear and grave, and the risk to the prisoner is minimal.
  - 2. If deputies do stop, they shall resume their transport as soon as other law enforcement aid arrives.

- D. Prisoners will not be allowed verbal or physical contact with any person, including their attorney, while they are being transported.

**OPR 2-03-6                      TRANSPORTING JUVENILES OR PRISONERS OF THE OPPOSITE SEX**

- A. Male and female prisoners should not be transported together in the same vehicle unless some form of barrier is between them, unless authorization to do so is given by a supervisor. Examples when this may occur is when large-scale arrests are made and the amount of prisoners needing to be moved exceeds the number of transport units available.
- B. When it is necessary for a deputy to transport a prisoner of the opposite sex, the deputy will notify the dispatcher of their location, destination, starting mileage at the scene, and ending mileage upon arrival at the destination by verbal communication over the air. If available, a second deputy should accompany the transporting deputy.
- C. Juveniles, regardless of their status, shall not be transported in the presence of adult prisoners.

**OPR 2-03-7                      SPECIAL TRANSPORTS**

- A. Deputies may be required by the court to transport a prisoner who presents a likelihood of causing serious harm to themselves or others to an evaluation or medical facility.
  - 1. Deputies will ensure the admitting personnel at the evaluation facility document that the Sheriff's Office is not making the admission and is not responsible for the billing.
  - 2. Deputies will complete and submit an offense report whenever the transport is not court ordered. The report will include the physician (if appropriate) and patient information in the persons section of the report.
  - 3. Under no circumstances shall one deputy attempt to transport more than one violent prisoner. When possible, deputies should pair up to transport violent prisoners. The law enforcement unit not being used shall be properly parked and secured.
  - 4. Prisoners known or suspected of being mentally ill should be restrained securely without causing injury whenever possible.
  - 5. Violent mentally disturbed prisoners or prisoners who are violent due to drug overdose require medical evaluation prior to incarceration. Restraint and transportation should be accomplished by ambulance with a deputy present at all times.
  - 6. Non-violent prisoners, who are incapable of following a deputy's directive due to extreme intoxication, drug use, or an unknown medical issue should be transported by ambulance for medical evaluation care prior to being placed in the detention facility.
- B. High risk prisoners shall be transported by deputies who have received additional training in the procedures and best practices for transporting such prisoners.

- C. Special transports such as to funerals, or child visitation shall be conducted by court order only.
  - 1. Such details should be conducted with two transport deputies if possible. The prisoner will be restrained in the manner previously established in this policy for long distance transports unless the court order specifically states otherwise. If modifications to restraints are ordered, the deputies will take reasonable alternative precautions to ensure control of the prisoner. This could include applying the Stun-Cuff electronic prisoner control device.

**OPR 2-03-8                      TRANSPORTING PRISONERS NEEDING MEDICAL ATTENTION OR WITH PHYSICAL HANDICAPS**

- A. When prisoners are transported to a hospital or medical facility the following procedures shall be followed:
  - 1. Deputies will ensure the prisoner is isolated from other patients and is not left unattended or permitted to escape the immediate control of the transporting deputy.
  - 2. The transporting deputy will not leave the medical facility unless relieved by another deputy or released from their post by a supervisor.
  - 3. Transporting deputies will not release a prisoner from their restraints unless it is necessary to enable the medical staff to provide proper care.
  - 4. If the prisoner is to remain at the medical facility, deputies will adhere to the procedures found in **OPR 2-04 HOSPITAL PROCEDURES**.
  - 5. Sick or injured prisoners will be restrained in the same manner as any other prisoner being transported, unless such restraints would compound the injury. In this case case, deputies should utilize alternative methods of restraint permitted by this policy.
- B. Due care should be taken when transporting handicapped individuals. Deputies are responsible for ensuring that necessary handicap aids (i.e., crutches, wheelchair, etc.) as well as prescription medicines are transported and made available to the prisoner at the appropriate time. Prescription drugs must be turned over to the staff at the detention facility.

**OPR 2-03-9                      PLACEMENT OF PRISONERS IN LAW ENFORCEMENT VEHICLES**

- A. Prisoners will be placed in the right front seat of a law enforcement vehicle which does not have a prisoner security screen.
- B. Law enforcement vehicles equipped with a security screen will have the interior rear window and door controls disabled and:
  - 1. Prisoners will be placed in the rear seat.
  - 2. In two deputy units, the second deputy will observe the prisoner(s) from the right front seat.

3. No more than three prisoners will be transported in the back seat.

**OPR 2-03-10            ESCAPE OF PRISONER**

- A. In the event of an escape of a prisoner prior to or during transportation, the transporting deputy shall:
  1. Immediately notify LCCA and the on-duty supervisor.
  2. Initiate a search for the escapee.
  3. Prepare a crime report of the escape.

**OPR 2-03-11            HANDCUFFING IN THE BOOKING AREA**

- A. Deputies will comply with regulations set forth by the Lea County Detention Facility regarding handcuffing of prisoners within the facility.
- B. Violent or unruly prisoners will remain handcuffed until being placed in a cell.

**OPR 2-03-12            TRANSPORTS FOR COURT HEARINGS**

- A. The transporting deputy is responsible for notifying courthouse security personnel when bringing prisoners to the courthouse.
  1. Courthouse security is responsible for clearing hallways and will assist the transporting deputy to ensure adequate security is provided until the prisoner is delivered to the location of the court proceeding.
  2. The transporting deputy will notify the appropriate court official (judge, commissioner, bailiff, etc) when the prisoner has any potential health or security hazards, or may be an unusual security risk.
- B. Transporting deputies are responsible for the absolute control of the prisoners in their custody unless relieved by another deputy and will not relinquish their post to members of other law enforcement agencies.
- C. Prisoners will not be allowed to freely move about the courtroom, chambers, restrooms, hallways or any other location.
  1. If a prisoner has to utilize a bathroom, the transporting deputy will not remove any restraints unless absolutely necessary to facilitate using the bathroom. In all cases, deputies shall observe the prisoner to ensure no contraband is acquired and to keep the prisoner from escaping.
  2. If the prisoner is of the opposite sex than the deputy, the deputy shall search the restroom thoroughly prior to allowing the inmate to use the bathroom.
  3. No persons will be allowed in the restroom while a prisoner is in it.
- D. Deputies will not allow prisoners to engage in "horseplay" with anyone or grab items from desks, trashcans, ashtrays, etc.

- E. When moving multiple prisoners, deputies will not allow the prisoners to spread out, but will maintain tight control of them.
- F. Deputies will not allow other persons to interfere with the safe movement of their prisoners.
- G. Whenever available, deputies will place prisoners in holding cells when they are not engaged in their proceedings.
- H. All persons ordered by the court to be imprisoned by a Magistrate or District Court judge shall be taken into custody immediately upon the order. Deputies shall secure the prisoner according to policy and complete a Combined Detention Form, and obtain the necessary court documents for the Lea County Detention Center.
- I. All attorney/client conferences involving in-custody prisoners shall be monitored closely to ensure the prisoner does not obtain any type of contraband during contact. Close monitoring means constant visual contact with the prisoner. Attorneys shall not be allowed to engage in a private conference with their client while they are in the custody of a deputy. The attorney should be advised they may have a private conference with their client once the prisoner is at the detention facility.
- J. Prisoners that are ordered to be released will be transported to the appropriate detention facility for release as soon as practical.
- K. Docket procedures shall be conducted in the manner defined by each Judge for their courtroom.
  - 1. If the Judge directs an action the deputy feels is unsafe, the deputy shall politely inform the judge that such action would be unsafe and why.
  - 2. If the Judge does not rescind their directive, the deputy shall comply, but will take alternative actions to maintain the security of the prisoner to the best of their ability while complying with the directive.
  - 3. In all such cases, deputies shall inform their supervisor and complete a memorandum on the event, to be forwarded up their chain of command to the Division Captain.

**OPR 2-03-13                      PROCEDURES FOR TRANSPORTING DEFENDANTS FOR IN-COUNTY TRIAL**

- A. The transporting deputy shall ensure the defendant is dressed in civilian clothing prior to leaving the jail. If the prisoner is not properly dressed, the deputy should contact their supervisor to correct the issue. Defendants will not be transported to their trial in corrections clothing.
- B. The transporting deputy shall restrain the defendant with handcuffs, belly chain and leg irons which shall only be removed immediately prior to their entrance into the courtroom for proceedings in front of a jury.
- C. The transporting deputy is responsible for communicating, coordinating, and supervising the movement of the defendant from their place of confinement to the proper

courtroom in such a manner that they are not observed by any potential juror.

- D. The defendant will be closely monitored at all times for communication/contact with jury members, witnesses or audience members. The defendant remains a prisoner and is to be allowed contact with their attorney, the presiding judge or the prosecutor only. Defense attorneys do not have authority to direct the deputy to allow any contact or communication between the defendant and any other person.
- E. Procedures for use of the bathroom, restricted movement and activities are the same for in-custody defendants as they are for any other prisoner.
- F. Movement of defendants through the courthouse will be restricted to the current prisoner movement plan unless an emergency requires otherwise.
- G. Transporting deputies will sit directly behind the defendant for the duration of the trial.
- H. Key pad codes are restricted codes to be used by courthouse security personnel and transporting deputies only.

#### **OPR 2-03-14                      PROCEDURES FOR OUT OF COUNTY TRANSPORTS**

- A. Transporting deputies will ensure all proper paperwork and property is obtained prior to leaving the holding facility with the prisoner.
  - 1. Interstate transports require a Governor's Warrant, transport order, or properly executed and filed waiver of extradition. Prisoner property will not be placed where the prisoner can access it.
  - 2. Transporting deputies shall check out a travel card from their supervisor for any transport lasting over four hours one way.
  - 3. The travel card is for fuel, emergency vehicle repairs and boarding. Prior to any emergency expenditure, the transporting deputy will notify their supervisor if possible and obtain receipts for all expenditures.
  - 4. Transporting deputies will take an issued mobile phone (either the one assigned to transports division or their own issued phone if they have one) when going on an out of county transport.
- B. Prisoners being transported out of county shall be restrained as previously established, and escorted by two sworn deputies (one driver and one guard).
  - 1. Prisoners shall be afforded reasonable rest and refreshment periods. When a meal is required due to the duration of the trip, the selection of the eating establishment will be done at random, with a careful assessment of the location and clientele prior to entry.
  - 2. Care must be taken to allow prisoners reasonable opportunities to use bathroom facilities. However, deputies will maintain visual observation of their prisoner at all times. Bathroom procedures will be the same as indicated previously in 2-19-12 (C).



- C. Transporting deputies are responsible for assuring that all necessary documentation is properly exchanged with the accepting/releasing agency, and for obtaining the signature of the receiving/releasing agency representative.
- D. Transporting deputies shall complete a trip form on all out of county transports and submit their expenditure receipts for purchases made on travel cards.

## **OPR 2-04 HOSPITAL PROCEDURES INCLUDING EMERGENCY MENTAL EVALUATIONS**

### **POLICY:**

Lea County Sheriff Office policy is to ensure that medical care is provided to arrested persons, intoxicated persons, and the mentally ill when such care is needed, based on approved medical and legal procedures. Procedures for medical treatment after persons are incarcerated will be according to the procedures of the County Detention Facility.

### **OPR 2-04-1 EMERGENCY MENTAL EVALUATION**

- A. As provided by state statute, a deputy may detain a person for emergency mental evaluation and care in the absence of a legally valid court order only if:
  - 1. The person is otherwise subject to arrest.
  - 2. The deputy has reasonable grounds to believe the person has just attempted suicide.
  - 3. The deputy, based upon personal observation and investigation, has reasonable grounds to believe that the person, as a result of a mental disorder, presents a serious threat of harm to themselves or others, and that immediate detention is necessary to prevent harm.
  - 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 himself or others and that immediate detention is necessary to prevent such harm.
    - a. Such certification shall constitute authority to transport the person **to an initial evaluation facility only** and does not apply to subsequent transport to a treatment facility.

### **OPR 2-04-2 SUSPECTED MENTALLY ILL PERSONS**

- A. A deputy who has initial contact with a suspected mentally ill person and has knowledge of what has transpired will transport the individual to Lea Regional Hospital Emergency Room.
- B. The deputy must complete and sign a two page mental health form for evaluation. This form should include all facts that a well written report would include, and indicate a law enforcement hold, if any.
- C. The transporting deputy shall remain at the place of evaluation until the Emergency room physician makes an evaluation.
- D. The final determination of hospitalization will rest with the Emergency room physician.

### **OPR 2-04-3 MENTALLY ILL PERSONS TAKEN INTO CUSTODY**

- A. Individuals not under arrest - not committable
  - 1. If an individual is not under arrest for a crime and the physician determines that the

individual is not committable, the deputy will release the subject and complete an offense report.

2. The mental evaluation form will be attached to the offense report.

B. Individual under arrest - not committable

1. Once the physician determines the individual is not committable the individual will be booked the same as any other person.
  - a. The report number will be written in the top right hand corner of the evaluation form.
  - b. The mental evaluation will not be mentioned in the primary narrative of the uniform incident report.
  - c. A supplemental to the uniform incident report will be completed with the information about the mental evaluation in it.
  - d. The mental evaluation form will be attached to the supplemental not the CR.

C. Individual not under arrest – committable

1. A uniform incident report will be completed along with the mental evaluation form.
  - a. The offense report number will be written in the top right hand corner of the mental evaluation form which will be attached to the offense report.

D. Individual under arrest – committable

1. An arrest report will be completed along with the mental evaluation form.
2. A uniform incident report of the crime will be completed with the report number written in the top right hand corner of the mental evaluation form.
  - a. Do not make any reference to the mental status in the primary narrative.
  - b. This information will be placed on a supplemental report with the mental evaluation form attached to the arrest report.
3. No charges will be filed at the time the subject is brought to the detention facility or the sheriff's office. All reports will be referred to the Office of the District Attorney for disposition.

- E. The Sheriff's Office may only hold an individual for twenty four hours before an emergency commitment can be obtained, thus it will be necessary for the deputy and the physician to prepare all the necessary paperwork as quickly as possible so the subject can be transported.

**OPR 2-04-4 PROTECTIVE CUSTODY OF INTOXICATED PERSONS**

- A. Deputies may transport intoxicated persons to the person's residence when it appears to the deputy that the intoxicated person will thereby become orderly and be able to care

for themselves.

- B. Deputies may transport or request transport for intoxicated persons to the county detention facility when the deputy believes that the intoxicated person is unable to care for himself, is in need of medical attention, or poses a threat to themselves.
- C. Deputies may transport or request transport for intoxicated persons who have become disorderly to the county detention facility for protective custody when it appears that the intoxicated person:
  - 1. Has no local residence.
  - 2. Is unable to care for their safety.
  - 3. Constitutes a danger to themselves or others if not taken into protective custody.
  - 4. May pose a threat to property
- D. Deputies will complete a uniform incident report on all protective custody incidents by the end of their work shift.

**OPR 2-04-5                      SUSPECTS UNDER ARREST NEEDING MEDICAL ATTENTION**

- A. When a prisoner is in need of medical treatment the prisoner will be taken to a medical facility by ambulance or unit prior to booking.
- B. Whenever possible, deputies shall insure that the prisoner's identification papers are provided to ambulance and hospital personnel.
  - 1. If identification papers are not available, deputies should provide any known identification information such as name and date of birth to ambulance and hospital personnel.
- C. The deputy is responsible for obtaining the charge nurse's name for inclusion in any report.
- D. If it is necessary to handcuff a prisoner at a hospital, a deputy will remain with the prisoner.
  - 1. Felony prisoners will not be left unattended at a hospital without notification of the on duty area supervisor who WILL assign a deputy to guard the prisoner.
  - 2. The deputy will then go to the booking desk at the detention facility, complete the complaint, and adhere to normal booking procedures.

**OPR 2-05 FORFEITURE OF MONIES AND PROPERTY****POLICY:**

Circumstances may occur where it is in the public's interest for the sheriff office to seek forfeitures of monies or property which may be converted to official use, or to fund appropriate investigations against organized criminal activity. This policy provides basic guidelines for pursuing these types of forfeitures.

**OPR 2-05-1 FORFEITURES UNDER THE CONTROLLED SUBSTANCES ACT; LIQUOR CONTROL ACT, AND COMPUTER CRIMES ACT**

- A. Not applicable to sheriff office narcotics agents assigned to the Lea County Drug Task Force, when acting for the LCDTF.
- B. When property, vehicles, or monies are seized pursuant to the Controlled Substances Act, Liquor Control Act, or Computer Crimes Act, the investigating deputy shall forward a copy of the initial crime report to the Office of the Sheriff via the Chain of Command.
- C. Deputies who have seized property, firearms, vehicles, or monies shall initiate the forfeiture procedure by completing a forfeiture worksheet form and forwarding it with a copy of the completed case to their Division Captain within ten days.
- D. Monies seized by deputies will be tagged into evidence.
- E. Normally, money forfeitures of less than \$100 will not be pursued but will be evaluated on a case by case basis.
- F. Normally, forfeiture of vehicles with an estimated net value of less than \$1,000 will not be pursued. However, vehicles will be reviewed on a case by case basis, regardless of estimated value.

**OPR 2-05-2 FORFEITURE OF VEHICLES**

- A. Seized vehicles will be towed or driven to the Lea County Sheriff's Office.
- B. A complete inventory of the vehicle contents will be conducted and the inventory will be added to the original report.
- C. The vehicle will be secured and the keys maintained by the evidence custodian.
- D. A title/lien history must be obtained on seized vehicles by the investigating deputy and a certified copy of those documents will be attached to the completed case submitted to the Division Captain.
- E. The investigating deputy will ensure that all leasing companies, lien-holder, owners, and other interested persons are listed on vehicles submitted for forfeiture.

**OPR 2-05-3 CIVIL LITIGATION RESPONSIBILITIES**

- A. The Division Captain is responsible for monitoring the progress and time limits on all forfeiture or intended forfeiture proceedings.

- B. The Division Captain will be responsible for routing the forfeiture request and completed case to the County Attorney, within twenty days of seizure.

**OPR 2-05-4                    COUNTY ATTORNEY'S INVOLVEMENT**

- A. The County Attorney is solely responsible for all litigation.
- B. When vehicles are forfeited by court order, the County Attorney will forward copies to the Division Captain.
- C. When monies are forfeited by court order, the County Attorney will forward copies of the court order to the Division Captain. The Division Captain will make arrangements to deposit the monies in a special account.

**OPR 2-05-5                    COUNTY FINANCIAL DIRECTOR'S**

- A. The County Financial Director will obtain title to the vehicle.
- B. The County Financial Director will maintain the court order and original title.

**OPR 2-05-6                    USE AND ACCOUNTABILITY OF SEIZED MONIES**

- A. The Sheriff shall authorize withdrawal of seized monies from the special account, as needed, and ensure its accountability and use in accordance with the Controlled Substances Act; Liquor Control Act; or Computer Crimes Act.

**OPR 2-05-7                    SEIZURES AND FORFEITURES UNDER FEDERAL LAW**

- A. Seizures and forfeiture applications under federal law will be consistent with this policy except:
  - 1. The U.S. Attorney's Office will determine legal feasibility of the forfeiture and will oversee the necessary document preparation and court presentation.
  - 2. The Division Captain will be solely responsible for delivering the forfeiture request and completed case to the appropriate federal agency and will act as liaison between the Sheriff's Office and any federal agencies involved.
  - 3. The Division Captain will be responsible for providing copies of federal forfeiture court orders to the Sheriff's Office.

**OPR 2-05-8                    RETURN OF SEIZED VEHICLES**

- A. In the event that a seized vehicle is to be returned to the owner, the County Attorney's Office will notify the Division Captain.
- B. The Division Captain will have sole responsibility for affecting the release. This will include physically turning the vehicle over to the owner or appropriate representative and ensuring that a release form is completed and signed by the applicable parties.
- C. The original release form will be forwarded to the Division Captain for attachment to the original forfeiture papers. Copies of the release form will be forwarded to the County Attorney.

## Chapter 3: Patrol Protocols

This section contains operations protocols that relate primarily to the activities a uniformed deputy working patrol might encounter although they apply to any deputy operating in an environment where they are appropriate. In it, you will find:

- ✓ Procedures for contact with the public and suspicious persons.
- ✓ Procedures for enforcing traffic and county ordinance citations.
- ✓ Procedures for when we respond to an alarm call.
- ✓ The sheriff office's guidelines and procedures for handling domestic violence situations.
- ✓ Procedures for investigating drivers under the influence of liquor or drugs.
- ✓ Guidelines for towing vehicles.
- ✓ Missing person procedures.
- ✓ Guidelines for using a canine.

**Employee Notes:**

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**OPR 3-01 FIELD CONTACTS****POLICY:**

This office utilizes pro-active patrol strategies when properly investigating persons, property or incidents that, based on training and experience, lead our deputies to believe criminal activity is about to occur, is occurring or has occurred. An important tactic in this strategy is making legitimate contact with selected pedestrians and motorists. The resulting field interview records are of great value to all sworn personnel in developing leads, establishing crime patterns, solving crimes, protecting life, and recovering property.

**OPR 3-01-1 GENERAL REQUIREMENTS**

- A. When a person is observed who, because of location, time, appearance or circumstances, seems to be suspicious to a deputy, a permanent record of the event may be made. One method to accomplish this is a field interview.
- B. Field interviews shall not be conducted from vehicles. Deputies will assume positions during field interviews that afford them adequate protection.
- C. The person(s) interviewed should be properly identified, and their description and the circumstances of the interview documented on appropriate forms. The related incident number should be written on the field interview card.
- D. This information should be shared with authorized employees and saved in the office's data system.

**OPR 3-01-2 MAINTENANCE OF FIELD INTERVIEW DATA**

- A. The data file is a portion of the office's data system accessible to deputies through their mobile data terminals.
- B. The records section and Lea County Communication Authority employees share responsibility for updating the system with information from calls and contacts. Deputies will not enter field data from the card into the system.

**OPR 3-01-3 CONTACTS WITH CITIZENS AND VIOLATORS**

- A. Deputies will conduct themselves in a professional manner.
- B. Keep the contact as brief as practical. Deputies will not maintain this temporary seizure longer than is necessary to confirm or deny their reasonable suspicions, and shall at all times work diligently to either identify probable cause or release the individual.
- C. With this type of encounter, deputies may conduct a "Terry" or pat down search of individuals only when they have reason to suspect the individual is armed with a weapon of some type, and poses a potential threat to the deputy or the public, based on factors the deputy can articulate.



**OPR 3-02 TRAFFIC****POLICY:**

Lea County Sheriff Office policy is to respond to traffic needs by providing assistance to motorists and properly regulating the movement of vehicles on public roadways. The sheriff office will enforce traffic laws of the State of New Mexico by using verbal warnings, written warnings and traffic citations whenever possible and appropriate. The sheriff office will also provide assistance to the motoring public with the intent of maintaining safe passage. This policy provides general guidelines for working traffic-based activities.

**OPR 3-02-1 TRAFFIC CITATION BOOKS**

- A. Will be issued to deputies by their supervisor.
- B. Should be checked for proper contents and twenty-five (25) sequentially numbered citations before the book is accepted.

**OPR 3-02-2 STOPPING AND APPROACHING VEHICLES**

- A. Upon observing a moving traffic violation, the deputy will:
  - 1. Initiate contact with the violator after taking into consideration the potential danger to the public, the violator, and himself/herself.
  - 2. Select a location for stopping violator that allows for a safe exit and approach to violator's vehicle avoiding potential hazards.
  - 3. Advise the Lea County Communication Authority communications specialist of the impending stop, giving violator's vehicle information including:
    - a. License plate.
    - b. Complete vehicle description.
    - c. Location and direction of travel.
  - 4. Initiate the stop.
  - 5. Engage emergency red lights. Use of the siren, PA system, and hazardous lights are also authorized.
  - 6. Once the vehicle is stopped, the spotlight, takedown lights and/or high beams may be used to illuminate the inside of the vehicle and to provide for a safe approach to the vehicle.
- B. Roadway and Roadside vehicle hazards
  - 1. When a vehicle is stalled on the roadway or roadside, deputies will:
    - a. Position their vehicles to provide safety for the motorist.
    - b. Engage emergency (red/blue) lights and hazardous lights.
    - c. Ensure removal of the vehicle from the roadway as soon as possible or that is far

enough off the roadway for safety.

- d. Assist the motorist.
- C. If a deputy is stopped, standing, or parked contrary to the laws of the Uniform Traffic Code, while in the performance of their duties, they will activate their emergency lights unless doing so would jeopardize an investigation.

#### **OPR 3-02-3                      TRAFFIC VIOLATIONS RESULTING IN ARREST**

- A. Deputies will not normally make a physical arrest for traffic violations that are listed as penalty assessment violations.
- B. Whenever a person is charged under Article 1 - 8 of Chapter 66, except 66-7-102.1, they may be cited or arrested, unless the violation requires mandatory appearance as prescribed by state law in Section 66-8-122 NMSA 1978, such as:
  - 1. The person requests an immediate appearance before the court.
  - 2. The person is charged with driving while under the influence of an intoxicating liquor or narcotic drugs.
  - 3. The person is charged with failure to stop in the event of an accident causing death, personal injuries, or damage to property.
  - 4. The person is charged with reckless driving.
  - 5. The arresting deputy has probable cause to believe the person arrested has committed a felony.
  - 6. The person refuses to give his/her written promise to appear in court or acknowledge receipt of a citation to appear.
  - 7. The person is charged with driving when his/her privilege to do so was revoked for a conviction of driving while under the influence of an intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978.

#### **OPR 3-02-4                      UNIFORM TRAFFIC CITATIONS**

- A. Deputies using the New Mexico Uniform Traffic Citation charge a person with a moving violation as defined in state statutes or county ordinances as follows:
  - 1. Deputies issuing a uniform traffic citation will:
    - a. Complete the Information and the "Description of the Offense" sections of the citation. Deputies will not enter "see report" in the "Description of the Offense" section.
    - b. Have the violator sign the appropriate acknowledgment.
    - c. Give the violator a copy (bottom-blue border) of the citation and, for penalty assessments, show them the address on the back they are to send their payment to.

- d. Deputies do not accept custody or payment of any penalty assessment.
  - e. Issue a notice to appear if a violator declines to accept a penalty assessment notice.
  - f. Deputies must explain to the violator they do not have to sign the citation, but that if they do not, they will be arrested. They will also inform the violator a warrant will be issued for their arrest if they sign the citation but do not appear at the time and place stated on the citation.
  - g. Release the violator.
- B. Deputies should advise all drivers that non-compliance with the terms of the citation may result in a suspension of their driver's license. A suspension for non-compliance remains in effect until sufficient proof of compliance is met.
- C. If violators refuse to sign a citation they will be booked and the citation marked "booked".
- D. When a citizen is arrested for a violation included in **OPR 3-02-3 (B)** and there are other non-arrest traffic offenses arising from the same incident, then all the violations should be handled as arrest offenses.
- E. When a citizen is found to have an outstanding warrant, the citizen will be booked on the warrant and allowed to sign the traffic citation if the violation is not included in **OPR 3-02-3 (B)**.
- F. Deputies are required to submit a State of New Mexico Complaint form when booking traffic violators. The complaint form will be signed.

**OPR 3-02-5                      JUVENILE TRAFFIC CITATIONS**

- A. Juveniles may acknowledge guilt of traffic offenses contained within the penalty assessment program and agree to pay the penalty.
- B. Refer to **OPR 1-04 JUVENILES** for guidelines involving juvenile traffic arrests.

**OPR 3-02-6                      PRIVATE PROPERTY**

- A. Issuing traffic citations on private property is limited to driving while intoxicated, reckless driving, careless driving, and leaving the scene of an accident.

**OPR 3-02-7                      ARMORED VEHICLES**

- A. The driver will present their license by either holding it up to the glass or passing it out the gun port to the deputy.
- B. The deputy will obtain the needed information for the citation.
- C. The citation will be delivered to the records section and held for three working days for the driver's signature.
- D. If the driver fails to sign the citation within those three working days, the records section

will inform the citing deputy who will take further action.

**OPR 3-02-8                      HANDICAPPED VEHICLE REGISTRATION PLATES**

- A. Deputies will not issue parking citations to vehicles parked in designated handicap areas displaying official Motor Vehicle Division handicap plates.
- B. Motor Vehicle Division plates
  - 1. The permanently disabled plate has four digits.
  - 2. The temporarily disabled plate has six digits.
  - 3. The Disabled Veteran plate (permanently disabled) is marked as such and is followed by four digits.

**OPR 3-02-9                      ENFORCEMENT ACTION AT TRAFFIC ACCIDENTS**

- A. Enforcement action for traffic violations can be taken by deputies establishing probable cause, based upon evidence and information received in connection with traffic accident investigations.
- B. With the exception of fatalities, accidents involving grievous injury, or commercial vehicle accidents, deputies assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports.
  - 1. New Mexico State Police and Department of Public Safety Motor Transportation Division Police receive technical training in fatal accident and commercial vehicle accidents and bear an over-riding statutory responsibility for these types of investigation; therefore, deputies will not respond as the primary investigating unit to these types of accidents unless directed to do so by a Division Captain.
- C. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly reported.
- D. Non-uniformed deputies investigating accidents where enforcement action is necessary will call a uniformed deputy for assistance.

**OPR 3-02-10                      OUT OF STATE DRIVER**

- A. Drivers may acknowledge guilt of penalty assessment offenses and agree to pay the penalty. When pleading not guilty, drivers may sign the citation and continue on their way except for those violations listed in Section **OPR 3-02-3 (B)** which require that drivers be arrested and booked.

**OPR 3-02-11                      NON-RESIDENT VIOLATOR COMPACT (66-8-137.1 NMSA 1978)**

- A. Review above listed statute for Compact guidelines.
- B. Member states include: Alabama, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York,

North Carolina, North Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia.

C. Citations not covered by the compact:

1. Parking and other standing citations.
2. Equipment and inspection violations.
3. Size and weight limit violations.
4. Transportation of hazardous material violations.
5. State violations which require mandatory appearance (See section 2-01 of the Procedural Orders manual).

**OPR 3-02-12            OFF-DUTY ENFORCEMENT**

A. Off duty deputies may enforce traffic laws under the following conditions:

1. Deputies must be in an official law enforcement vehicle, equipped with emergency lights, to stop a violator.
2. Deputies, upon stopping a violator, will clearly identify themselves by use of their ID card and badge.
3. If a citation is to be issued by an off duty deputy, an on duty deputy will be summoned to the scene to issue the citation.
4. Deputies who observe serious traffic offenses while in an off-duty capacity, in their personal vehicles, in either the county or city, may obtain as much information as possible regarding vehicle, driver, and occupant descriptions.
5. Deputies may notify the appropriate agency by the most expedient means and provide them with the nature of the violation, descriptions, last known direction of travel, and any other pertinent information.
  - a. Deputies will abide by all traffic and criminal statutes while attempting to obtain descriptive information.
  - b. Under no circumstances will deputies make any attempt to stop or overtake the suspect vehicle.
  - c. If a cellular phone or other immediate communications device is available, a deputy may follow the suspect vehicle, as long as it is safe, and no criminal or traffic laws must be violated to do so, in order to provide continuous information to the responding agency.
  - d. The deputy also has the option available to any citizen of filing a criminal complaint with the appropriate magistrate court and allowing the court to take whatever action it deems fit.

**OPR 3-02-13            RE-EXAMINATION OF DRIVERS BY THE MOTOR VEHICLE DIVISION**

- A. Deputies who come in contact with drivers whom they believe should be re-examined by the Motor Vehicle Division should generate a letter to MVD stating the reason(s) for a re-examination (i.e., suspected incompetency, physical or mental disability, disease, or any other condition that might prevent the person from exercising reasonable and ordinary care when operating a motor vehicle). Any citations or accident reports should accompany the letter to better assist MVD in their decision to re-examine the driver.

**OPR 3-02-14                    GENERAL ASSISTANCE TO MOTORISTS**

- A. Deputies will reasonably attempt to provide assistance to motorists in need of mechanical assistance, i.e., provide jumper cables, (if available), etc. Deputies will not attempt to push-start vehicles.
- B. Deputies will summon the on call wrecker at the request of the motorist, after explaining that the motorist is responsible for the towing charges.
- C. Deputies may summon a locksmith when requested by a motorist who has locked themselves out of their vehicle. The motorist should be advised the sheriff office will not pay the cost of the service.

**OPR 3-02-15                    STRANDED MOTORISTS**

- A. When requested by a stranded motorist, deputies may transport the motorist to the nearest service station for fuel. When work load conditions permit, and when no undue delay is anticipated, the motorist may be returned to the vehicle.

**OPR 3-02-16                    EMERGENCY ASSISTANCE TO MOTORISTS**

- A. If a person or animal is locked in a vehicle and the circumstances are such that it is seriously endangering the person's or animal's health, deputies are authorized to force entry to the vehicle in as practical and safe a manner as possible and take appropriate enforcement action if probable cause exists.

**OPR 3-02-17                    HAZARDOUS ROADWAY CONDITIONS**

- A. Deputies will respond to and take action to lessen the danger of the following:
  - 1. Debris in the roadway.
  - 2. Defects in the roadway itself.
  - 3. Lack of, or defects in, highway safety features (e.g., impact attenuation devices, reflectors).
  - 4. Lack of, improper, visually obstructed, defective, or down or damaged roadway lighting systems; mechanical traffic control devices and/or traffic control and informational signs.
  - 5. Other roadside hazards, including vehicles parked or abandoned on or near the roadway.
- B. Appropriate action to be taken upon noticing or being advised of a traffic hazard:

1. The deputy will contact the appropriate county department.
2. If warning lights are necessary, the deputy will contact the appropriate agency/company to put warning barricades/lights in place.
3. If barricades or warning lights are necessary, the deputy shall remain at the scene to alert drivers and provide traffic direction when necessary, until the condition has been corrected and/or the warning lights or barricades have been placed at the scene.
4. Non uniformed deputies in unmarked cars will call for a uniformed deputy with a marked car.
5. Vehicles found parked or abandoned on or near the roadway will be handled as outlined in **OPR 3-07 TOWING AND WRECKER SERVICES**.

**OPR 3-02-18                      CLOSURE OF HIGHWAYS**

- A. Deputies are authorized to temporarily barricade or block passage on a roadway for safety purposes. If it appears the roadways needs to be closed to through traffic for a significant period of time, the on-scene supervisor will notify the Lea County Communication Authority and inform them of the location of the closure, the reason for the closure, and the expected length of the closure, if possible. LCCA will notify the State Police who will close the road pursuant to their authority under **66-7-11: New Mexico state police power to close certain highways in emergencies**.

**OPR 3-03 MISDEMEANOR AND COUNTY ORDINANCE CITATIONS****POLICY:**

It is Lea County Sheriff Office policy to enforce the laws of the State of New Mexico utilizing the least restrictive means the circumstances allow. To this end, deputies are encouraged to cite offenders rather than make a physical arrest whenever appropriate. This policy provides guidelines to accomplish this goal.

**OPR 3-03-1 UNIFORM TRAFFIC CITATION USED AS A NON-TRAFFIC CITATION**

- A. Deputies may utilize the Uniform Traffic Citation form as a non-traffic misdemeanor citation form by placing one line through the word "Traffic" and write the word "Non-Traffic" in the upper right corner of the citation.

**OPR 3-03-2 MISDEMEANOR CITATIONS**

- A. Whenever practical, a misdemeanor citation will be issued in lieu of an arrest to the County area residents. This citation may be used for Magistrate Court and includes violations of County Ordinances that are classified as crimes.
- B. When deputies issue a non-traffic citation, they will use the NM Uniform Traffic Citation form and ensure that :
  1. Deputies will use black ink to fill in all appropriate spaces on the face of the citation.
  2. By order of the courts, the violator's social security number shall be placed on the citation as it would be written for a criminal complaint.
  3. Deputies will not mark out or write over information on the face of a citation, but instead will void the citation and issue a corrected one in its place.
  4. Deputies will turn in issued citations to the Records Section at the end of their shift.
  5. Complete information is contained on each citation. If all facts cannot be contained on the citation, the deputy will complete an offense report. Otherwise, the assigned report number shall be written in the top right corner of the citation.
  6. When a violator has committed multiple offenses, a separate citation for each offense is issued.
  7. The blue copy of the misdemeanor citation (violator's copy) is given to the violator at the time of issuance.
  8. Violators are advised that they must appear on the date specified, in the designated court.
  9. A copy of the citation will be forwarded to the Records Division, Lovington office.
  10. Violators understand that they are under obligation to appear at the designated court and that should they fail to appear, a warrant of arrest will be issued.



**OPR 3-03-3 MISDEMEANOR ARRESTS**

- A. Physical arrests will be made when:
  - 1. Violators, subject to lawful arrest, fail to identify themselves satisfactorily.
  - 2. Violators refuse to sign the citation.
  - 3. Arrest or detention is necessary to prevent imminent harm to violators or others, or it is necessary to remove violators from the scene of the offense.
  - 4. Violators have no ties to the jurisdiction reasonably sufficient to ensure their appearance and there is substantial likelihood that violators would refuse to respond to the citation.
  - 5. Violators are intoxicated to the point that they no longer have control of their faculties.

**OPR 3-03-4 CRIMINAL COMPLAINT FORM**

- A. Deputies will complete a criminal complaint and attach to the misdemeanor citation, if sufficient facts cannot be placed on the misdemeanor citation and place the incident report number in the upper right hand corner of the complaint.
- B. When deputies make an arrest for serious misdemeanor offenses (such as DWI and Leaving the Scene) they will:
  - 1. Charge all misdemeanor offenses that occurred during the incident on a Misdemeanor Complaint form and booking form in addition to the citation.
  - 2. This rule applies even if there is no bond required for the lesser offense.

**OPR 3-03-5 ENVIRONMENTAL CODE AND ANIMAL CODE VIOLATIONS**

- A. When deputies are called upon to assist county Environmental Department personnel or Animal Control personnel in instances where citizens refuse to sign citations for violations:
  - 1. Deputies will advise the violator to sign the citation.
  - 2. If the violator still refuses to sign, both the environmental and law enforcement deputies may sign and date the citation with a notation that the citizen refused to sign.
  - 3. The violator may be arrested solely for refusing to sign the citation, but the deputy can refer the case to Magistrate Court for issuance of a summons.

**OPR 3-04 ALARMS****POLICY:**

Lea County Sheriff Office policy is to provide the maximum safety possible for deputies and citizens during commercial burglary, residential, robbery, bank, and liquor establishment alarms. This policy provides general guidelines for deputies to follow in responding to alarm calls.

**OPR 3-04-1 COMMERCIAL AND RESIDENTIAL BURGLAR ALARMS**

- A. Response to commercial and residential intrusion alarms will be made any time the alarm sounds and will be handled as a burglary-in-progress.

**OPR 3-04-2 COMMERCIAL ROBBERY ALARMS**

- A. Some businesses will require alarms which may be activated at any time. (All night convenience stores, etc.)
- B. Response to these alarms will be made immediately and with due caution for the safety of employees of the business as well as safety of the deputies.
  - 1. Any time a commercial robbery alarm is activated, deputies of this office should not enter the store until the arrival of the second unit unless it is necessary to preserve life. Approach should be such that the persons inside the business do not observe the arrival of law enforcement units, if possible.
  - 2. If it is determined that the call is an actual robbery, the deputies should act accordingly, but until then, common sense and good law enforcement practices of caution should be followed.

**OPR 3-04-3 BANK ALARMS**

- A. At present, there are no banks or lending institutions outside the incorporated limits of the municipalities. However, if deputies respond to an alarm at a bank and other commercial lending institutions, the following procedure applies:
  - 1. Deputies will bear in mind that these institutions may have both night burglar alarms and robbery alarms.
  - 2. Night alarms will be responded to as any other burglary-in-progress call.
- B. Day-time responses will be handled in the following manner:
  - 1. Response to these alarms will be made immediately and with due caution for the safety of employees of the business as well as safety of the deputies.
  - 2. Any time a commercial robbery alarm is activated, deputies of this office will not enter the store until the arrival of the second unit unless it is necessary to preserve life. Approach should be such that the persons inside the business do not observe the arrival of law enforcement units, if possible.
  - 3. If it is determined that the call is an actual robbery, the deputies should act

accordingly, but until then, common sense and good law enforcement practices of caution should be followed.

**OPR 3-04-4                      LIQUOR ESTABLISHMENTS**

- A. Some liquor establishments will have both burglar alarms and robbery-panic alarms.
- B. Burglar alarms which sound after closing time should be handled as a burglary-in-progress.
- C. Alarms which sound during business hours can be for robbery, fights (with or without weapons), or other emergencies.
- D. If the alarm is activated, the alarm user must be willing to file a complaint on the offender(s).

**OPR 3-05 DOMESTIC VIOLENCE****POLICY:**

The primary objectives in responding to domestic violence calls are to de-escalate violent situations, to render assistance to the victim(s), to enforce the law against violators and to facilitate prosecution, where applicable. It is the policy of the Lea County Sheriff Office to respond and investigate all calls of domestic violence. This policy provides guidelines for conducting domestic violence investigations and taking enforcement action when applicable.

**OPR 3-05-1 RESPONSIBILITIES ONCE ON SCENE**

- A. A deputy responding to a request for assistance shall take whatever steps are reasonably necessary to protect the victim(s) from further domestic abuse.
- B. Deputies will conduct a thorough investigation and complete a report whenever any type of enforcement action or use of force occurs, or it appears to the deputy their reasonable suspicions regarding events justify documentation.
- C. Deputies will enforce the provisions of valid court orders of protection.
- D. Upon request by the victim(s) of domestic abuse, deputies will assist in arranging for transportation by private means or ambulance to a medical facility.
- E. Upon request by the victim(s) of domestic abuse, they will accompany the victim(s) to their residence to remove their personal clothing and effects required for immediate needs, and the clothing and personal effects of any children in the care of the victim(s).
- F. Deputies shall enforce the provisions of custody as set forth in a court order which may include removing a child or children from the non-custodial parent or guardian.
- G. They will also advise the victim of the remedies available under the Family Violence Act/Order of Protection, to include filing of appropriate crime reports, the procedure for obtaining a warrant and the availability of counseling. A victim of domestic violence will be given an "Option, Inc." brochure stating the victim's rights in both English and Spanish.
- H. Deputies will arrest a person, or persons, without a warrant when the deputy is at the scene of a domestic disturbance and has probable cause to believe that the person(s) has committed an assault or a battery upon a "family or household member".
  - a. When an arrest is made, deputies shall charge domestic violence offenses under the appropriate statute for battery and/or assault **(30-3-12 thru 30-3-16)** as authorized by **NMSA 31-1-7**. These laws can be used even when an Order of Protection exist.
  - b. For purposes of arrest, "family or household member" is defined as: spouse, former spouse, family member (including a relative), parent, present/former step-parent, present/former in-law, child/co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of this section.

- c. The term “at the scene” includes locating the suspect within a reasonable amount of time, in reasonable proximity to the physical scene close enough that the offender could easily return, and as a result of a continuous investigation and search to locate them.
- I. Nothing in this section is intended to prohibit a deputy from arresting any person(s) for an assault or battery committed in the deputy's presence.
- J. Deputies should take into consideration injuries sustained through self defense by either party, based upon witness statements and/or evidence. No deputy shall be held criminally or civilly liable for making an arrest pursuant to this section, provided they acted in good faith and without malice.

**OPR 3-05-2                      ORDER OF PROTECTION ARREST**

- A. A deputy shall arrest without a warrant and take into custody a person whom the deputy has probable cause to believe has violated any clause(s) as set forth in the Order of Protection.
- B. Prior to any arrest(s) for violation of the Order of Protection, the deputy will verify whether or not the respondent has been served with a copy of the “order” by the Lea County Sheriff Office.
- C. A victim must produce a valid and signed (by a District Court Judge) Order of Protection which must be confirmed through the Lea County Communication Authority.
- D. Any abusing party arrested for violation of the Order of Protection will be charged into Magistrate Court under NMSA 40-16-6(c) “Violation of Order of Protection”.
  - 1. There is no bond for this offense.
  - 2. For persons arrested during the late hours, the Judge will be contacted at a reasonable hour the following day.

**OPR 3-06 DWI INVESTIGATIONS****POLICY:**

It is the policy of the Lea County Sheriff Office to lessen the number of DWI violators within the county. To achieve this goal, the office conducts thorough and complete DWI investigations of offenders who are suspected of driving while impaired pursuant to National Highway Traffic Safety Administration sanctioned standards. The sheriff office also uses directed patrols, sobriety checkpoints, patrol saturations and community awareness education to reduce the number of alcohol crashes throughout the county. This policy provides guidelines to deputies conducting DWI investigations.

**OPR 3-06-1 INVESTIGATION OF PERSONS SUSPECTED OF DRIVING UNDER THE INFLUENCE**

- A. As part of a deputy's patrol duties and special enforcement activities, they will make routine contact with drivers, conduct traffic stops and should always be cognizant of the signs and symptoms of impaired driving.
- B. Deputies will adhere to the protocols taught through the NM DPS and NHTSA sanctioned ***DWI Detection and Standardized Field Sobriety Testing Course Manual***, which is hereby incorporated by reference.
- C. Deputies must determine if probable cause and or articulable reasonable suspicion for a traffic stop or further detention is necessary to determine whether a driver is impaired using the following steps:
  - 1. Initial observation of vehicle in motion.
  - 2. Observation of the stop sequence.
  - 3. Face to face contact.
  - 4. Observation of the exit from the vehicle.
  - 5. Traffic Stop
  - 6. Face to Face Contact With Driver
  - 7. Pre-Arrest Screening
- D. The deputy shall only make an arrest when supported by probable cause. Probable cause can be established based upon information obtained during detection phases 1 and 2, including:
- E. Implied Consent
  - 1. After making the arrest the deputy will read the Implied Consent Warning to the driver. In cases where the driver is unconscious the driver shall be deemed to have given consent. All refusals will be recorded on Notice of Revocation form and in the officer's Offense/Incident report. Drivers have no right to speak to an attorney prior to their answer.

#### F. Chemical Testing

1. In all cases the driver must first perform the officer's test before he/she can demand to be tested by an independent source. The sheriff office will be responsible for the cost of the independent test. In all cases where the driver has been arrested for a felony DWI offense and a refusal is given for implied consent purposes, a search warrant shall be obtained for the collection of a blood sample.

#### G. Breath Alcohol Test

1. The deputy shall test the driver on the Intoxilyzer 8000. The deputy is responsible for administering the test according to SLD regulations. All approved instruments will be maintained by the key operator according to SLD regulations.

#### H. Blood Testing

1. Blood testing shall only be performed by those personnel recognized by the State of New Mexico to perform such tests. The deputy is responsible for administering the test according to SLD regulations.

#### I. Secondary or Independent Blood Tests

1. The arresting deputy shall fulfill requests by drivers for secondary or independent blood tests. If the arrestee requests a second test it should be administered at a law enforcement facility or local medical facility. The secondary test must be carried out in a timely manner and shall utilize an independent blood test kit. Blood test kits will not be used for secondary or independent blood test samples. It is important to note that all breath and blood testing must be completed within three (3) hours of the time the suspect was arrested.

### **OPR 3-06-2 ADULT BOOKING PROCEDURES PARTICULAR TO DWI ARRESTS**

- A. In all cases where the driver's blood alcohol concentration is .08 or higher, or upon a refusal, the driver shall be booked and incarcerated at the appropriate detention facility.
  1. If breath alcohol concentration is between .04 and .07 deputies should conduct a blood draw to test for the presence of drugs in accordance with state provisions.
  2. Individuals possessing a commercial driver's license found to register a blood alcohol concentration of .04 or higher, or upon refusal shall be booked and incarcerated at the appropriate detention facility.

### **OPR 3-06-3 JUVENILE BOOKING PROCEDURES PARTICULAR TO DWI ARRESTS**

- A. For administrative purposes only, juvenile denotes anyone less than 21 years of age.
- B. Drivers from age 18 to 20 will be booked and incarcerated following the adult booking procedures listed above.
- C. Prior to incarcerating a juvenile under 18 years of age, the deputy shall contact the local juvenile probation officer to clear the arrest through central intake.

1. If approval to incarcerate is denied the arrested juvenile will be released to a parent or guardian. Refer to sheriff office policy **OPR 1-04 JUVENILES** for further details regarding arrests of juveniles.

**OPR 3-06-4                      FELONY DWI ARREST PROCEDURES**

- A. The investigation of felony DWI will follow the same procedures as detailed above, however, in felony cases where the arrested driver refuses to comply with the New Mexico Implied Consent Act, a search warrant shall be obtained for his/her blood. This is crucial short lived evidence that will aid in a successful prosecution so a nighttime warrant may be necessary.

**OPR 3-06-5                      ROUTING OF DOCUMENTATION**

- A. The deputy shall provide the driver with a copy of all documents surrounding the arrest. Only Uniform Traffic Citations specifically for the offense of DWI will be used.
- B. Administrative:
  1. Copies of The DWI citation and notice of revocation shall be provided to the Motor Vehicle Division within seven days of the arrest via US Mail.
- C. Court:
  1. Copies of all documents shall be provided to the court of jurisdiction within 48 hours of the arrest or the next business day.
- D. Record keeping:
  1. A copy of all documents will be maintained with the Records Division.

**OPR 3-06-6                      DWI CHECKPOINT PROTOCOL**

- A. All DWI checkpoints will be conducted in accordance with the provisions provided by the City of Las Cruces v. Betancourt decision. Those provisions are:
  1. The selection of site & procedural operations of the checkpoint must be made and established by supervisory law enforcement personnel rather than field deputies.
  2. Restrictions and discretion of field deputies will be limited.
  3. The safety of the public and deputies must be paramount.
  4. The location of the checkpoint must be reasonable.
  5. The time and duration of the checkpoint must be reasonable.
  6. Indicia of the official nature of the checkpoint must be immediately apparent.
  7. The length and nature of detention must be reasonable.
  8. A public notice regarding the checkpoint must be made in order to facilitate the deterrent value of the activity.
- B. Each roadblock will always have a supervisor assigned and present on the scene while



the roadblock is active.

- C. A deputy must be assigned the duty of safety officer and will be present to observe all safety rules on the scene of the roadblock. They shall exercise sufficient authority to end any unsafe practice or to enforce any safety rule.

**OPR 3-07 TOWING AND WRECKER SERVICES****POLICY:**

Lea County Sheriff Office policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from county streets and property.

**OPR 3-07-1 WRITTEN REPORT**

- A. A report will be written whenever a vehicle is towed.

**OPR 3-07-2 VEHICLES TO BE TOWED**

- A. Vehicles will be towed when:
  - 1. The driver has been incapacitated, hospitalized, or arrested, when the vehicle cannot be released to a responsible party at the scene.
    - a. For the purposes of this section a “responsible party” shall be defined as:
      - i. An adult, at least 18 years of age.
      - ii. In possession of a valid driver license.
      - iii. Have no physical or chemical impairment to prevent the safe operation of the vehicle.
      - iv. If the vehicle is a rental car, must be listed as a covered driver on the rental agreement.
  - 2. If the vehicle has been abandoned, vandalized, involved in an accident to the extent that it is inoperable, and/or is in violation of the Traffic Code, and the owner cannot be contacted.
  - 3. The vehicle is needed for evidence processing in hit and run or other criminal investigations.

**OPR 3-07-3 PROCEDURES FOR TOWING VEHICLES**

- A. Requests for wrecker services will be restricted to the wrecker on call.
- B. This does not preclude owners or operators of vehicles from requesting a specific wrecker company or tow truck operator. Owners or operators will be verbally informed of their right to request a specific wrecker company or tow truck operator.
- C. This also applies to members of automobile clubs. Deputies will not be required to obtain membership information for wrecker requests.
- D. Deputies authorizing the towing of a vehicle will document the justification for the towing of the vehicle.
- E. Deputies will inventory the property in the vehicle to be towed and list it on the tow-in report. The ignition key will be left in the vehicle. All other keys will be removed and

given to the owner or operator, or placed in their property if they are under arrest. All areas of the vehicle will be inventoried including all containers, compartments or areas which might contain property. Keys may be utilized but no forcible entry without a warrant.

- F. The original and second copy will be attached to the arrest report or crime report and forwarded to records.
  - 1. These must be filled out by sheriff office personnel to authorize the release of the vehicle to the owner.
  - 2. Once it has been signed, the second copy will be given to the owner with the original maintained in the records section.
- G. The third copy of the vehicle impound form will be given to the tow truck operator.
- H. If a law enforcement hold is necessary, deputies will obtain a supervisor's authorization before placing the hold.
- I. In all cases, any time a release is authorized their information will be entered on the bottom of the impound form on all copies maintained in records. This will insure a proper record of events in regards to this vehicle.

**OPR 3-07-4 TOWING VEHICLES AT ACCIDENT SCENES**

- A. Vehicles at accident scenes will be towed following the procedures listed in this policy or when the owner or operator requests a wrecker.

**OPR 3-07-5 VEHICLES TOWED FOR EVIDENTIARY PURPOSES**

- A. When vehicles belonging to victims or crime suspects must be towed:
  - 1. A law enforcement hold may be initiated on a tow-in form authorizing a hold.
    - a. If the vehicle needs to be released from the hold due to exigent circumstances and the towing deputy who placed the hold cannot be contacted to release the vehicle, the vehicle may be released by a supervisor from the towing deputy's chain of command or an investigator.
    - b. Vehicles with a law enforcement hold will not be released to anyone except a law enforcement agency unless a completed wrecker release form is presented to the towing service.
  - 2. Vehicles on hold will be towed by the wrecker on call or on the sheriff office's car hauler. The deputy initiating the tow will request an investigator to process the vehicle, if necessary. A search warrant will be completed prior to any search.
  - 3. Vehicles towed for evidence will be stored in the sheriff office's evidence bay. After a vehicle has been processed, the investigating deputy will notify the owner of its release by:
    - a. Personal contact - The deputy will complete the release form at the bottom of

the vehicle impound form and give the second copy to the owner of the vehicle to present to the towing service. The original copy will be maintained in Records.

- b. Telephone contact - The deputy will complete the release portion at the bottom of the vehicle impound form and give the second copy to the towing service so as to authorize it to release the vehicle to the owner. The original will be maintained in records who will make a photocopy of this release form and forward to the address of the registered owner.

**OPR 3-07-6 ABANDONED VEHICLES ON PUBLIC PROPERTY**

- A. The deputy will make a stolen vehicle inquiry and attempt to contact the owner.
- B. The deputy will determine if the vehicle is violating parking restrictions.
- C. If the owner cannot be contacted or refuses to move the vehicle, the vehicle will be handled according to the traffic code.

**OPR 3-07-7 ABANDONED VEHICLES ON PRIVATE PROPERTY**

- A. Vehicles abandoned on private property will not be authorized to be towed unless they are needed for evidentiary purposes involving a criminal offense, or they are being confiscated subject to forfeiture proceedings.

**OPR 3-07-8 MOTORCYCLES WITH ALTERED OR MUTILATED VIN NUMBERS**

- A. Motorcycles with altered, mutilated, or missing vehicle I.D. numbers will be towed to the sheriff office evidence bay, normally by the agency's car hauler or other official trailer.
- B. Deputies authorizing the towing will complete an offense report form by the end of the shift.

**OPR 3-07-9 TOWING LAW ENFORCEMENT VEHICLES**

- A. If a law enforcement vehicle is wrecked or disabled the sheriff office car hauler will be used, unless the damage is such that a wrecker is necessary.

**OPR 3-07-10 CANCELLING WRECKERS**

- A. Deputies have the discretion to cancel a wrecker if circumstances so dictate, for example, if the wrecker is not properly equipped for the job, or if the wrecker cannot arrive within thirty minutes.

**OPR 3-08 MISSING PERSONS****POLICY:**

Lea County Sheriff Office policy is to diligently investigate all missing persons reports to determine whether a criminal act has occurred, or if the person is missing or endangered due to other factors such as health or accident and to locate the person if possible.

**OPR 3-08-1 MISSING PERSON REPORTS**

- A. This section applies to persons who are declared emancipated as defined by NMSS 32A-21.1 thru 32A-21-7 and does not apply to juveniles.
- B. When a Missing Person report is taken, it will be the initiating deputy's responsibility to obtain the proper documentation. If it is determined that the missing person should be entered into N.C.I.C., documentation supporting the stated conditions under which the person is declared missing will be submitted immediately to the Lea County Communication Authority and a BOLO transmitted as soon as possible. The original report will be completed as soon as practical, and no later than end of shift. The documentation must be from a source other than the investigating law enforcement agency.

**OPR 3-08-2 ADULT MISSING PERSON INVESTIGATION**

- A. The initiating deputy is responsible for the investigation of cases involving individuals who are defined as "adults" by state statute.
- B. When a deputy takes an adult Missing Persons report, it will be the responsibility of the initiating deputy to properly determine the circumstances (voluntarily/involuntarily, etc.) under which the person is missing and to include all pertinent facts in a complete report.
- C. There is **no required wait time** for a missing person. Deputies are urged to examine the information they are given to determine the most effective manner of response.
  - 1. If the report necessitates an N.C.I.C entry or an "attempt to locate" broadcast, the deputy will contact the Lea County Communication Authority and provide them with all pertinent information.
  - 2. If the missing adult is not located by the end of the deputy's shift, the report will be forwarded to the on-coming supervisor for required follow-up investigation.
- D. The Patrol Division Lieutenant will have the final responsibility for the assignment of follow-up investigation of all adult Missing Persons reports in which the missing person has not been located by the end of the initiating deputy's shift.

**OPR 3-09 CANINE****POLICY:**

Lea County Sheriff Office policy is to have highly skilled and trained teams of handlers and canines to supplement law enforcement operations in locating individuals, evidence, and contraband and in apprehending criminal offenders using legally and tactically sound methods. This policy provides protocols for the utilization of handlers and their canines. Training methods, performance standards, selection processes and criteria and the care of canines and their facilities shall be regulated by nationally recognized criteria and best practices.

**OPR 3-09-1 GUIDELINES FOR DEPLOYING CANINES**

- A. Use of Patrol Canines - A patrol canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:
  - 1. Within the scope of the canine's training, sheriff office guidelines, federal, state and local statutes.
  - 2. There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any deputies or assisting officers or the handler.
  - 3. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
  - 4. The individual(s) are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or assisting officers or the public.
  - 5. For building searches where there is a possibility of a suspect hidden inside or large structures where search time would otherwise be extensive.
  - 6. Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputies or assisting officers shall not serve as good cause for the use of a canine to apprehend an individual.
- B. Use of Narcotic Detection Canines - A narcotic detection trained canine may be used within the scope of the canine's training, sheriff office guidelines, federal, state and local statutes under the following circumstances:
  - 1. To assist in the search for narcotics during a search warrant service.
  - 2. To obtain a search warrant by using the detection canine in support of probable cause.
  - 3. To search vehicles, buildings, bags and any other articles deemed necessary.
  - 4. A narcotic detection canine will not be used to search a person for narcotics.
- C. Use of Bomb/Explosive Detection Canines - Because of the high risk of danger to the public and deputies or assisting officers when a bomb or other explosive device is

suspected, the use of a trained explosive detection canine team may be warranted. When available, a trained explosive detection canine team may be used within the scope of the canine's training, sheriff office guidelines, federal, state and local statutes under the following circumstances:

1. To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
  2. To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a canine sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
  3. To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
  4. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
  5. At no time will a detection canine be used to render a suspected device safe or clear.
- D. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

**OPR 3-09-2                      PREPARATIONS FOR UTILIZING A CANINE**

- A. Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:
1. The individual's age or estimate thereof.
  2. The nature of the suspected offense.
  3. Any potential danger to the public and/or other deputies or assisting officers at the scene if the canine is released.
  4. The degree of resistance or threatened resistance, if any, the subject has shown.
  5. The potential for escape or flight if the police dog is not utilized.
  6. The potential for injury to deputies or assisting officers or the public caused by the suspect if the police dog is not utilized.
- B. A canine handler shall have the ultimate authority over deploying their canine. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently training in canine tactics and apprised of the situation may decide the dog not be deployed.

**OPR 3-09-3                      WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE**

- A. Unless it would otherwise increase the risk of injury or escape, a clearly audible warning announcing a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

**OPR 3-09-4                      GUIDELINES FOR NON-APPREHENSION USE**

- A. Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.
  - 1. Absent a change in circumstances which presents an immediate threat to deputies or assisting officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.
  - 2. Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.
  - 3. Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
  - 4. Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

**OPR 3-09-5                      REPORTING CANINE USE, BITES AND INJURIES**

- A. Whenever the police service dog is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Supervisor before going off-duty.
- B. Whenever the use of the canine results in a bite or any injury a Canine Use Report form shall be completed and included with any related incident report.
- C. Color photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current sheriff office evidence procedures. The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.
- D. If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.



- E. The Unit Supervisor will maintain liaison with County/Municipal Animal Control to ensure that information regarding canine bites is not retained by their office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department.

**OPR 3-09-6                      REPORTING CANINE INJURIES**

- A. In the event that a canine is injured, the injury will be immediately reported to the division Captain.
- B. Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.
- C. The injury will be documented on a Canine Use Report Form.

**OPR 3-09-7                      ASSIGNMENT OF CANINES**

- A. The canine teams shall be requested at the discretion of the field supervisor needing the resource and will assist whatever division needs their resources.

**OPR 3-09-8                      REQUESTS FOR USE OF CANINE TEAMS**

- A. Personnel within the sheriff office are encouraged to freely solicit the use of the canines.

**OPR 3-09-10                    REQUESTS FOR ASSISTANCE FROM OTHER AGENCIES**

- A. Unless a Memorandum of Understanding is present between the sheriff office and the requesting agency, requests for canine assistance from outside agencies must be authorized by a Lieutenant or above and with the following restrictions:
  - 1. Canine teams shall not perform any assignment which is not consistent with this policy.
  - 2. Upon arrival at the scene, the handler has the ultimate decision as to whether the canine is to be used for a specific assignment.
  - 3. Canine teams shall not be called out while off-duty or used outside the boundaries of Lea County unless authorized by a Lieutenant.

**OPR 3-09-11                    REQUESTS FOR PUBLIC DEMONSTRATIONS**

- A. All public requests for a canine team shall be approved by the public information officer and division Captain prior to making any commitment.
- B. Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the division Captain and public information officer.

**OPR 3-09-12                    SELECTION OF CANINE HANDLERS**

- A. The following are the minimum qualifications for the assignment of canine handler:
  - 1. Full-time, certified Lea County Sheriff Deputy and currently off probation.

2. Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates) if canine will be housed at their residence.
3. Agree to be assigned to the position for a minimum of three years.
4. Be in good physical condition and be able to pass a canine handler physical fitness assessment.
5. Be able to maintain detailed training records and attend scheduled canine training session.

**OPR 3-09-12            CANINE HANDLER RESPONSIBILITIES**

- A. The handler shall be available for callout under conditions specified by the Unit Supervisor.
- B. The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The handler will be responsible for the following:
  1. Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
  2. The handler shall maintain all sheriff office equipment under his/her control in a clean and serviceable condition.
  3. When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Sheriff office facility.
  4. Handlers shall permit the Unit Supervisor to conduct spontaneous onsite inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
  5. Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Supervisor as soon as possible.
  6. When off-duty, canines shall be maintained in kennels, provided by the Sheriff office, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels, in a fenced yard, while under the direct control of their handlers.
  7. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
  8. Under no circumstances will the canine be lodged at another location unless approved by the Unit Supervisor or division Captain.
    - a. When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Supervisor or division Captain.

- b. Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Supervisor so that appropriate arrangements can be made.
- c. All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.
  - 1. Canines shall not be left unattended in any area to which the public may have access.
  - 2. When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains safely inhabitable for the canine. In hot weather, the handler will activate the issued heat alert system for the canine vehicle. (hot dog, heat alarm, etc)

**OPR 3-09-13                      COMPENSATION**

- A. The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog.

**OPR 3-09-14                      MEDICAL CARE FOR CANINES**

- A. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency. Each canine shall be covered by a pet health insurance of the County's choice.
- B. Nonemergency medical care will be coordinated through the Unit Supervisor.
- C. Any indication that a canine is not in good physical condition shall be reported to the Unit Supervisor as soon as practicable.
- D. All records of medical treatment shall be maintained in the canine handler's training records file.
- E. The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Unit Supervisor as soon as practicable when emergency medical care is required.

**OPR 3-09-15                      TRAINING**

- A. Before assignment in the field, each canine team shall be trained and certified to meet current recognized national standards or the vendor's standards.
- B. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet a nationally recognized standard or vendor standard and an internal standard based on best practices established for such detection dogs.
- C. Canine teams may not be used outside the scope of their certification.

**OPR 3-09-16 CONTINUED TRAINING**

- A. Each canine team shall thereafter be recertified to a current nationally recognized standard on an annual basis. Additional training considerations are as follows:
  - 1. Canine teams shall receive training as scheduled by the Unit Supervisor.
  - 2. Canine handlers are encouraged to engage in additional training with approval of the Unit Supervisor.
  - 3. In order to ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the Lea County Sheriff Office.
  - 4. All canine training shall be conducted while on-duty unless otherwise approved by the Unit Supervisor.
  - 5. Any dog team failing canine certification shall not be deployed in the field until certification is achieved. When practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.
  - 6. All canine training records shall be maintained in the canine handler's training file.

**OPR 3-09-17 CANINE UNIT SUPERVISOR RESPONSIBILITIES**

- A. The Unit Supervisor shall be appointed by staff and shall supervise the Canine Program. The Unit Supervisor is directly responsible to their division Captain regarding the Canine Unit. The Unit Supervisor shall be responsible for, but not limited to, the following:
  - 1. Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.
  - 2. Maintain liaison with the vendor kennel.
  - 3. Maintain liaison with administrative staff and functional supervisors.
  - 4. Maintain liaison with other agency canine coordinators.
  - 5. Maintain accurate records to document canine activities.
  - 6. Recommend and oversee the procurement of needed equipment and services for the unit.
  - 7. Be responsible for scheduling all canine related activities.
  - 8. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

**OPR 3-09-18 CONTROLLED SUBSTANCE TRAINING AIDS**

- A. Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

- B. The Sheriff or designee, in his/her discretion may authorize a canine handler to seek a court order to provide for controlled substances to be maintained in the employee's possession for training purposes:
  - 1. Provided the controlled substances are no longer needed as criminal evidence.
  - 2. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.
- C. Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:
  - 1. All necessary controlled substance training samples shall be acquired from the Lea County Sheriff Office's evidence personnel or from allied agencies authorized to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
  - 2. The weight and test results shall be recorded and maintained by this office.
  - 3. Any person receiving controlled substance training samples pursuant to court order shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
  - 4. All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine supervisor with a copy forwarded to the dispensing agency.
  - 5. All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit and stored in a designated locked safe at the conclusion of training. There are no exceptions to this procedure.
  - 6. The Canine Unit Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action. The Canine Unit Supervisor will be licensed through the New Mexico Pharmacy Board to possess and utilize controlled substances.
  - 7. Any unusable controlled substance training samples shall be returned to the Evidence custodian or to the dispensing agency for destruction.
  - 8. All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

**OPR 3-09-19                      EXPLOSIVE TRAINING AIDS**

- A. Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public.
- B. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment.
- C. Explosive training aids designed specifically for canine teams should be used whenever feasible.
- D. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible.
- E. The use of explosives or destructive devices for training aids is subject to the following requirements in addition to the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) requirements:
  - 1. All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
  - 2. An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
  - 3. The Canine Unit supervisor shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.
  - 4. Only members of the Canine Unit shall have access to the explosives training aid storage facility.
  - 5. A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
  - 6. Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF).

## Chapter 4: Investigation Protocols

**This section contains protocols that relate primarily to investigative processes and are intended to provide deputies and investigators with examples and steps they can use in their investigations. In it, you will find:**

- ✓ **Protocols for conducting interviews and interrogations.**
- ✓ **Some general guidelines that apply to both patrol and investigations or that define the duties of each function in particular cases.**
- ✓ **Specific protocols of the CID detachment and how patrol works with the detachment on scenes.**

### Employee Notes:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**OPR 4-01 INTERVIEWS AND INTERROGATIONS****POLICY:**

In keeping with Lea County Sheriff Office's statutory duty to support the Constitution, it is vitally important that interviews and interrogations comply with all constitutional requirements, applicable state and local laws and strictly adhere to established investigative procedures. Further, the sheriff office asserts interviews and interrogations should be fair, competent, and totally objective. This policy provides guidelines for conducting interviews and interrogations of individuals with whom sworn personnel have contact.

**OPR 4-01-1 GUIDING PRINCIPLES - INTERVIEWS**

- A. An interview is a critical component of a deputy's investigation. It is a deliberate and focused, non-accusatory conversation with a victim, a complainant, a witness, or even a possible criminal suspect. The atmosphere is non-custodial in nature and the interviewee should feel they are free to end or terminate the interview and leave at any time. Most deputy interviews are conducted with victims, complainants and witnesses to a criminal act.
- B. Interviews can be conducted in the field, in government facilities, in vehicles, or in any other convenient locations.
- C. Deputies should give clear notification and obtain an acknowledgment from the person being interviewed that the questioning is non-custodial and that the person being questioned is free to discontinue and leave at any time.
- D. A fact-finding interview of a possible criminal suspect is not an interrogation. Thus the Miranda warnings are not required.
- E. If, at any time during an interview, a person's responses incriminate, or tend to incriminate them in the commission of a crime, or the circumstances change in a manner that causes the person to believe their freedom of movement is now being restricted by the deputy, the questioning deputy shall advise the person of their Constitutional rights (commonly known as Miranda Warnings) before continuing the interview, regardless of whether the person has been arrested.
- F. In determining whether an individual would reasonably believe they were being interviewed rather than being interrogated, a deputy should ask themselves:
  - 1. Have I made it clear to the person I am interviewing they can leave or stop talking to me if they choose? For it to be an interview, the deputy must be able to answer "yes".
  - 2. Do they know why I am asking the questions I am asking? The deputy must be able to answer "yes".
  - 3. Are we located in a place or do I have the person positioned in a way that makes them believe they can't leave? The deputy must be able to answer "no".



- G. Whenever possible and practical, deputies should digitally record their interviews. If this is not possible, they may prepare a typed (or written) statement of the interview and have it reviewed, acknowledged as accurate and signed by the interviewee.

**OPR 4-01-2                      GUIDING PRINCIPLES – INTERROGATIONS**

- A. The difference between an interview and an interrogation lies with its intent and the issue of the person's freedom of movement. With an interrogation, the person being questioned by a deputy is not free to leave and the deputy's questioning or conduct is specifically designed to elicit incriminating responses implicating the person in criminal activity. There are two types of interrogations, the first is non-custodial; the second is a custodial interrogation.
  - 1. A non-custodial interrogation occurs when a person is interrogated prior to being arrested and not within facilities controlled by a governmental agency. An example would be a field interrogation of a suspect located at the scene of a domestic violence call.
  - 2. A custodial interrogation occurs when a person is interrogated after being arrested or is being interrogated within the confines of a government facility. An example would be the interrogation of a suspect who has been formally charged or is being interviewed in an interrogation room within the Sheriff's Office.
- B. All interrogations must be preceded by advising the interviewee of their Constitutional rights (Miranda).
  - 1. In a non-custodial interrogation, deputies may use the office's pre-printed rights advisal form or they may read the advisal to the interviewee from a sanctioned pre-printed card. In either case, the deputy must be prepared to accurately explain the rights to the individual so they are understood. At the conclusion of the advisal, deputies obtain an affirmative response from the person that they understand their rights and are choosing to waive them.
  - 2. In a custodial interrogation, deputies will advise the person of their Constitutional rights using the pre-printed form. Again, the deputy must be prepared to accurately explain the rights to the individual so they are understood. At the conclusion of the advisal, deputies must obtain an affirmative response from the person that they understand their rights and are choosing to waive them and have them sign the form.
- C. If at any stage of the custodial questioning, the suspect indicates they want to stop talking or to consult with an attorney before continuing, the questioning shall stop.
- D. Whenever the situation allows, interrogations should be pre-planned and at all times, investigating deputies should have a clear understanding of the issues to be covered. This ordinarily includes an understanding of the evidence available, victim/witness accounts, offense elements, possible alibis and defenses, and applicable laws.

- E. Interrogations should, whenever possible, be conducted by two deputies. Prior to the interrogation each deputy should have a clear understanding of the respective roles each will perform. (For example, interrogator or note-taker.)
- F. Deputies are required to record their interviews regardless of whether the interrogation is conducted in the field or in government facility. Ideally this should involve a complete digital recording (audio and video) of the interrogation from beginning to end. If this is not possible, deputies must prepare a typed statement of the interview or obtain a written statement from the suspect and have it reviewed, acknowledged as accurate, and signed by the suspect.
- G. Under no circumstances are interrogating deputies allowed to utilize physical force or any physically inhumane or abusive coercion against a suspect to make him or her provide incriminating information. The use of physical force or employment of torture techniques or psychological coercion during an interrogation is unconstitutional.
- H. Deputies have no authority to offer promises of leniency or special consideration as inducements for admissions or cooperation.
- I. Information developed through interrogations and/or confessions should be corroborated to the fullest extent possible by information and evidence available through other investigative means.
- J. If there is more than one suspect, any incriminating statements or information supplied by one suspect against another must be independently substantiated.

**OPR 4-01-3                      INTERVIEWS AT HOSPITALS**

- A. Interviews should not interfere with medical treatment and should be conducted during normal visiting hours for those individuals admitted as patients.
  - 1. If the individual is being treated in a limited access area (I.C.U. - C.C.U.) arrangements will be made with the attending physician.
  - 2. Intrusions and interruptions will be held to a minimum.

**OPR 4-01-4                      INTERVIEWS WITH PRISONERS IN DETENTION FACILITIES**

- A. When deputies must interview prisoners who are serving sentences or being held on bond in detention facilities, they shall abide by the sheriff office policy regarding custodial interrogations. Additionally, deputies will abide by any additional policies required by the detention facility.
- B. Prisoners in detention facilities WILL NOT be moved to the Sheriff's Office for interrogation without a valid transport order from the court.

**OPR 4-02 GENERAL INVESTIGATIVE STEPS****POLICY:**

The Lea County Sheriff Office recognizes criminal investigations require a series of steps to determine the truth of the incident; determine if probable cause exists to believe a criminal event occurred, is occurring, or is about to occur; collect and evaluate evidence; and take enforcement action where warranted. Investigations share some steps that are commonly conducted but also require steps which are unique to the incident itself. It is not possible, nor prudent to mandate an all-inclusive sequence of steps for all investigations. Rather, deputies are directed to utilize their training, experience, knowledge of common best practices and common sense in conducting activities. This policy provides steps and sub-protocols describing basic investigative techniques or procedures which should be applied by deputies in their investigations when appropriate. This policy does not restrict deputies from utilizing or developing additional techniques provided these actions meet Constitutional, statutory and professional standards.

**OPR 4-02-1 PRELIMINARY INVESTIGATIONS**

- A. Deputies will determine the exact nature of the call and either conduct the investigation or complete a preliminary investigation, and call out an investigator to assume it if the case involves crimes normally investigated by CID.
- B. If a case is reassigned to a specialized unit, the primary deputy initially called to the scene still writes the initial offense/incident report.
- C. Upon approval by their immediate supervisor, deputies may be assigned temporarily to a specialized unit to assist in investigating a crime when they were the primary deputy. Once the investigation is completed or at the direction of their supervisor, the deputy will return to their previous duty assignment.
- D. Steps to be followed in conducting preliminary investigations include, but are not limited to:
  - 1. Observe all conditions, events, and remarks.
  - 2. Locate, identify, and interview witnesses, victims, and suspect(s).
  - 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected.
  - 4. Arrest or cite the offender, based upon probable cause.
  - 5. Report the incident fully and accurately.
- E. All deputies are encouraged to contact subject matter experts if they need assistance in conducting an investigation. An on-duty supervisor will be notified if the assistance includes calling a deputy or investigator out to assist.

**OPR 4-02-2 FOLLOW-UP INVESTIGATIONS**

- A. Follow up investigations remain assigned to the primary deputy based on the following:
  - 1. Specific guidelines established by policy and supervisory review.
  - 2. Solvability factors.
  - 3. Documented agency (or other agency) experience.
- B. Investigators are responsible for conducting follow up investigations on all cases assigned to them and for providing assistance to fellow deputies during their follow-up investigations.
- C. Steps to be followed in conducting follow up investigations include but are not limited to:
  - 1. Review and analyze all previous reports.
  - 2. Conduct additional interviews and interrogations when necessary.
  - 3. Review official records for intelligence.
  - 4. Seek additional information from deputies, informants, etc.
  - 5. Arrange for dissemination of information as appropriate.
  - 6. Plan, organize, and conduct searches.
  - 7. Collect physical evidence.
  - 8. Identify and apprehend the suspect(s), if warranted.
  - 9. Check criminal histories.
  - 10. Determine involvement of suspects in other crimes.
  - 11. Prepare cases for court presentations and assist in the prosecutions.
  - 12. Notify victims of the status of their case at least every two weeks until the case is suspended or closed, unless doing so would compromise the investigation.

**OPR 4-02-3 PHOTOGRAPHS**

- A. Photographs (digital stills and video) of Victims
  - 1. Permission from victims should be obtained before photographs are taken. If refusal occurs, it should be noted in the report.
- B. Photographs (digital stills and video) of Prisoners
  - 1. Permission is not required to photograph a prisoner. However, when a prisoner refuses to cooperate, pictures may be taken from a distance and the circumstances noted in the report.
- C. Photographs of Juveniles

1. Photographs of juveniles will be the same as for adults, except that a court order must be obtained to photograph juvenile offenders twelve years of age and under.
2. In all cases victims of child abuse may be photographed without the consent of their parents or guardian.
3. Photographs will be taken, if possible, when it will not interfere with the well-being of the child.

D. Photographs of Deceased Persons

1. Photographs of deceased persons may be taken at the investigating deputy's discretion.

**OPR 4-02-4                      LINEUPS, ONE-ON-ONE VIEWINGS, AND PHOTOGRAPHIC ARRAYS**

A. Lineups

1. Are conducted to obtain positive identification of a suspect in a crime. Normally, victims and/or witnesses will be allowed to view several persons in order to identify a suspect.
2. Lineups will not be held when:
  - a. A suspect is personally known to, recognized and narrowly described by the victim or witness.
  - b. A suspect has been arrested at the scene of a crime and in the presence of the victim or witnesses.
  - c. The victim or witnesses have apprehended the suspect.
3. Suspects in custody may not refuse to participate in a lineup. However, certain constitutional safeguards must be followed:
  - a. Suspects have the right to have an attorney present.
  - b. At least five persons will participate with the suspect in the lineup.
  - c. All participants should be of the same sex, similar physical description, and attire.
  - d. Each participant will be instructed in the lineup procedure.
  - e. Each participant will be assigned a numbered position which may be changed between lineups to assure a positive identification.
  - f. Participants will be asked to step forward by using their numbered position. They will each be asked to turn to offer profile and back views for victims or witnesses.
  - g. If verbal identification is necessary, each participant will be asked to say the same phrase.
  - h. If necessary, all participants may be asked to repeat some of the above steps.
4. If a suspect is not in custody, the suspect may participate voluntarily, by consent of

- the suspect's attorney, or by court order. In these cases, the suspect will be advised of his/her constitutional rights.
5. The suspect's attorney will be given at least a half day notice before conducting the lineup. If the suspect's attorney cannot attend and the lineup must be held because of hardship to victims or witnesses, efforts must be made to have an attorney present to protect the suspect's constitutional rights. Law enforcement personnel are authorized to request that the Public Defender attend the lineup if necessary.
  6. Attorneys viewing lineups may make comments or suggestions; however, the investigating deputy shall remain in charge. The attorney shall not interview victims or witnesses.
  7. Volunteers may be asked to participate in a lineup or inmates from the jail may be used to obtain the required number of participants. Under no circumstances will federal prisoners be used and the use of inmates charged with felonies will be avoided.
- B. One on One Viewings
1. When a deputy deems it necessary to conduct a one-on-one lineup in the field during an investigation, the following conditions should exist:
    - a. There must be a reported crime.
    - b. The description of the suspect given to law enforcement by victims and/or witnesses must significantly match that of the suspect being detained.
    - c. The suspect(s) must be found within a reasonable time and distance from the crime scene.
    - d. Identification of the suspect must be made within minutes of the crime; no longer than one hour.
    - e. The witness or victim will be taken to the location of the suspect(s) if the suspect is only being detained and asked if they see anyone matching the suspects. The suspect will not be taken back to the scene because once the suspect has been moved, the suspect might be considered under arrest. All efforts must be made to avoid the appearance of a law enforcement-suggested identification. For example avoid having the suspect in handcuffs in a patrol unit or standing alone with two deputies beside them if possible.
    - f. Situations where multiple witnesses are present, deputies will select the appropriate witness(es) to view the suspect based on credibility, degree of involvement, etc., to establish probable cause for making an arrest.
    - g. Exceptions must be approved by the assistant district attorney on call and will be documented in the report.

### C. Photographic Arrays

1. Any photographic array shown by any deputy will require a complete report containing the following information:
  - a. Name of person(s) to whom the array was shown.
  - b. Name of suspect.
  - c. Type of identification made (positive, negative, or tentative).
  - d. Name and photo numbers of other persons shown in the photographic array.
  - e. Use of at least five photos.
  - f. All photographs used in the photographic array will be of persons similar in appearance to the suspect.
2. In the event an identification is made, the deputy will ensure that each photograph is initialed by the person making the identification. The photograph that is identified should contain the date, time, and signature of the person identifying it.

### **OPR 4-02-5                      OBTAINING EVIDENCE AT SCENES**

- A. Evidence is usually seized in one of three ways:
  1. Consent – where an individual having control of an item intelligently, knowingly and voluntarily releases evidence to a deputy, such as during a properly executed consent search.
  2. Pursuant to a search warrant – where evidence is searched for and seized pursuant to a court order (See **ADM 5-04**).
  3. Evidence items located in public areas, not under the control of any person exercising 4<sup>th</sup> Amendment protection over the item – such as abandoned illegal narcotics found on a public roadway.
  4. Plain View – where a deputy seizes evidence which they observe and immediately recognize as evidence or contraband while lawfully present in an area protected by the 4th Amendment. This requires a three-prong test:
    - a. The deputy must already be lawfully present in an area protected by the 4th Amendment. In a house, that would mean that the deputy must have entered with a warrant, exigency or consent.
    - b. The item must be out in plain view, in other words, there is no necessity to move items or remove the item from a container or manipulate an item to determine what it is.
    - c. The deputy must immediately recognize the item as evidence or contraband without making a further intrusion.

- B. In conducting this step, deputies are urged to carefully consider which method is the most appropriate, rather than the most expedient. Our duty to protect the 4<sup>th</sup> Amendment right of persons against unreasonable search and seizure must remain in the deputy's mind.
- C. Physical evidence often requires specific techniques to recover or preserve. In situations where a deputy does not have the training and equipment to properly recover and preserve a piece of physical evidence, they will contact their supervisor, who will assist in locating an appropriate resource that can perform these functions.

**OPR 4-02-6                      OBTAINING BIOLOGICAL EVIDENCE FROM PERSONS AT MEDICAL FACILITIES**

- A. Blood, Urine, and Hair and Saliva Samples:
  - 1. Samples of these substances may be obtained with the victim's permission or a search warrant.
  - 2. Samples of these substances will be obtained from the suspect pursuant to a search warrant directed to both medical personnel and the suspect.
    - a. An exception to this procedure is present with a DWI investigation. If the suspect has been arrested, advised of the Implied Consent, agreed to take the deputy's test(s), and the deputy chooses a blood test, then the draw and evidence shall be retained and forwarded pursuant to DWI protocols (See **OPR 3-06**).
  - 3. The medical facility's on-call blood technician or a certified medical professional will collect all samples, which will then be turned over to the investigating deputy for tagging into evidence.
  - 4. Deputies may collect oral swabbings for DNA following the protocols provided on the collection device or pursuant to their training.
- B. Body Cavity Swabbings:
  - 1. Swabbing may be obtained by medical personnel with the victim's permission or a search warrant.
  - 2. Swabbings may be obtained by medical personnel from the suspect pursuant to a search warrant directed to both medical personnel and the suspect.
- C. Evidence Retained in the Body:
  - 1. A search warrant or court order must be obtained to retrieve evidence inside a person's body unless it is removed as a result of a medical procedure.
  - 2. Evidentiary items removed as a result of a medical procedure may be turned over to the investigating deputy, if present.
  - 3. Hospital personnel will be asked to notify an on-duty investigator to transfer items when the investigating deputy is not available.



D. Evidentiary Personal Property and Effects:

1. Prisoners' property for evidentiary purposes may be taken by deputies without the consent of the subject.
2. Victims' property should not be taken without consent, unless there is a high probability that evidence will be lost.
3. In all cases, property removed from the hospital will be inventoried and signed for by the deputy.

E. Medical Care and Evidence Collection for C.S.P. Victims:

1. Prior to referring or transporting victims of criminal sexual penetration to a hospital for care and evidence collection, deputies will have the Lea County Communication Authority contact the facility on contract with the County to determine if the victim can be treated there in a timely manner.
2. If the hospital is unable to treat the victim immediately or if the victim has a personal preference of a certain doctor, the victim will be transported to their office.

**OPR 4-02-7                      AUTHORITY OF THE OFFICE OF THE MEDICAL INVESTIGATOR**

- A. The Office of the Medical Investigator retains full authority over a decedant's body. They are responsible for the recovery of all medical evidence, blood samples, cavity swabbings, and personal effects on the body of deceased persons. Deputies will coordinate with the OMI to obtain evidence of this type.

**OPR 4-02-8                      UNLAWFUL TAKING OF A MOTOR VEHICLE (AUTO THEFTS)**

- A. Deputies taking initial auto theft reports verify license numbers and vehicle identification numbers (VIN) prior to submitting a written offense report. Verification can be made through Motor Vehicle Division checks. Out-of-state licenses and vehicle identification numbers can be verified by the National Crime Information Center (N.C.I.C) terminal communications specialist via teletype in exceptional cases. If information cannot be verified the report will be submitted with the reasons for lack of verification included in the narrative of the report.
- B. When the VIN has been obliterated or altered in any way, deputies should call an investigator for assistance.
- C. For NCIC entry, all auto thefts will be brought to the attention of the Lea County Communication Authority (LCCA) communications specialist as soon as the license and vehicle identification numbers have been verified. Deputies will note in their report the time this contact was made and the identity of the communications specialist to whom the auto theft information was given.
- D. When recovering a stolen vehicle and/or license plate, deputies note in their report the identity of the person who verified the vehicle or plate as being stolen. Deputies will

notify the Records Section and LCCA communications specialist of the recovery of a stolen vehicle and/or license plate and note in their report the identity of the communications specialist to whom the recovered property information was given to.

- E. The theft of motor vehicles in which the victim signs a waiver of prosecution will not be entered into N.C.I.C. A Theft Affidavit must be signed by the victim.
- F. Embezzled motor vehicles will only be entered into N.C.I.C. at the request of the investigating deputy with a notation in the N.C.I.C. entry to hold the vehicle and I.D. the subject only. When possible, a warrant should be obtained for the offender. When a warrant is obtained, a copy will be attached to the vehicle supplement requesting entry into N.C.I.C. A Theft Affidavit must be signed by the victim.
- G. Cases involving motor vehicles obtained through fraudulent means will follow the same guidelines as used for embezzled vehicles.

**OPR 4-02-9                      RECOVERING PROPERTY FROM PAWN SHOPS AND FLEA MARKETS, ETC**

- A. When patrol personnel have knowledge that property taken during the commission of a crime has been pawned/sold at a pawn shop, they should contact an investigator for recovery assistance.
- B. Investigators will issue citations to pawn brokers in violation of state statutes.

**OPR 4-02-10                      ARSON INVESTIGATIONS**

- A. In cases of arson or suspected arson, the office's certified arson investigator will be contacted and will have primary responsibility for the report. Responding deputies should:
  - 1. Contact the senior fire officer at the scene to determine why the fire is an arson/suspected arson and gather all pertinent information.
  - 2. Initiate the original offense report.
  - 3. Assist Fire Department personnel with securing and controlling the scene.
- B. The assigned deputy will conduct all follow-up investigations, with the assistance of the fire department and/or investigators.
- C. Each fire department is required to make a Federal Fire Incident Report on all fires. In the event a deputy is dispatched or discovers a fire and extinguishes it without assistance, the respective fire department must still be notified.

**OPR 4-03 CRIMINAL INVESTIGATION DETACHMENT PROTOCOLS****POLICY:**

This policy provides specific protocols that are followed by the Criminal Investigations Detachment, and explains the relationship between patrol resources and the CID in certain types of investigations. This policy does not restrict deputies from coordinating any investigation with CID when it serves the public good and the actions meet Constitutional, statutory and professional standards.

**OPR 4-03-1 INVESTIGATION OF VIOLENT CRIMES**

- A. Investigators assume responsibility for all death, criminal sexual penetration, or batteries resulting in grievous bodily injury upon their arrival.

**OPR 4-03-2 UNIFORMED RESPONSE TO CID INVESTIGATIONS**

- A. Deputies responding to calls that are within the CID's area of primary responsibility provide an initial response intended to preserve life and secure vital scenes and persons. They will:
  - 1. Render assistance to the injured.
  - 2. Determine jurisdiction and have the appropriate agency notified if the crime scene is outside the county limits.
  - 3. If the case is turned over to another agency, supply the agency with a list of all deputies who were at the scene.
  - 4. Ensure that a supervisor and investigator are dispatched to the scene.
  - 5. Request sufficient assistance to accomplish the assigned tasks.
  - 6. Identify and isolate victims, suspects, and witnesses.
  - 7. Not allow entry into the scene or contamination until the scene is turned over to the assigned investigator.
  - 8. Be responsible for the crime scene until relieved by the assigned investigator or appropriate outside agency.
  - 9. Write a supplementary report containing the names of all civilians and deputies regardless of rank, present at the scene and what tasks, if any, were assigned to them.
  - 10. Not leave the scene or transport anyone until directed to do so by a supervisor or investigator at the crime scene.

**OPR 4-03-3 UNIFORMED SUPERVISORY RESPONSE TO CID INVESTIGATIONS**

- A. Uniformed supervisors responding to calls that are within the CID's area of primary responsibility provide an initial response intended to manage resources and direct support activities as well as preserve life and secure vital scenes and persons. The dispatched patrol supervisor will:
1. Respond to all death investigations or investigations involving batteries resulting in grievous injury.
  2. Assign a sufficient number of deputies to ensure the security of the crime scene, and that victims, suspects, and witnesses are identified and isolated.
  3. Ensure personnel at the crime scene are limited to those necessary to the investigation, and that everyone assigned to the investigation, regardless of rank, submits a report.
  4. Assign personnel to canvas the area for witnesses.
  5. Coordinate with the investigator in charge of the scene and the investigation to provide necessary resources.
  6. Remain at the crime scene until relieved by the investigator, if they are called to the scene.
  7. Assist the OMI with notifying next of kin if requested.

**OPR 4-03-4 DEATH INVESTIGATIONS AND BATTERIES INVOLVING GRIEVOUS INJURY**

- A. The investigator will:
1. Have operational authority over the crime scene.
  2. Identify and secure the outer boundaries of the crime scene using necessary manpower.
  3. Be responsible for establishing a command post location.
  4. Photograph the crime scene, surrounding vehicles and persons and process it for evidence.
  5. Arrange for the proper analysis of evidence and processing of photographs.
  6. When further assistance is needed in processing the scene, investigators shall request it through the patrol supervisor.
  7. Ensure notification of the Office of the Medical Investigator and District Attorney.

**OPR 4-03-5 HOSPICE DEATHS**

- A. For all deaths while the deceased is under hospice care:
1. Sheriff Office personnel will respond only if the hospice OMI notifies the sheriff office the person's death appears suspicious or was unattended (did not occur as a result of

the diagnosed malady for which the person was enrolled in hospice).

**OPR 4-03-6                      ARMED ROBBERY**

- A. The investigator will:
  - 1. Have operational authority over the crime scene.
  - 2. Identify and secure the outer boundaries of the crime scene using necessary manpower.
  - 3. Photograph the crime scene, surrounding vehicles and persons and process it for evidence.
  - 4. Arrange for the proper analysis of evidence and processing of photographs.
  - 5. Be responsible for establishing a command post location.
  - 6. When further assistance is needed in processing the scene, investigators shall request it through patrol supervisor.
  - 7. The on-call investigator will be notified any time an armed robber offender/suspect is taken into custody.
  - 8. It is the responsibility of the patrol supervisor to ensure the proper notification of investigative personnel and that all deputies involved complete their reports and submit them in a timely manner.

**OPR 4-03-7                      CRIMINAL SEXUAL PENETRATION (CSP)**

- A. The investigator is responsible for the collection of all evidence and photographing injuries the victim may have received. This will be accomplished using a vetted sexual assault collection kit and the assistance of trained, certified medical personnel.
- B. Due to the sensitive nature of criminal sexual penetration cases and the specific questions asked of the victims in order to establish the elements of the crime, investigators obtain formal written statements from the victim and/or the offender. The only exception will be if the on-call investigator or unit supervisor is contacted, apprised of the circumstances, and approves that a statement be taken immediately.

**OPR 4-03-8                      CHILD ABUSE AND NEGLECT**

- A. Child abuse and neglect investigations will usually involve the use of a forensic interviewer specially trained to interview children. Investigators and deputies will refrain from interviewing children unless exigent circumstances demand they be interviewed (such an immediate abduction of a second child where only the first child has descriptors on the suspect). Should this occur, the interview will be confined only to the critical information needed.
- B. Nothing in this policy restricts a uniformed deputy from taking protective custody of a child upon their initial response to a scene when circumstances warrant.

- C. Before making an arrest for child abuse, deputies or investigators should consider the safety and protection of the child. If the child can be removed from the environment it is preferred that a complete investigation be conducted prior to an arrest. Investigators should consider:
  - 1. Whether the child is safe from the offender.
  - 2. Whether the offender is a flight risk.
  - 3. Whether the case can be fully investigated before it is presented to Assistant District Attorney (ADA).
- B. All arrest warrants, search warrants, and court complaints should be reviewed by the ADA to see if they require additional information to effectively prosecute the case.
- C. Domestic abuse
  - 1. Children have the same rights as adults and are granted the same protection as an adult under the Family Violence Protection Act. When children are present, their welfare should be determined.
  - 2. If domestic abuse against a child is determined to be a felony, an investigator will handle the investigation.

**OPR 4-03-9                      FORCED ENTRY SEARCH WARRANTS AND CLANDESTINE LABORATORIES**

- A. If children are present at a scene where forced entry is necessary and weapons may be drawn or where a clandestine drug lab is found, child abuse charges against the parents/guardians of those children may be justified.
  - 1. In cases where child abuse charges are clearly justified, those charges will be filed at the time of the incident and will be fully documented in the crime report.
  - 2. In cases where the possibility of child abuse exists, either due to a "lab" situation or as a result of action the law enforcement where forced to take, the investigator will conduct a complete investigation and take appropriate actions based on probable cause and these policies.

# Chapter 5: Emergency Response and SWAT

This section contains protocols guiding our response to incidents that are considered to have an elevated level of danger associated with them. These situations may be natural or manmade and often involve working with other emergency agencies. In this section, you will find:

- ✓ Procedures for guiding the public to emergency medical and shelter services.
- ✓ Bomb threat protocols.
- ✓ Protocols for responding to hostage, barricaded subject and active shooter incidents.
- ✓ Detention Center Disturbances.
- ✓ Hazardous material response protocols.
- ✓ Grass and structure fire protocols.
- ✓ Riot protocols and guidance for deploying chemical munitions.
- ✓ Our SWAT Team protocols and standards.

**Employee Notes:**

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**OPR 5-01 EMERGENCY MEDICAL AND SHELTER SERVICES****POLICY:**

Lea County Sheriff Office policy is to assist citizens in need of emergency medical aid and/or emergency shelter.

**OPR 5-01-1 EMERGENCY AID**

- A. In emergency medical situations, sheriff office personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and prevent further harm based on each deputy's training and abilities.
  - 1. To administer first aid, the employee must be qualified by completing an approved First Aid Course.
  - 2. To administer Cardiopulmonary Resuscitation (C.P.R.), the employee must have been C.P.R. trained and qualified. Employees should don protective such as gloves and utilize a breathing barrier (such as a CPR mask) if one is available.

**OPR 5-01-2 SERIOUS INJURIES**

- A. In cases of apparent overdose, alcohol poisoning, serious injury, illness, or suspected death, personnel shall immediately request an ambulance. Transportation of victims will be provided by sheriff office personnel only in extreme emergencies.

**OPR 5-01-3 COMMUNICABLE DISEASES**

- A. It is possible that in the course of their duties, personnel will come into physical contact with individuals infected with communicable diseases.
- B. These diseases include, but are not limited to:
  - 1. Hepatitis B & Hepatitis C.
  - 2. Acquired Immune Deficiency Syndrome (A.I.D.S.)
  - 3. Tuberculosis.
  - 4. Diphtheria, and certain venereal diseases.
- C. Personnel contacting individuals suspected of being infected with any communicable disease should take the following precautions:
  - 1. Wear surgical gloves if there is a possibility of contamination from body fluids, especially blood.
  - 2. Wash hands as soon after contact as possible.
  - 3. Clean and disinfect contaminated skin, clothing, and equipment as soon as possible with 1 to 9 chlorine bleach solution.
- D. If there is a possibility that body fluids from an infected individual have penetrated the skin of an employee, a supervisor should be notified at once.



1. Include detailed information regarding the contact in the incident/accident report.
2. If the call would not normally require a report, write an offense report documenting the incident.
3. Supervisors shall complete a "Supervisor's Injury Report" and forward it to the Sheriff through the chain of command.
4. Instructions for treatment shall be issued from the office of the Sheriff.

**OPR 5-01-4                    AREA HOSPITALS AND TREATMENT CENTERS**

- A. Lea Regional Hospital, Lovington Highway, Hobbs.
- B. American Medical Group, 2410 N. Fowler, Hobbs.
- C. Industrial Medicine, 1920 N. Dal Paso, Hobbs.
- D. Nor-Lea General Hospital, 1600 N. Main, Lovington.
- E. Tatum Medical Clinic, Tatum, NM.
- F. Eunice Medical Clinic, 1109 Main, Eunice, NM.

**OPR 5-01-5                    EMERGENCY SHELTER SERVICES**

- A. From November 1st through March 31st of each year and at any other time when weather conditions present a threat to the health or life of citizens without shelter, deputies will adhere to the following procedures:
  1. Comatose or unconscious person contact EMS.
  2. When a citizen appears to be extremely intoxicated or clearly unable to provide for his/her own safety, the person will be placed into protective custody as provided in this manual and transported to the appropriate facility.
  3. If no medical emergency exists, deputies will contact their immediate supervisor. The supervisor will attempt to locate shelter for the person.
- B. In the case of a major natural or man-made disaster, deputies will adhere to protocols or directives enacted by a unified command structure if such is created, provided the Sheriff is in agreement with the protocols. This may include guiding persons to temporary shelters such as a stadium, the event center or other large facility.

**OPR 5-02 BOMB THREATS AND BOMB EMERGENCIES****POLICY:**

Lea County Sheriff Office policy is to provide for the safety of personnel and citizens in the response, deployment, and handling of bomb threat/emergency situations.

**OPR 5-02-1 BOMB THREAT CONDITION**

- A. A bomb threat condition will exist when a suspected bomb/explosive device has been reported but not located.

**OPR 5-02-2 BOMB EMERGENCY CONDITION**

- A. A bomb emergency will exist when a suspected or actual improvised explosive device (IED) or ordinance has been located or when an explosion occurs.

**OPR 5-02-3 BOMB THREAT PROTOCOL**

- A. Employees receiving a phone call of a bomb threat will:
  - 1. Keep the reporting party on the line and determine, if possible, the reason for suspicion that an explosive device may be present.
  - 2. Notify Lea County Communication Authority (LCCA) through a second employee, etc of the threat and pass on as much information as possible.
- B. Lea County Communication Authority personnel will:
  - 1. Dispatch a field unit immediately.
  - 2. Notify the field supervisor of the situation.
  - 3. Notify the correct Fire Department and provide deployment instructions as directed by the dispatched deputy or field supervisor.
- C. Dispatched Deputies Responsibilities
  - 1. All responding units cease voice and radio transmissions within at least a four block radius of the suspected device.
  - 2. Make contact with the person in charge of the premises and the person who reported the threat. Make inquiries quietly and avoid reference to a "bomb threat" until actually dealing with parties who can provide direct evidence of the case.
  - 3. The responding deputy should ask, but not be limited to the following questions:
    - a. Have previous threats been received and the outcome of those threats.
    - b. Possible motives.
    - c. Vulnerabilities of equipment and/or personnel.
    - d. Any other questions 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 will be established with LCCA and subsequent notification of the field supervisor will be made.
  5. Advise the dispatcher regarding deployment of fire/rescue equipment.
  6. The decision to search a public building or area rests with the deputy in charge. Permission is required to search a private residence or business.
  7. The dispatched deputy will be responsible for preparing the offense/incident report.
  8. The decision to evacuate a building or area rests with the person in charge of the building or area, NOT the deputy, unless an explosive device is found, then the deputy will handle the situation as a crime scene and require an orderly evacuation, if necessary.
- D. A plan should be developed before a search is initiated. The areas to be searched and the extent of the search will depend on:
1. The type of establishment.
  2. The motivation of the bomber.
  3. The accessibility of the building.
- E. A floor plan should be obtained and search areas assigned. A floor plan should be drafted if one is not available.
- F. An attempt should be made to utilize personnel familiar with the areas to be searched when assigning searchers.
1. Persons involved in the search will be advised not to pick up, touch, or move any object found which is not familiar to them.
  2. Upon finding a suspect item which may be or may contain an explosive device, confirm that it does not belong in the area.
- G. Where a search fails to turn up any explosive devices, deputies will state only that a device was not found. They will not make statements to the effect that there are no devices present, or that the area is "all clear."
- H. The search will be discontinued when:
1. Requested to do so by the owner of the premises or the owner's designee.
  2. Directed by a supervisor.
  3. Directed by Explosive Ordnance Disposal (EOD) personnel.
  4. The deputy is satisfied that the probability of finding a device by further search is minimal.
- I. Deputies will not discourage the person in charge of the premises from continuing with a

search after the deputy's departure.

**OPR 5-02-4 BOMB EMERGENCY PROTOCOL**

- A. When a call is received by personnel regarding a suspected bomb/explosive device or military ordnance which has been found, the person receiving the call will attempt to obtain information regarding:
  - 1. Description or type of device.
  - 2. Location of device.
  - 3. Quantity and characteristics of device.
- B. The person receiving the call will notify LCCA regarding the call and information obtained.
- C. Dispatched deputies/supervisor's responsibilities:
  - 1. All responding units will cease voice and radio transmissions within at least a four (4) block radius of the suspected or known device. All communication will be conducted by telephone.
  - 2. The dispatched deputy will ensure evacuation of all occupants from the immediate area (300 feet or more) and attempt to view the area of the explosive device from a location that provides maximum protection.
  - 3. Field deputies will be responsible for perimeter security in the immediate area surrounding a known or suspect device.
  - 4. The field supervisor shall take appropriate action for call out of properly trained personnel.
  - 5. Under no circumstances will a deputy other than properly trained personnel push, touch, pick up, or in any way handle a suspected or known explosive device.
  - 6. When a suspected device is located, the dispatched deputy will be responsible for obtaining complete preliminary information (witness, calling party, and persons present, information, etc.), and relaying this information to properly trained personnel as soon as possible.
  - 7. In all cases where properly trained personnel respond to the scene of a known or suspected explosive device and have been briefed, the responsibility for containment, control, and/or removal of the device from the area is fully with properly trained personnel.
  - 8. Deputies are cautioned the presence of one device, whether it detonates or not, may be a ruse intended to draw more personnel into the blast zone of a second IED. Minimize the amount of personnel exposed at all times.
  - 9. Fire Department personnel will not be permitted within the cordoned off area unless the device detonated and causes fire or injury to personnel.
    - a. If the detonation causes a fire or injury, Fire Department Personnel shall be

allowed to enter the area.

- b. The deputy or supervisor at the scene will advise the dispatcher of the desired route Fire Department personnel and equipment should use.
- c. Fire Department personnel will be advised that the possibility exists of a secondary explosive device, and caution should be used when entering the area.
- d. The Fire Department will have primary responsibility in the event a fire occurs or emergency medical treatment is required.
- e. Bomb disposal and investigation remain the primary responsibility of the sheriff office.

**OPR 5-02-5                      DELIVERED IMPROVISED EXPLOSIVES OR EXPLOSIVE ORDNANCE**

- A. When an explosive device, or military explosive ordnance is delivered to the sheriff office, any substation, or other county facility, deputies (if present) will:
  1. Attempt to detain the person who delivered the item.
  2. Follow the bomb emergency protocol.

**OPR 5-02-6                      DELIVERED OR REPORTED MINING OR PETROLEUM EXPLORATION EXPLOSIVES**

- A. When an individual or company locates mining explosives or delivers such items (such as blasting caps) to the sheriff office because they were found unattended, responding deputies will:
  1. Initially secure a 300 foot cordon around the device.
  2. Contact a subject matter expert from local industry and coordinate a safe response for securing and disposing of the item.

**OPR 5-02-7                      DETONATED DEVICES**

- A. When an IED or explosive ordnance explodes LCCA should:
  1. Dispatch a field unit to the location. An attempt will be made to keep the reporting party on the phone while deputies are responding. Dispatched units will be constantly updated on incoming information.
  2. Notify the field supervisor of the call and situation.
  3. Attempt to obtain as much information as possible from the reporting party concerning the location of the explosion, injuries, and/or fire.
  4. Notify ambulance and the Fire Department for response.
  5. Notify properly trained personnel to respond.
- B. Dispatched deputy(s) will:
  1. Be responsible for establishing a security perimeter in the immediate area surrounding the explosion.

**OPR 5-02-8                      CALL OUT CRITERIA FOR IMPROVISES EXPLOSIVE DEVICE TRAINED PERSONNEL**

- A. IED Personnel will respond:
  - 1. When a suspected or actual explosive device has been located or when assistance is needed in conducting a search with a high probability of a device existing.
  - 2. When detonation of an explosive device has occurred (post blast).
  - 3. When military ordnance has been found and response of military EOD becomes impractical, due to travel distance or response time.
  - 4. When out-of-town requests have been approved by the Sheriff.
- B. Upon their arrival, IED trained personnel will:
  - 1. Ensure that a safe perimeter has been initiated and maintained away from the explosive device.
  - 2. Allow only IED/EOD personnel within the perimeter area.
  - 3. Ensure that only IED/EOD personnel approach, handle, or render safe any explosive device or material.
  - 4. Utilize field personnel in support of the operation for:
    - a. Perimeter security.
    - b. Traffic control.
    - c. Escort of bomb disposal.
    - d. Advise personnel at the scene of developments in the operation in as timely a manner as possible.

**OPR 5-03 HOSTAGE OR BARRICADED SUBJECT AND ACTIVE ASSAILANT SITUATIONS****POLICY:**

In hostage, barricaded subject, and active assailant situations, it is Lea County Sheriff Office policy to protect citizens and deputies, arrest the subjects involved with the minimal amount of danger the situation allows, and secure and collect evidence relevant to the incident. It is policy to balance its response with the needs of public safety. This policy provides guidelines for sworn personnel who respond to situations involving stationary and mobile hostage situations, barricaded persons, and stationary or mobile active assailant.

**OPR 5-03-1 RESPONSE PROTOCOLS FOR BARRICADED SUBJECTS AND STATIONARY HOSTAGE SITUATIONS****A. Deputy Duties and Responsibilities**

1. Notify a supervisor and Lea County Communication Authority (LCCA) Communications specialists as soon as possible.
2. Request immediate assistance.
3. Set up a containment perimeter, to exclude all pedestrian and vehicular traffic.
4. Maintain radio contact.
5. If deemed necessary, evacuate citizens from within the perimeter.
6. If necessary, begin negotiations with the suspect(s).
7. Deputies shall not:
  - a. Take any unnecessary action until a supervisor arrives.
  - b. Exchange themselves for hostages or surrender their weapons.
8. Deputies should not:
  - a. Conduct face to face negotiations.
  - b. Allow the offender(s) to leave the area with hostages, except under the most extreme circumstances. If there is a possibility that the offender(s) can leave the area, preparations will be made to provide surveillance and access to travel routes.

**B. Supervisor Duties and Responsibilities**

1. Direct sufficient manpower to handle the call.
2. Set up a command post in an appropriate area.
3. Contact the Sheriff and the Undersheriff.
4. Retain command until the arrival of the Sheriff or Undersheriff.



5. Ensure that units maintain an outer perimeter.
6. If outside agencies are involved, ensure that proper communications are established and maintained.
7. Designate a news media area and assign a news media liaison.
8. Obtain information at the scene as soon as possible, including:
  - a. Determining what has occurred.
  - b. Who called, numbers and description of those involved, and time of occurrence.
  - c. History of subject(s) and hostage(s).
  - d. What weapons if any, are involved.
  - e. Whether witnesses have been identified and interviewed.
  - f. Floor plans of any buildings involved.
9. If the decision is made by the Sheriff or designee to deploy the Lea County Sheriff's SWAT Team, or any other specially trained unit outside the sheriff office, the scene command will be turned over to the special team commander upon their arrival. Scene activities will then progress under protocols governing the team.
10. The supervisor will remain responsible for maintaining the integrity of the outer perimeter.
11. Remain at the scene for the duration of the incident, assisting the special team scene commander unless relieved.

#### **OPR 5-03-2 RESPONSE PROTOCOLS FOR MOBILE HOSTAGE SITUATIONS**

##### **A. Deputy Duties and Responsibilities**

1. Notify a supervisor and Lea County Communication Authority (LCCA) Communications specialists as soon as possible.
2. Request immediate assistance.
3. Move with, and maintain surveillance on the suspect and hostage, while attempting to deny the hostage taker access to areas that could allow them to seize additional hostages.
4. As assisting units arrive, block means of escape or continued movement while avoiding direct confrontation unless the hostage taker initiates actions requiring a use of force response from deputies. Create a stationary situation you can.
5. Maintain radio contact.
6. Evacuate citizens from the area in which the hostage taker is moving as opportunity allows.
7. If necessary, begin negotiations with the suspect(s).

8. Deputies shall not:
  - a. Take any unnecessary action until a supervisor arrives.
  - b. Exchange themselves for hostages or surrender their weapons.
9. Deputies should not conduct negotiations without cover.
- B. Supervisor Duties and Responsibilities
  1. Direct sufficient manpower to handle the call.
  2. Set up a command post in an appropriate area.
  3. Contact the Sheriff and the Undersheriff.
  4. Retain command until the arrival of the Sheriff or Undersheriff.
  5. Ensure that units create and maintain an outer perimeter.
  6. Direct responding units in creating a containment area, restricting and eventually stopping their movement with the hostage, and denying them access to additional hostages.
  7. If outside agencies are involved, ensure that proper communications are established and maintained.
  8. Designate a news media area and assign a news media liaison.
  9. Obtain information at the scene as soon as possible, including:
    - a. Determining what has occurred.
    - b. Who called, numbers and description of those involved, and time of occurrence.
    - c. History of subject(s) and hostage(s).
    - d. What weapons if any, are involved.
    - e. Whether witnesses have been identified and interviewed.
    - f. Floor plans of any buildings involved.
  10. If the decision is made by the Sheriff or designee to deploy the Lea County Sheriff's SWAT Team, or any other specially trained unit outside the sheriff office, the scene command will be turned over to the special team commander upon their arrival. Scene activities will then progress under protocols governing the team.
  10. The supervisor will remain responsible for maintaining the integrity of the outer perimeter.
  11. Remain at the scene for the duration of the incident, assisting the special team scene commander unless relieved.

**OPR 5-03-3                      RESPONSE PROTOCOLS FOR ACTIVE ASSAILANT**

- A. Characteristics: The following is a list of characteristics commonly associated with active assailant suspects. The list is compiled from descriptions of past active assailants and not meant to be a comprehensive list describing all active assailants; each situation is unique.
1. Active assailants usually focus on attacking persons they have contact with.
  2. An active assailant is likely to attack multiple targets. Active assailants may be intent on killing a number of people as quickly as possible.
  3. Generally, the first indication of the presence of an active assailant is when he or she begins attacking.
  4. Active assailants often go to locations where potential victims are close at hand, such as schools, theaters, concerts or shopping malls. They may choose a stationary position or remain mobile. In either case, they attack multiple targets.
  5. Tactics such as containment and negotiation, normally associated with a barricaded suspect are rarely adequate in active gunman events. Active assailants typically continue or even intensify their attack despite the arrival of emergency responders.
  6. Active assailants are often better armed than the police, sometimes making use of explosives, booby traps and body armor. They do not limit themselves to firearms when attacking, they may transition between bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
  7. Active assailants may have a planned attack and be prepared for a sustained confrontation with deputies. Often, active assailants don't make attempts to hide their identity, conceal the commission of their attacks or escape.
  8. Active assailants may employ some type of diversion.
  9. Active assailants may be indiscriminate in their violence or they may seek specific victims based on characteristics relevant to them.
  10. Active assailants may be suicidal, choosing to die in the course of their actions either at the hand of others or by self-inflicted wound.
  11. Active assailants usually have some degree of familiarity with the building or location they choose to occupy.
  12. Active gunman events are dynamic and may go in and out of an "active" status; a static incident may turn into an active gunman event or an active gunman may go "inactive" by going to a barricaded status without access to victims.
- B. Deputy Duties and Responsibilities – The goal for responding deputies is to save lives and prevent serious injuries by denying the gunman access to additional victims, rescuing injured victims and/or rescuing potential victims.

1. The initial deputy must take charge of the active gunman incident upon arrival. Assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both Lea County Communication Authority (LCCA) communications specialists and other deputies, who is in charge. A deputy of superior rank who arrives or is on scene and fully briefed may ultimately assume incident command. LCCA and other deputies on scene must be notified if there is a change in incident command.
2. The first deputy to arrive makes a situation analysis. The analysis will be continuous, taking into account new information from LCCA and observations from deputies and citizens. The analysis must lead to a decision as to whether the situation is an active gunman event, whether an opportunity exists for immediate intervention leading to accomplishment of one of the goals listed above, and how responding resources should be employed at the scene.
3. Deputies will not act without planning or controls. The first deputy arriving on scene will initiate incident command. They will initiate the situation analysis and determine initial deployment of responding resources. At least one person possessing all available information on tactical plans will remain at the command post to brief arriving personnel. Command personnel en route to the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Command personnel must be on scene and fully briefed before assuming incident command.
4. The Sheriff and command staff support the concept of first responder tactical intervention. Because traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and Crisis Negotiators may not be adequate in an active gunman incident. The first deputy on scene will need to consider the following:
  - a. *Rescue/Contact Team*: First responder intervention will be based on opportunity. Rescue teams will be in the form of deputies with an identified element leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the element leader.
  - b. *Containment*: Dedicated security elements should always be a component of intervention teams. Individual action is discouraged, as it is usually counterproductive to a coordinated, focused response to an active gunman event unless lack of timely resources forces this approach.
  - c. *Security*: No location associated with an active gunman will be considered secure until the SWAT commander declares it is so. Deputies assigned to security functions will maintain positions until properly relieved.
5. Special Weapons and Tactics (SWAT): When SWAT units are prepared to deploy, the initial responding officers may be relieved or redeployed by SWAT.

**OPR 5-03-4                      GENERAL CONSIDERATIONS**

- A. When hostages are present, their safety takes precedence over the time of the deputies deployed and the inconvenience to the community.
- B. If negotiations are moving in a positive direction and the persons are not deemed to be in immediate danger, negotiations should continue.
- C. The amount of force necessary to ensure the safety of hostages or targets is authorized when negotiations are moving in a negative direction and the lives of the hostages seem to be in peril. Or the gunman is actively engaging targets.
  - 1. The scene commander may authorize a sniper assault or hostage rescue operation.
  - 2. The scene commander will consult with the Sheriff, or designee, prior to initiating a sniper assault or rescue operation, unless exigent circumstances require an immediate response.
- D. Barricaded subjects/active assailants will be given time to surrender if they indicate desire to do so unless they take actions to re-engage or continue attacking hostages or persons.

**OPR 5-04 LEA COUNTY DETENTION CELL EXTRACTIONS AND FACILITY DISTURBANCES****POLICY:**

Lea County Sheriff Office policy is to assist with cell extractions and major disturbances occurring within the Lea County Detention Facility, if requested. This policy provides guidelines for the use of sheriff office personnel trained in cell entry team and extraction protocols as well as the general deployment of deputies to a facility disturbance. The primary objective is to resolve high risk situations with a minimum amount of force, personal injury and property damage.

**OPR 5-04-1 MOBILIZATION OF CELL ENTRY TEAM**

- A. The CET may be activated to respond to any situation where prisoners cannot be managed or contained by the regular staff of the Detention Facility, for use on high risk transports, high risk/high profile court trials and to track and retake escapees from the Lea County Detention Facility.
  - 1. The safety of sworn personnel and prisoners should be paramount in the decision to activate the team. Consideration should be given regarding the need for specialized personnel and/or equipment to handle the situation.
  - 2. In situations regarding hostage or barricaded prisoner(s), the Detention Administration shall encourage isolation, containment and negotiation. If hostage(s) have not been harmed and there is no immediate threat to them, or if the barricaded prisoner is alone, negotiation is the safest option. The prisoner will be allowed to communicate only with the designated negotiator; no communications with family, friends, clergy, attorneys or news media will be allowed, unless authorized by the Detention Administrator.
- B. When the Detention Administrator or their designee determines the situation requires tactical assistance, they will contact the CET Commander or designee, and brief them on the situation. This may be accomplished through the Lea County Communication Authority (LCCA).
  - 1. The CET Commander may direct the communications center to deploy CET and to make the appropriate staff notifications.
  - 2. Under extreme emergency conditions, any supervisor or acting supervisor may activate the CET without prior approval. Prisoners with weapons, hostages, or deaths inflicted by inmates are examples of extreme conditions. CET Commander, Sheriff, or Undersheriff will be notified as soon as possible.
  - 3. The supervisor may request emergency personnel (ambulance, fire, etc.) respond to standby in a secure area.

4. The Detention supervisor will ensure that manpower is sufficient to handle areas not involved in the emergency situation. If necessary, they may call out additional personnel.
  5. CET services are available to other law enforcement or detention agencies upon approval of the Sheriff.
- C. Cell Extraction Team members can be activated during any 24 hour period and may be required to respond to emergency situations during non-duty hours. Adequate team staffing must be continually maintained.
1. When leaving town, team member(s) will contact the communications center and leave a departure time and estimated return time, along with a phone number if available. This information will be logged by the communications specialist in the call-out book.
  2. When leaving town for a period of more than 24 hours, team member(s) will notify the CET commander or his designee.
  3. When contact is made with each team member, they should be advised whether this is a real or mock call-out, unless otherwise instructed. This enables them to determine how they respond. If it is a real call-out they should be advised of the nature of the call-out.

#### **OPR 5-04-2                      TACTICAL SITUATION PROCEDURES**

- A. Once a supervisor has determined that CET will be activated, the supervisor should:
1. Attempt to insure that the scene is secure.
  2. If necessary, begin evacuation of adjacent cells. This will be done with the utmost safety for prisoners and deputies/detention officers.
    - a. The removal of injured persons within the immediate situation area may be a tactical problem requiring evacuation procedures performed by CET rather than detention personnel.
  3. Maintain command until CET commander can be briefed and assumes responsibility of the scene.
  4. Keep CET commander informed of any changes in the situation.
- B. Once the CET commander arrives at the scene, he assumes responsibility of the tactical situation. The CET commander will coordinate all team activities and make assignments.
- C. Team members will keep the CET commander informed of any changes in the situation as it develops.
- D. At the conclusion of an incident, individual members of the CET will complete the appropriate reports detailing their involvement in the incident.
- E. A debriefing with all team members will be conducted at the conclusion of the incident.

**OPR 5-04-3                    CONTROL OF JAIL DISTURBANCES**

- A. Lea County Detention Facility command staff have control of major disturbances occurring within the County Detention Facility as follows:
  - 1. The LCCA will be notified of the disturbance by detention personnel on duty.
  - 2. LCCA will notify the on-duty supervisor, the CET commander, the Support Division Captain and the Sheriff.
  - 3. Communications will dispatch field units as requested by Detention personnel or Division Captain.
  - 4. The supervisor will contact the Detention personnel in charge and determine the magnitude of the disturbance.
  - 5. The supervisor will assist LCDF personnel as requested.

**OPR 5-04-4                    MAJOR DISTURBANCE OR HOSTAGE SITUATION**

- A. Should a major disturbance or hostage situation occur within the jail facility, the sheriff office will respond as follows:
  - 1. LCCA will notify the Support Division Captain, the CET commander and the Sheriff in addition to dispatching additional deputies and a field supervisor.
  - 2. If the sheriff office's Cell Entry Team is activated, the team's commander will assume tactical command of the situation.
  - 3. The Lovington Police Department shall be responsible for all investigations and reporting requirements and shall serve as the lead agency on all disturbances.



**OPR 5-05 HAZARDOUS MATERIAL INCIDENT RESPONSE****Policy:**

Lea County Sheriff Office policy is to assist at hazardous material incidents and provide a maximum amount of safety to deputies and citizens. This policy provides guidelines for deputies to use when responding to a hazardous incident or material spill.

**OPR 5-05-1 INITIAL RESPONSE****A. Duties of Dispatched Deputy**

1. From a safe distance, assess the situation by observing Hazardous Material Placards, reviewing shipping papers, interviewing drivers/victims, and make an on-scene evaluation.
2. When a hazardous condition exists, contact the State Police district dispatcher and the appropriate Fire Department.
3. Establish a safe perimeter around the accident/incident scene using additional units as necessary for traffic/crowd control.
4. Notify the field supervisor of the situation.
5. Assist the New Mexico State Police or the Motor Transport Division Police to conduct the appropriate investigation when it is safe to do so.

**B. Duties of Field Supervisor:**

1. Confer with appropriate Fire Department and State Police personnel regarding evacuation of the area.
2. Notify the division commander and sheriff office public information officer (PIO).
3. Meet with the on-scene Fire Chief. The chief will advise on the type of hazard and what support the Sheriff's Office can provide.
4. Ensure the establishment of a safe outer perimeter.
5. Notify Lea County Communication Authority (LCCA) to contact a representative of the Office of Emergency Preparedness.

**OPR 5-05-2 CONTAMINATED AREAS**

- A. Fire department personnel may define a specific area around a hazardous material incident as being contaminated. Deputies are cautioned to remain outside this contaminated area whenever possible.
- B. Field supervisors are responsible for ensuring that involvement of law enforcement personnel within a contaminated area is minimized. When possible, vehicles and equipment will be kept outside the contaminated area. When it is necessary to enter this area, car pooling should be considered as well as removal of all unnecessary uniform and

leather items. When possible, protective clothing provided by the fire department should be used.

**OPR 5-05-3                      CLEAN-UP AND EVACUATION**

- A. The State Police and Fire Department(s) will have primary responsibility for hazardous material clean up and evacuation operation which will be directed from on-scene command posts they establish. Law enforcement assistance will be rendered under the following conditions only:
  - 1. When specialized training is provided to deputies by personnel at the scene, as needed.
  - 2. When specialized equipment is provided to deputies such as breathing apparatus, masks, acid suits, etc.
- B. Should the State Police or Fire Department decide to evacuate an area, they will decide the boundaries of the area to be evacuated and the time available as needed for the evacuation.
- C. The supervisor will decide on door-to-door contact or the use of the public address systems in patrol cars to inform citizens on evacuation, based on time limits, available manpower, and size of area to be evacuated.
- D. The field supervisor will select an area such as a parking lot near a major intersection outside the hazard area and direct all citizens to that point.
- E. A deputy will be assigned to remain with the citizens until the emergency is over.
- F. If the emergency situation is prolonged, the supervisor will have LCCA advise the Office of Emergency Preparedness representative so that necessary arrangements can be made to transport the evacuees to shelters.

**OPR 5-05-4                      PICKUP OR DISPOSAL OF HAZARDOUS WASTE MATERIAL**

- A. When deputies come in contact with hazardous waste material (e.g., chemicals and solvents) that do not pose an immediate health hazard, the citizen will be instructed to contact the Environmental Protection Agency (E.P.A.) Small Business Ombudsman hot line at 1-800-368-5888 as provided for in the Resource Conservation and Recovery Act.)

**OPR 5-05-5                      Hazardous Materials as Evidence**

- A. If any hazardous materials are needed for evidence, the deputy shall contact the State Police Crime Laboratory for instruction and assistance in the proper handling and packaging for storage.
- B. Before tagging such items into Evidence, deputies should coordinate with the evidence technician to develop a safe storage.

**OPR 5-06 CHEMICAL AGENTS IN RIOT CONDITIONS****POLICY:**

Chemical agent munitions are used only when necessary to safely disperse disruptive crowds and to control violent individuals.

**OPR 5-06-1 USE OF CHEMICAL AGENT MUNITIONS IN BUILDINGS**

- A. Command personnel may authorize the use of chemical agents inside a building when absolutely necessary.
- B. Certain munitions can start a fire when used inside a building. For this reason, the fire department will be asked to station a fire truck at a nearby predetermined, safe location.

**OPR 5-06-2 SUPERVISORY RESPONSIBILITIES**

- A. When chemical agents are deployed to control a situation, the supervisor in charge will ensure that a physical and identifiable means of escape or exit is afforded the crowd prior to disbursing the agent.
- B. The supervisor will make sure a report is completed on the event and that Use of Force standards for deployment and documentation are followed by all deputies involved.
- C. The supervisor will complete an inventory of the munitions and provide this report to the Division Captain.
- D. If all chemical agents are exhausted during an emergency situation, the armorer will provide immediate access to the reserve supply, upon a command directive.

**OPR 5-07 FIRES****POLICY:**

It is the policy of the Lea County Sheriff's Office to take every precaution to protect life and property with emphasis on the protection and preservation of human life. It is also the responsibility of the sheriff office to provide maximum safety for firefighters, equipment and other resources and provide safe egress and ingress into secured areas, as determined by the fire officials. It is the intent of this policy that the authority necessary to effectively respond to a fire, explosion, hazardous material emergency, or other emergency, whenever it may occur in Lea County, be expressly conferred upon Fire Officials responding so that the primacy of their authority is clear to the public and the courts.

**OPR 5-07-1 DUTIES OF RESPONDING DEPUTIES**

- A. Notify a Division Captain, the public information officer, and the Undersheriff as necessary.
- B. If a deputy arrives at the scene of a fire prior to the fire-fighting equipment, the deputy will first assess the situation and determine if any person(s) is in immediate danger.
- C. Deputies will take any appropriate action, which can be safely accomplished, to remove individual(s) to safety.
- D. Deputies will gather as much pertinent information as possible, including: location, size, direction and speed of movement, any potentially threatened persons, structures, domestic animals or livestock. The information will be relayed as quickly as possible to the responding fire officials.

**OPR 5-07-2 ESTABLISHING SAFE PERIMETERS**

- A. Once fire officials are on scene, or if they are on scene prior to a deputy's arrival, the deputy will confirm the identity of the incident commander. All activities will be coordinated through the incident commander who will assist in determining the necessity and locations for fire line barriers, fire lanes and perimeters.
- B. Deputies will confer with appropriate fire department personnel to determine and establish a safe perimeter around the area, using additional units as necessary for traffic and crowd control.
- C. The incident commander has ultimate control and authority to direct and engage in all operations of fire extinguishment and hazardous material control and to take precautions necessary to save life, protect property and to prevent further injury or damage. This authority includes, but is not limited to controlling or prohibiting the approach of any person, vehicle, equipment, resource or any other thing inside the fire line perimeter.

**OPR 5-07-3 EVACUATIONS**

- A. The incident commander will be responsible for determining if evacuations are necessary.
- B. If a decision is made to evacuate an area, the incident commander will decide the boundaries of the area to be evacuated and the time available and needed for the evacuation.
- C. Assisting deputies will make continuing efforts to determine if there are any potentially occupied structures that may be threatened, or that are in the path of a moving fire and keep fire officials informed so that appropriate evacuation notifications can begin.
- D. The on-scene supervisor will decide on door-to-door contact or the use of the public address systems in patrol cars to inform citizens on evacuation, based on time limits, available manpower, and size of the area to be evacuated.
  - 1. Evacuations will be strongly encouraged, but will be voluntary.
- E. The field supervisor will select an area such as a parking lot near a major intersection outside the perimeter and direct all citizens to that point.
- F. If the emergency situation is prolonged, a supervisor will advise the Office of Emergency Management representatives so arrangements can be made for transportation and shelter for displaced residents.

**OPR 5-07-4 ENTRY INTO FIRELINES AND ACTIVE FIRE AREAS**

- A. Privately owned or operated fire suppression equipment, water haulers, other equipment, and personnel will only be allowed entry into a fire scene with the express authorization of the incident commander on scene. Deputies will contact the incident commander to obtain authorization upon the arrival of the equipment or personnel.
- B. Individuals requesting entry to a scene to assist privately owned or operated equipment must accompany the equipment into the scene, and then, only with the express authorization of the incident commander. Alternatively, the equipment can come to the perimeter area to pick up the individual(s) at the first safe opportunity.
- C. The incident commander will be notified and be responsible for authorizing the entry of any utility, pipeline, or other industry employee to perform any act or task to render the scene safer (i.e. shutting in wells, closing pipelines, etc.).
- D. Evacuated residents and other individuals outside the established perimeters will not be allowed into the secured area until the scene is rendered safe and reopened by the incident commander.
  - 1. If a deputy feels that an emergency situation or other exigent circumstance exists to justify entry of an individual into a scene he may consult with incident commander to obtain authorization for entry.

**OPR 5-07-5                      FIELD SUPERVISOR'S DUTIES**

- A. Confer with appropriate Fire Department or State Police regarding evacuation of the area.
- B. Meet with the on-scene incident commander to determine what support the Sheriff Office can provide.
- C. Coordinate with command staff regarding the fire and anticipated resource needs.
- D. Ensure the establishment of a safe outer perimeter.

**OPR 5-08 SPECIAL WEAPONS AND TACTICS****POLICY:**

The Lea County Sheriff Office shall maximize a successful end to high-risk situations, with minimum risk to personnel and the public. The utilization of the Special Weapons and Tactics Team (SWAT) is intended to provide additional options when dealing with these types of situations. This policy addresses protocols for supervisors when considering the use of SWAT.

**OPR 5-08-1 MOBILIZATION OF THE SWAT TEAM**

- A. The Team may be activated to respond to any situation where deadly resistance is being or may be encountered.
- B. Supervisors will utilize the Team for the listed situations:
  - 1. Where there is reason to believe the suspect is armed and will use weapons against law enforcement officers, or when the suspect's background reveals a propensity toward violence.
  - 2. Locations where neighborhood or patron sympathy could cause hostilities toward deputies.
  - 3. Locations have been fortified against entry and/or they have wrought iron bars, multiple locks, door fortifications, high fences with locks, and additional types of barricades/fortifications.
  - 4. Locations that are believed to be drug manufacturing or large-scale distribution point.
  - 5. Locations where there are unlawful assembly or a civil disturbance that may pose a safety hazard to deputies or the public.
  - 6. Suspects that have mental health conditions, which may endanger deputies or the public.
  - 7. Hostage situations.

**OPR 5-08-2 REPORTING POLICY**

- A. The Team Commander will submit a monthly report of any SWAT activities to the office of the Sheriff.
- B. The Team Commander and team leader will be responsible for debriefing and gathering information from all involved Team personnel at the conclusion of the operation. All personnel will treat the information on the operation as confidential.
- C. Commander will release the information on the operation to the Sheriff or his staff. It will be their responsibility to disseminate the information to the media or its representatives.
- D. It will be the Team Commander responsibility, or his designee to submit, within five (5)

working days, a report of any Team activation to the office of the Sheriff.

**OPR 5-08-3                      RESPONSE FOR OTHER AGENCIES**

- A. A Memorandum of Understanding will be developed among other Lea County Law Enforcement agencies that desire to utilize SWAT.



# LEA COUNTY SHERIFF'S OFFICE

## Personnel Policies

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This portion of the Employee Manual contains standards and protocols related to department personnel. The policies include information such as how deputies are hired, our strategies for training employees, how we wear our uniforms or civilian clothing, the process for promotions or transfers and how we recognize each other's service. There are also protocols for providing psychological aid to employees after a critical incident. In this section, you will find:

- ✓ **PER Chapter 1:      Hiring Process for Sworn Positions**
- ✓ **PER Chapter 2:      Employee Training Program**
- ✓ **PER Chapter 3:      Uniform and Appearance**
- ✓ **PER Chapter 4:      Promotions and Transfers**
- ✓ **PER Chapter 5:      Employee Recognition Program**
- ✓ **PER Chapter 6:      Psychological Services**

**PER 1-01     HIRING PROCESS FOR SWORN POSITIONS****POLICY:**

The Lea County Sheriff's Office is an equal opportunity employer. The Sheriff's policy is to establish a hiring process that is fair and impartial to all applicants. The goal of the Lea County Sheriff's Office is to insure that all individuals be given equal opportunity to compete for employment, regardless of race, sex, creed, color, age, religion, national origin, physical impairment or veteran status. The following procedures must be satisfactorily completed to be considered for acceptance into this department as a sworn deputy.

**PER 1-01-1     APPLICANTS IN GENERAL**

- A. Application
  - 1. All applicants shall complete a Lea County Employment Application. This application will be turned in to the Lea County Personnel Office and channeled to the department's training officer for processing.
- B. Physical Requirement
  - 1. Applicant must meet the physical standards required **for entry** to the New Mexico Law Enforcement Training Academy or its satellite academies.
- C. Law Enforcement Written Test (POST)
  - 1. Applicant must complete a written law enforcement test (Police Officer Selection Test) within the time allowed and receive a grade point that meets the minimum set forth by the New Mexico Law Enforcement Academy.
- D. Background Investigation
  - 1. A background will be conducted on all applicants by the Sheriff or his designee. The applicant's background must meet the necessary requirements set forth by the Sheriff of Lea County and State of New Mexico.
  - 2. A general records check will also be conducted during this process to include personal references.
- E. Oral Board
  - 1. Applicants must complete an oral interview board.
- F. Upon successful completion of above listed categories applicants may be offered a conditional offer of employment; they will be required to sign an Acknowledgment of financial responsibility, and a criminal history and drivers license check will be conducted.

G. Medical Examination

1. Applicant must complete a physical and back x-ray examination in compliance with essential duties and meets the requirements of New Mexico Law Enforcement Academy.

H. Drug Screen

1. Lea County is committed to the goal of a drug-free work place in compliance with the Drug-Free Work Place Act of 1988. The Lea County drug testing policy will be regulated by resolution. Applicant must successfully complete this testing.

I. Polygraph

1. Applicant must submit to a polygraph, results will not be used as a single determining factor for disqualification for this department.

J. Psychological Examination

1. Applicant must complete a psychological examination by a certified psychologist that meets the requirements of New Mexico Law Enforcement Academy.
2. The applicant may submit a psychological examination that meets the above listed requirements provides it was administered within the 12 months prior to date of application.

**PER 1-01-2 APPLICANTS CERTIFIED AS PEACE OFFICERS BY ANOTHER STATE OR FEDERAL LICENSING AGENCY**

A. Applicants meeting any of the following conditions must meet modified requirements:

1. Applicants whose NM certification as a peace officer has lapsed but can be renewed through a certification by wavier course.
2. Applicants holding current certification as a peace officer (or its equivalent) from another State or Federal Agency or is not certified by the New Mexico Law Enforcement Academy, but can receive a NM certification through a certification by waiver course.

B. Applicants fitting the above criteria shall be required to fulfill the following requirements:

1. Physical Requirement

- a. Applicant must meet the **exit** physical standards required for certification by the New Mexico Law Enforcement Training Academy or its satellite academies.

C. The general requirements identified in **PER 1-01-1** may be waived for this category of applicant with the exception of an oral board, background and criminal records check, physical examination and drug screen.

**PER 1-01-3                      RECORDS**

- A. Results of all required testing will be maintained in a secure location by the Lea County Personnel Office for a period of time that meets statutory requirements.
- B. All selection material will be maintained by Training Coordinator in a secure location.

**PER 1-02 EMPLOYEE TRAINING PROGRAM****POLICY:**

Policy is to establish a comprehensive, organized system for evaluating employee skills and implementing training to maximize individual proficiency and provide the highest quality service for our public. Training is more than preparing a recruit deputy to perform their sworn duties, it involves preparing a new, non-sworn employee to conduct their duties as expected; maintaining a present employee's proficiency; implementing strategies for refresher training; providing current task-specific training; and mentoring. This policy establishes protocols for training new and established employees as well as mentoring personnel when they are assigned new duties or earn a promotion.

**PER 1-02-1 TRAINING OBJECTIVES**

- A. Inform the new employee of their duties and responsibilities, either as sworn deputy sheriffs, or non-sworn support personnel, and evaluate their progress while strengthening their individual skills.
- B. Identify employees who meet the minimum requirements for their job classification and release them to their respective sections.
- C. Identify employees who do not meet the minimum requirements and either extend their training, provide remedial training if appropriate, or suggest termination of their probationary employment.
- D. Guide employees to analyze real-world situations and properly apply their knowledge and experience in order to successfully resolve them.
- E. Develop employees into well-rounded, capable members of the sheriff office who follow policies and procedures and utilize common sense in supporting the sheriff office's goals.
- F. Provide guidance to employees when they assume new duties or responsibilities.
- G. Provide a choice of career paths for employees to follow that is defined by the statutory duties of the sheriff's office. Some may seek to specialize in certain skill areas, while others choose to pursue a supervisory path.
- H. Evaluate training personnel for their ability to communicate, train and evaluate the learning process of their peers.
- I. Document training.

**PER 1-02-2                      EMPLOYEE RESPONSIBILITIES RELATED TO TRAINING****A. Training Officer**

1. Under delegated authority from the Sheriff and in coordination with the Chain of Command, the training officer develops and publishes the sheriff office's annual training schedule, combining New Mexico Law Enforcement Academy biennial training requirements, refresher and safety training, and employee development courses.
2. They coordinate all training activities involving personnel and the use of training resources or facilities.
3. They enroll employees for courses and complete associated vouchers for review and signature by the Sheriff.
4. Manages the training process for the sheriff office.
5. Assists the Corporals (sworn field training officers) and Peer Coaches (non-sworn field training officers), in monitoring the sheriff office's in-house programs related to new employee or in-house maintenance training by:
  - a. Maintaining a current list of field training officers.
  - b. Assigning recruit deputies or new employees to their trainers, and monitoring the trainers' performance.
  - c. Monitoring the evaluations and progress of employees in their initial training programs and maintain a training folder on them until their release.
  - d. Providing resources to improve a new employee's substandard performance by changing their trainer, teaching the trainer new skills, training the new employee in some tasks themselves, or identifying subject matter experts from within the sheriff office who can provide the needed training.
  - e. Documents administrative and significant training information on the event record, maintained in the employee's training file until they are released and the file is forwarded to the training officer.

**B. Corporals (Sworn) and Peer Coaches (Non-Sworn)**

1. Are responsible for evaluating and training a new employee on a daily basis. They will show and discuss the daily observation report with the employee they are training daily in order to develop strengths or correct weaknesses. Training logs must be signed off by the trainer and recruit or new employee prior to being placed in training folder and submitted for review.
2. They are responsible for identifying training deficiencies and recommending remedial training to the appropriate coordinator and any potential disciplinary problems to the Chain of Command. As junior first-line supervisors, Corporals also

exercise authority to address minor disciplinary issues themselves, not only with their recruit, but other non-supervisory employees consistent with the sheriff's office's discipline policy.

3. Trainers have limited discretion to re-assign their trainee's duties in order to ensure they receive training in all aspects of the duties; however, the re-assignment must be to take a call or assume a task, not to avoid it.
4. Responsible for maintaining their own level of proficiency and obtaining new material such as case law or policy changes which will affect the new employee's training.
5. Develop relevant training material and present that information to their respective disciplines in monthly roll-call training.

D. Recruit Deputies or New Employees

1. Will follow the lawful orders or guidance of their field training officer and the Chain of Command.
2. Will make field training officers aware of any problems which could have an effect on their job performance.
3. Will accept all methods of training which are intended to improve their standard of performance.
4. Will maintain good habits of conduct and appearance as required by rules and regulations.

**PER 1-02-3 FIELD TRAINING PROGRAM FOR SWORN PERSONNEL**

- A. The field training program is designed to include the newly hired deputy, a Corporal, the shift supervisor, the training officer and the Division Captain. It is intended to be flexible, accounting for the seasoned law enforcement officer coming from another department as well as the new hire with no prior experience.

B. *Non-certified Deputy 12 to 16 Week Course*

1. Consists of four training phases, with four training blocks in each phase. These blocks contain task-specific, knowledge-based material which is taught to the new hire at a set pace. The last phase will be followed by a shadow week where the new hire is evaluated at a distance. *Each phase should last between three and four weeks depending on the progress the recruit is making throughout the program.*
2. Each phase concludes with a test which must be passed in order to advance to the next phase. A final, basic patrol test, given by the new hire's final Corporal and covering material from all phases must be taken and passed before the program requirements are fully met.
3. No recruit may spend more than 16 weeks in the field training program without approval of their Division Captain.

C. *Certified by Waiver or New Mexico Certified Deputy 4 to 12 Week Course*

1. This program is intended for newly hired deputies with a NM state certification and some experience or another state's certification and over two years experience. The program consists of the same phases and tests; however, the time schedule may be condensed provided the newly hired deputy's performance is acceptable and justifies this determination.

D. Diagnostic tests are provided to Corporals that can be given to recruit deputies to help determine whether they should receive the full program or the abbreviated one.

E. Anyone within the relevant Chain of Command may recommend in writing that a deputy under abbreviated training be placed into the full program if circumstances warrant, although usually this is a determination forwarded by the deputy's Corporal. The final decision whether to retain a recruit deputy in the abbreviated program or move them to the full program rests with their Division Captain.

F. Recordkeeping Practices:

1. Orientation paperwork will be completed and turned in no later than the end of the first week of Phase One for recruit deputies.
2. A Daily Observation Report (DOR) will be completed on a daily basis. After being completed by the Corporal, they will be reviewed and signed by the shift supervisor. No later than the last day of the training week, the original DOR's will be forwarded to the training coordinator. Any remedial training conducted by the Corporal will be documented on the Daily Observation Log.
3. The Corporal and recruit deputy will meet with the shift Sergeant on a weekly basis to discuss training progress.
4. Phase tests and evaluations (which include recommendations to advance to the next phase) will be turned in to the appropriate Lieutenant and a copy forwarded to the Training Officer, no later than the first working day after the completion of the phase objectives and the test. A recruit deputy will not advance to the next phase of training unless recommended by his Corporal, with the concurrence of the shift supervisor.
5. Final evaluations, together with the original weekly training file will be completed and turned in within three working days of the end of the recruit deputy's shadow phase. Any deviation from this schedule will require the pre-approval of the shift supervisor. Corporals will keep a signed copy of all documentation completed throughout the program.
6. No recruit deputy will be released from the program without a final evaluation having been done. The evaluation must include the Corporal's recommendation for release, followed by the concurrence of the shift supervisor and the appropriate Lieutenant.



7. Prior to the recruit being released, they will be evaluated by a Lieutenant or Sergeant for one shift to see how recruit is handling calls and his professionalism.
8. Whenever a recruit deputy requires an extension within a phase, the reason for the extension must be documented in a memorandum to the Division Captain together with a remediation plan.
9. The final decision to approve a recruit deputy's release to solo patrol rests with the Division Captain.

**PER 1-02-4                      FIELD TRAINING PROGRAM FOR NON-SWORN PERSONNEL**

- A. The field training program for non-sworn personnel is extremely flexible, and must be tailored to the duties assigned to the employee.
- B. No diagnostic tests are provided for the peer coach. Instead, they review the new employee's job classification and duties and provide focused training in those areas.
- C. The non-sworn program includes the newly hired employee, their peer coach, their civilian supervisor and the Division Captain.
- D. There is a 16 week time limit for the completion of a non-sworn employee's training which provides two months of observation prior to the employee reaching their six month probationary period. All task-specific training must be satisfactorily completed by the end of the 16 week training cycle.
- E. Recordkeeping Practices:
  1. Orientation paperwork will be completed and turned in no later than the end of the first week of an employee's training.
  2. A daily training log will be drafted by the peer coach, with the assistance of a civilian supervisor or the Division Lieutenant. The log should identify the tasks the new employee requires training in and a method for assessing their progress.
  3. The peer coach and new employee will meet with the civilian supervisor on a weekly basis to discuss training progress.
  4. Upon achieving satisfactory performance in their duties, the new employee will receive an evaluation from their peer coach describing their training and level of proficiency. Their training record will be forwarded to the training officer.
  5. The final decision to approve a new employee's release rests with their Division Captain.

**PER 1-02-5                      DOCUMENTATION (ROLL-CALL AND REFRESHER TRAINING)**

- A. Roll-call training will be presented monthly to sworn employees covering topics that are particular to their duties.
  - 1. Each month the Corporals will develop and present training topics which their assigned shift needs or is interested in learning. They must provide a detailed in-service to the training coordinator for each topic they will instruct by the 20<sup>th</sup> of the prior month to ensure the topics can be distributed to all Corporals by the 1<sup>st</sup> of the following month. This in-service must, as a minimum, detail the information to be taught and the sources used to obtain the information. Topics cannot be repeated unless new Case law on the matter has been directed by the court of appeals.
- B. Refresher training will be presented to non-sworn employees on topics particular to their duties, and to all employees on matters such as policy and procedures and items of general interest such as workplace safety, etc.
- C. Training Rosters identifying the topics and the employees who attended the training will be submitted to the Training Officer via the various Chains of Command by the 5<sup>th</sup> day of the month following the training.

**PER 1-02-6                      MENTORING PROGRAM**

- A. The sheriff's office's mentoring program is intended to be a semi-formal process for helping interested employees prepare for future career opportunities in the areas of supervision, investigative proficiency, or administrative support.
  - 1. To specialize in their career path without pursuing a supervisory role, employees are encouraged to seek formal and informal training in areas which interest them, and have a direct connection to their present role, or future needs. Examples of this type of training would be crime scene processing, evidence collection, interviews and interrogations, advanced DWI training, etc.
  - 2. Specialization opportunities for non-sworn employees include courses which strengthen our role as a public servant. Non-sworn employees are encouraged to seek training in office management, maintenance of public records, evidence maintenance, information technology, etc.
  - 3. In preparation for a supervisory career path, employees are encouraged to request attendance to formal training courses that provide them with insight into training, guiding, employee development and resource allocation. Supervisors may recommend an employee for training based on their present duties or projected career path.
    - a. Peer Coaches, Corporals and Sergeants shall be sent to an appropriate first-line supervisor's course.
    - b. Sergeants, Lieutenants and civilian supervisors shall be sent to a mid-management course.

- c. Lieutenants and Captains shall be sent to an executive management course.
  - d. Supervisors at all levels are encouraged to research and submit training requests for formal training that augments present skills and prepares them for future duties.
- 4. Whenever an employee receives a new position or attains a new or subsequently higher supervisory position, their immediate supervisor shall assign them a mentor who is capable of providing the newly assigned or promoted employee aid in adjusting to their new duties and position.
  - a. With the exception of the Undersheriff and the Executive Secretary the mentor should not be the new employee's direct supervisor if possible. Ideally, they should be of equal rank, or one level of rank or proficiency higher than the employee, and have held their position for at least 6 months.
  - b. The purpose of this assignment is to provide the newly promoted employee with a professional confidant and coach, who can assist them in learning their duties, introduce them to vital professional contacts and help them to develop their abilities.
  - b. Mentors will not be involved in determining whether the employee is successfully released from their probation.
  - c. The decision to release an employee from their probation to permanent status or return them to their former rank or position must be made by the Sheriff, based on observations forwarded from the appropriate supervisor in the employee's Chain of Command.

**PER 1-03 UNIFORM AND APPEARANCE****POLICY:**

Office policy establishes that all personnel meet appropriate grooming and uniform standards as prescribed by the Sheriff. All employees, while on duty, unless otherwise directed by their commanding officer, shall be well groomed and clean. Clothes and shoes shall be clean and properly cared for. Attire shall conform to office rules and regulations. The authority to determine the suitability of a certain style of clothing or personal appearance is delegated to all supervisors.

**PER 1-03-1 HAIR (MALES)**

- A. Hair shall be worn in a conservative manner that complements the professional appearance of the wearer and will not be cut in an extreme fashion or colored any unnatural coloring.
  - 1. For sworn employees, the bulk or length of hair shall be groomed so that it does not bush out or curl up while wearing a hat.
- B. Sideburns shall not extend in length below the bottom of the ear opening. They shall be neatly trimmed and present a professional, conservative appearance.
- C. While in uniform, mustaches will be neatly trimmed and shall present a conservative appearance that compliments the individual's professional appearance. They may not extend beyond a horizontal line extending along the bottom of the lower lip. Facial hair other than mustaches will not be accepted while wearing our uniform.
- D. Beards are allowed for employees only in non-uniform positions. It is mandatory that facial hair be kept neatly trimmed at all time.
- E. Employees excused from the above regulations because of special assignment, shall be in compliance with the above regulations when wearing the official uniform.

**PER 1-03-2 HAIR (FEMALES)**

- A. When in uniform, females shall wear their hair in compliance with the following:
  - 1. Hair shall be worn in a conservative manner that complements the professional appearance of the wearer and will not be cut in an extreme fashion or colored any unnatural coloring.
  - 2. Hair may be cut short to conform to this conservative appearance or longer hair may be secured and styled so it will not extend beyond the seam connecting the shirt yoke with the back of the uniform shirt.
  - 3. The sides of the hair will be styled in such a way as to prevent it from being blown into the face.

**PER 1-03-3 BODY ORNAMENTATION**

- A. All body piercing (excepting earrings for females) that is visible to the general public (i.e. tongue, facial, etc.) is strictly prohibited on both sworn and non-sworn employees of both genders, unless required as part of a special duty assignment. In this case, approval must be obtained from the Sheriff or his designee.
- B. Tattoos or other body ornamentation such as branding may not be visible to the general public while in uniform, attending court, unless required as part of a special duty assignment. In this case, approval must be obtained from the Sheriff or his designee.

**PER 1-03-4 WIGS AND HAIR PIECES**

- A. Wigs and hair pieces are permitted, but they must conform with the above and natural hair standards.

**PER 1-03-5 COSMETICS**

- A. Make-up will be within contemporary standards for business professionals and in good taste. Excessive or gaudy cosmetics are not permitted.

**PER 1-03-6 JEWELRY**

- A. Male employees may wear jewelry only if it is in good taste.
  - 1. Generally, this is limited to wristwatches, wedding bands, or other conservative type rings.
  - 2. Specifically prohibited are earrings or other items of jewelry that detract from the office's image or constitute a potential safety hazard.
  - 3. Neck jewelry or ornamentation shall not be visible.
- B. Female employees may wear jewelry only if it is in good taste.
  - 1. Generally, this is limited to wristwatches, wedding rings, or other tasteful rings.
  - 2. Uniformed female personnel may wear only one set of stud earrings at a time.
  - 3. Dangling earrings are prohibited while in uniform, and neck jewelry or ornamentation shall not be visible.
  - 4. Sworn female personnel wearing civilian clothes may wear conservative styled necklaces and chains.
  - 5. Only one necklace or chain and one set of stud earrings may be worn at any one time.

**PER 1-03-7 CIVILIAN CLOTHING**

- A. When not in uniform, sworn and / or non-sworn employees shall be dressed in clothing suitable for their work assignments.
- B. Employees in designated positions may be required to wear special clothing or uniforms to perform the job functions of those positions.

- C. The following guidelines apply to all employees when wearing civilian clothes:
1. Clothing should project a competent, professional image suitable to the employee's position and job duties.
  2. Clothing should be clean, properly pressed if appropriate, and free of tears, fraying and other signs of damage or excessive wear at the beginning of each workday or duty shift.
  3. Wearing of hosiery is strongly recommended.
  4. Hemlines shorter than six (6) inches above the knee are considered inappropriate.
  5. Shirt-tails should be tucked in unless the garment is designed to be worn outside the waistband.
  6. When worn by on-duty sworn personnel, civilian clothing shall include the deputy's sidearm with approved holster, at least one extra magazine, handcuffs, and the issued badge prominently displayed on an outermost garment, unless authorized alternate wear by the Sheriff or their designee.
- D. The following items of clothing or styles of dress are considered inappropriate for all employees while on-duty or operating sheriff's office equipment:
1. Tee shirts, ball caps or other garments with political statements, foul language, words or pictures promoting illegal activities, use of controlled substances, or violence.
  2. Non-uniform tee shirts, tube tops, sleeveless shirts, clothing that leaves the midriff bare, and clothing that is so tight, transparent, baggy or low-slung as to reveal underclothing or the absence thereof.

#### **PER 1-03-8                      UNIFORM CATEGORIES**

- A. Uniforms fall under the following categories:
1. Class A Full Dress Uniform – comprised of the current issued long-sleeve shirt, tie, and dress slacks with black boots, chukkas or low quarters. The garrison belt shall be black. The appropriate gunbelt will be worn with holster, magazine carrier and one handcuff case at a minimum. All awards, medals or their equivalent ribbon, and insignia as reflected in **TABLE: PER 1-03-12 (A) Rank and Awards and (B) Medals**, or by memorandum from the Sheriff will be worn.
    - a. Staff personnel shall also wear the issued short-jacket with appropriate insignia and rank.
  2. Class A Duty Uniform - comprised of the current issued long-sleeve shirt, tie, and dress slacks with black boots, chukkas or low quarters. The garrison belt shall be black. The appropriate gunbelt will be worn with holster, magazine carrier and one handcuff case at a minimum. All insignia shall be worn with the exception of medals or their equivalent ribbon.
  3. Class B Duty Uniform - comprised of the current issued short sleeve or long-sleeve

shirt, without tie, and issued duty pants or slacks with black boots, chukkas or low quarters. The garrison belt shall be black. The appropriate gunbelt will be worn with holster, magazine carrier and one handcuff case at a minimum. Rank, name plate and issued badge must be worn; all other insignia is optional.

4. Class C (Casual) and Criminal Investigations Personnel – comprised of shirt, and pressed pants authorized by the Sheriff for wear during duty hours. Typically this uniform is worn while attending training or special duty activities, and includes the general wear by investigations personnel. It may be authorized for daily wear depending on assignment, type of duty or job classification. When worn by sworn personnel, it will include their sidearm with approved holster, at least one extra magazine, handcuffs, and the department issued badge or its embroidered equivalent prominently displayed.
5. Class D (Tactical or Special Detail Uniform) – comprised of the issued tactical uniform or alternative uniform worn in accordance with mission protocols as defined by the detail commander. In whatever configuration, the outermost garment or tactical equipment shall bear insignia that indicates to the public the wearer is a commissioned law enforcement officer.
6. Optional Headwear – The black felt cowboy hat is authorized for wear with the Class A formal, and Class A uniform. It must be clean, properly blocked and present a professional appearance. Light colored, straw hats must meet the above criteria and may be worn with the Class B uniform. Felt or straw cowboy hats may be worn with civilian attire, provided they present a professional appearance.

**PER 1-03-9 GENERAL REQUIREMENTS FOR UNIFORM WEAR**

- A. Uniforms will present a professional appearance when worn. They are to be properly laundered and cared for.
- B. All leather gear shall be polished and maintained in good working order.
- C. Metal insignia shall be kept polished and properly maintained.

**PER 1-03-10 BADGES**

- A. All uniformed and non-uniformed deputies will wear the proper badge issued only through the Office of the Sheriff.
  1. The outermost garment will display either the metal or the authorized embroidered badge when in uniform.
  2. Additional badges may be purchased by deputies at their own expense with the following restrictions.
    - a. Written approval shall be obtained from the Office of the Sheriff prior to purchase.
    - b. The Sheriff's Office or Lea County will not reimburse the cost of such badges to the deputy under any circumstance.

3. Tenure and Personalized badges.
  - a. A deputy with less than five years with this office will be issued a silver tone badge.
  - b. Deputies with 5 or more years with this office will be issued a gold and silver two-tone badge.
  - c. Deputies with 10 years or more with this office will be issued a personalized badge bearing their name. The badge will be purchased by the sheriff's office.
  - d. Supervisors will be issued a gold tone badge.
  - e. Upon retirement, deputies will be issued a personalized, "Retired" badge as well as an official ID card denoting their retired status. The badge will be purchased by the office.
- B. Deputies are reminded that upon ending their employment with the Sheriff's Office they may not present any retained badge or display it in a manner which would lead someone to believe they are an acting, commissioned deputy with Lea County. Doing so could result in criminal charges under New Mexico law.

**PER 1-03-11                      DEPUTY PROFICIENCY CERTIFICATE AND INSIGNIA**

- A. The certificate program is a career oriented device that is intended to recognize levels of achievement within the Law Enforcement profession.
  1. The Sheriff has directed the creation of insignia designed to reflect the training hours, education level and experience of the commissioned personnel.
  2. Deputies will receive the appropriate certificate classification from this office upon hiring, or upon meeting the requirements of an advanced classification.
- B. Level of placement will be derived from substantiated data regarding the number of years in law enforcement service, classroom instruction and college hours.
  1. Upon hiring and annually on the anniversary date of the deputy's hiring, the Training Officer shall compile and document the training, education and time in service for each deputy on the department's classification form.
  2. To facilitate this, the Training Officer will maintain files on each deputy that contain date of employment, date of school, type of school and hours earned, documented college hours, complete with a grade of C or higher, and present level of certification.
  3. Upon a review, if the deputy has attained a more advanced certificate of proficiency, the Training Officer will submit the qualifying information on a form, together with the new Certificate of Proficiency to the Sheriff for final approval.
  4. Upon approval, the form and certificate will be returned to the Training Officer, who will forward the certificate and appropriate insignia to the requesting deputy's Division Captain for presentation.



- C. All deputies who meet the requirements as outlined in this section, and are classified as an Intermediate or higher, shall be issued the proper insignia for their classification as outlined in **TABLE: PER 1-03-11 Deputy Proficiency Certification Standards.**

**TABLE: PER 1-03-11**                      **Deputy Proficiency Certification Standards**

CERTIFICATION	Time in Service	Combination A	Combination B
BASIC			
No Insignia	Up to 24 months service and completing basic Law Enforcement Academy		
INTERMEDIATE			
Black Insignia	24 months	880/30	935/15
	30 months	880/27	935/12
	3 years	880/24	935/9
	4 years	920/21	975/6
	5 years	920/21	975/3
ADVANCED			
Black Insignia with 1 star	4 years	980/45	1075/21
	5 years	980/39	1075/15
	6 years	1020/33	1120/9
	8 years	1060/21	1120/3
	9 years	1060/21	1120/---
MASTER			
Black Insignia with 2 stars	8 years	1360	MS/MA or 164 hours
	10 years	1500	BS/BA or 128 hours
	11 years	1550	96 hours
	12 & 13 years	1600	AS/AA or 64 hours
	14 years	1650	-----
	15 years or more	1700	-----

***TABLE: PER 1-03-11 Continued***

<b>COMMAND</b>	
Black Insignia with 3 stars	Held rank of Captain for at least one year and has completed at least 1600 hours of training hours and at least 100 hours must be for supervision and/or leadership training.
<b>EXECUTIVE</b>	
Black Insignia with 4 stars	Held rank of Sheriff, or an equivalent Chief Law Enforcement Officer position in a law enforcement agency, or reported directly to the Sheriff for at least one year. Further, the applicant must have completed at least 1600 hours of training hours with at least 100 hours in management and/or leadership training.

**PER 1-03-12                      INSIGNIA AND METHOD OF WEAR**

- A. Insignia shall be worn in the manner set forth in TABLE PER 1-03-12 (A) RANK AND AWARDS and (B) MEDALS.

**TABLE: PER 1-01-12 (A)                      Rank and Awards**

<b>AWARD/RANK</b>	<b>REQUIREMENTS</b>	<b>INSIGNIA WORN</b>	<b>LOCATION</b>
Corporal	Assigned as an FTO	Two Chevrons	On both sleeves, below sheriff's patch.
Sergeant	Promoted and serving as a commissioned first line supervisor.	Three Chevrons	On both sleeves, below sheriff's patch.
Lieutenant	Promoted and serving as a commissioned mid-level manager.	One Gold Bar	Aligned along the front (short) length of the collar ends and 1/8 inch off the seams.
Captain	Promoted and serving as a division manager.	Two Gold Bars	Aligned along the front (short) length of the collar ends and 1/8 inch off the seams.
Undersheriff	Promoted and serving as the Undersheriff	Undersheriff Lapel Tab; Oak Leaf; or Three Stars	Aligned along the front (short) length of the collar ends and 1/8 inch off the seams.
Sheriff	Elected or Appointed Sheriff	Sheriff Lapel Tab or Four Stars	Aligned along the front (short) length of the collar ends and 1/8 inch off the seams.
Proficiency Certification	For achieving a level of training, education and time in service.	Proficiency Bar ( Level of Classification)	Top of the left pocket flap, centered under badge.
Longevity	Years of Law Enforcement Service	Service Stripes	Left Sleeve ½ inch above cuff of long-sleeve shirt.
Firearms Marksmanship	Achieved score – (May wear the highest score historically achieved)	Marksmanship Bar	Centered above right pocket and above any other award.
Certificate of Proficiency	Attained for a proficiency performed for the department. Once earned, can always be worn. Not tied to a course of instruction.	Proficiency Bar (SWAT, FTO, Instructor, Negotiator, etc.)	Centered above right pocket flap, above the ribbon bar when worn, but below Firearms Award. (Can be two abreast where necessary)
Professional Development Certificate	For attendance at certain professional development schools.	Professional Development Bar (FBI NA, ILEA, etc)	Centered above right pocket flap, above the ribbon bar and proficiencies bars when worn, but below a Firearms Award. (Can be two abreast where necessary)
Issued or Approved Commemorative Pins		9/11 Commemorative, Flag pin, etc	Only one may be worn at a time, and will be placed on right pocket flap and above the nameplate.
Name Plate with Optional Service Date Backing			Centered on right pocket, above the pocket seam
<b>*Insignia above are authorized for wear on all regular department uniforms.*</b>			

**TABLE: PER 1-03-12 (B)****Medals**

<b>AWARD/RANK</b>	<b>REQUIREMENTS</b>	<b>INSIGNIA WORN</b>	<b>LOCATION</b>
Good Conduct Medal	Issued for a consecutive 3 year time-span calculated from anniversary of hiring without any disciplinary action.	Good Conduct Ribbon	Centered above right pocket flap below firearms, proficiencies and professional development bars. (May have up to four oak leaf clusters denoting each three year span)
Commendation Medal	Issued for a particular act or acts that were of significant service to sheriff's office missions.	Commendation Ribbon	Centered along with the GCR, on the side closer to the heart when worn. (May have up to four oak leaf clusters, one for each consecutive award)
Meritorious Service Medal	Issued for a particular act or acts that were of significant service to the public's welfare.	Meritorious Service Ribbon	Centered along with the GCR and CR, on the side closer to the heart than the CR when worn. (May have up to four oak leaf clusters, one for each consecutive award)
Lifesaving Medal	Issued for a particular act or acts which resulted in saving an individual's life such as successful application of CPR	Lifesaving Ribbon	Centered along with the GCR, CR and/or MSR, on the side closer to the heart than the other awards on dress uniform. (May have up to four oak leaf clusters, one for each consecutive award).
Medal of Valor	Issued for a singular act of bravery that placed the recipient in hazard of immediate injury.	Medal of Valor Ribbon or Neck Device	Centered along with the GCR, CR, MSR and/or LR, on the side closer to the heart than the other awards on dress uniform; the neck device may be worn as an option. (The ribbon may have up to four oak leaf clusters, one for each consecutive award).
Medal of Honor	Issued for a singular official act which placed the recipient in imminent danger of serious injury or death and was performed with the intent of saving another's life in some way.	Medal of Honor Ribbon or Neck Device	Usually worn on a ribbon around the neck with the dress uniform, but a ribbon is optional. (If the recipient has also earned the Medal of Valor, the recipient shall wear the Medal of Valor Ribbon in line with the other Medals with the MOV ribbon closest to heart and the MOH neck device.
<p><b>*Insignia in this section are authorized for wear on the Class A Full Dress Uniform only *</b></p> <p><b>No more than two rows of three ribbons or medals may be worn on the shirt at one time.</b></p>			

**PER 1-04 PROMOTIONS AND TRANSFERS****POLICY:**

By order of the Sheriff, the promotion or transfer to any rank or position of a member of this office shall be made on the basis of knowledge, skill, demonstrated performance, and to serve the needs of the residents of Lea County. For this reason, this promotional policy is intended to encourage qualified employees to achieve their potential and therefore provide the Sheriff's Office with the best service and leadership possible and provide guidance to command staff and employees on the protocols to be followed for promotions and transfers.

**PER 1-04-1 SHERIFF**

- A. The process for the election of the Sheriff is established by New Mexico state statute.

**PER 1-04-2 UNDERSHERIFF, CAPTAIN AND/OR LIEUTENANT**

- A. The process for the selection of Undersheriff, Captain and Lieutenant shall be at the direction of the Sheriff.

**PER 1-04-3 SERGEANT**

- A. The promotional process for selection to Sergeant is by competitive testing and evaluation. In addition, applicants must have served in the capacity of a Corporal, or in some similar type of sworn leadership position for at least one (1) year prior to the promotional announcement. It consists of:
  - 1. Written test worth up to 15 points.
  - 2. File review worth up to 50 points.
  - 3. Oral Board worth up to 95 points.
  - 4. Must have four (4) years of documented sworn law enforcement experience with at least one (1) continuous year with the Lea County Sheriff's Office and completed the probationary period prior to the beginning of the promotional process for Sergeant.
  - 5. In addition to the above, candidates for the position of Investigations Sergeant must meet the following criteria:
    - a. Must have three (3) years documented experience as an investigator or detective.

**PER 1-04-4 CORPORAL**

- A. The process for selection of Corporal is by competitive testing and evaluation, through a promotional process. It consists of:
  - 1. File review worth up to 50 points.
  - 2. Oral Board worth up to 95 points.
  - 3. Must have three (3) years of documented sworn law enforcement experience with at least one (1) continuous year with the Lea County Sheriff's Office and completed their probationary period prior to the beginning of the promotional process for Corporal.

**PER 1-04-5 INVESTIGATOR**

- A. The process for the selection of Investigator is by competitive testing and evaluation through a promotional process. It consists of:
  - 1. Written test worth up to 15 points.
  - 2. File review worth up to 50 points.
  - 3. Oral Board worth up to 95 points.
  - 4. Must have three (3) years of documented sworn law enforcement experience with at least one (1) continuous year with the Lea County Sheriff's Office and completed the probationary period prior to the beginning of the promotional process for Investigator.

**PER 1-04-6 TRAINING COORDINATOR**

- A. The process for the selection of Training Coordinator consist of:
  - 1. Oral Interview
  - 2. File review
  - 3. Must have four (4) years of sworn law enforcement experience.

**PER 1-04-7 CIVILIAN SUPERVISOR**

- A. The process for the appointment of a civilian supervisor is established under the authority of the Division Captain.
- B. Civilian personnel are promoted to a supervisor position by competitive evaluation consisting of an oral interview and file review.
- C. A written test may be used based upon the needs of the Sheriff's Office and the position.

**PER 1-04-8 PROMOTIONAL PROCESS**

- A. The promotional process for Sergeant, Corporal, and Investigator is administered by an individual designated by the Sheriff.
- B. Personnel assisting with the promotional process will be selected and assigned by the staff officer conducting the process.
- C. If a position comes open and no personnel meet the published requirements or express an interest in the position, the position may be held open; the requirements may be waived by the Sheriff in order to open the ranks for promotion; or the Sheriff may assign the position directly.
- D. In order to be eligible to participate in the promotional process an employee must meet the minimum requirements for that position.
- E. A job description for each position is available through the Lea County Human Resources. Employees may compete for any position for which they are eligible.
- F. As in all actions described in this manual, the Sheriff, in compliance with the County

Personnel Ordinance, has sole authority to modify procedures affecting personnel of the agency, considering the total interest of the Sheriff's Office.

- G. Nothing in this section shall be so interpreted as to indicate that a position must be filled at the conclusion of the promotional process. If none of the applicants are recommended for a particular position, this will be documented and forwarded to the Sheriff for final decision.
- H. For the purpose of this policy, the phrase "sworn law enforcement experience" will be interpreted as **full-time** law enforcement experience in a position which includes powers of arrest and the authority to conduct searches and seizures pursuant to a legal code regulated by the U.S. and or state Constitutions.

#### **PER 1-04-9                      TESTING STRUCTURE**

- A. Position Posting
  - 1. When a position vacancy occurs, a notice will be posted a minimum of fifteen (15) days before the scheduled promotional process. The announcement will include, at a minimum:
    - a. Description of position available.
    - b. Date(s), time(s), and location of testing.
    - c. Description of eligibility requirements.
    - d. Description of the promotional process which includes the expected duration of the process, summary of the role of the oral interview, and the numerical weight assigned to each element of the process, if applicable.
    - e. Method of declaring interest. If a letter of interest is required this is simply a statement of the employee's desire to participate in a process. If a letter of qualifications is required this is a statement of the employee's interest, abilities and qualifications.
  - 2. Interested employees who meet the qualifications for the posted position and have passed the written test for that position, must petition to participate in the promotional process, following the instructions provided in the announcement.
  - 3. Because each position posting and interview will be for a specific position, (i.e., Sergeant or Investigator etc) the employee must petition for each position they want to compete for.
- B. Written Test (Where Applicable)
  - 1. Each candidate is assessed a score based on the written examination which will be comprised of a validated written test for the position of Sergeant; a separate validated test will be utilized for Investigator.
  - 2. A notice will be posted fifteen days prior to each testing date.
  - 3. Notice will include the dates, times, locations of the written examination, and list of

reading materials used as a source of questions.

4. Candidates who pass the written test but are not promoted may retest if they wish should another testing process be scheduled in the future. They may also retain their score, which shall remain valid for five years.
5. Candidates who fail the written test will not advance further into the selection process, but can retest when the next position is open and the test is administered.
  - a. A raw score of 70% is considered passing and enables the candidate to continue through the selection process.
6. Candidates who pass the written exam can be afforded up to 15 points towards the final score and will move on to the rest of the testing procedures. Points will be awarded in the following manner:

60 – 69%	earns 3 points
70 – 79%	earns 7 points
80 – 89%	earns 11 points
90 – 100%	earns 15 points
7. After testing, all tests and their scores will be sealed in an envelope and retained by the person administering the exam until final scoring occurs. Under no circumstances will these scores be revealed prior to the final tally.
8. Based upon this test score candidates will be maintained on an eligibility list for further processing for specific positions.

C. File Review

1. A review of the candidate's personnel file, worth a maximum score of 50 points, will be conducted by a designated supervisor and the Director of Human Resources for the County, or their designee. The following information will be considered:
  - a. The candidate's last two annual evaluations, scored as indicated below, with a maximum point value of 20 points.

Outstanding	- Add 10 points
Above average	- Add 7 points
Satisfactory	- Add 5 points
Needs Improvement	- Minus 7 points
Unsatisfactory	- Minus 10 points

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b. Formal education worth a maximum of 10 points:

Masters degree or above	- Add 10 points
Bachelor's degree	- Add 7 points
Associates degree	- Add 5 points

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c. Affirmative or disciplinary actions, scored as indicated below, with a maximum point value of 10 points.

Medal of Valor or Honor	-Add 5 points
Meritorious and Lifesaving Medals	- Add 4 points
Commendation Medal	- Add 3 points
Good Conduct Medal	- Add 2 points
Letter of Appreciation	- Add 1 point
Discipline-based Demotion	- Minus 10 points
Suspension	- Minus 7 points
Written Reprimand	- Minus 5 points
Oral Reprimand	- Minus 3 points

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d. Law Enforcement experience valued at one point per year of civilian law enforcement experience, worth a maximum of 10 points.

2. After review, the review scores will be sealed in an envelope and retained by the department supervisor administering the exam until final scoring occurs. Under no circumstances will these scores be revealed prior to the final tally.

D. Oral Interview

1. Each candidate is assessed a score based on the oral interview which will be comprised of 10 pre-determined questions.
2. Scores for the pre-determined questions may include consideration of the following elements:
  - a. Resume (if required).
  - b. Demeanor and conduct during the interview.
  - c. Candidate's work history/experience.
  - d. Answers to a series of uniform questions.
  - e. Formal education and advanced training.
  - f. Understanding of the job requirements and duties.

- g. Any other pertinent subject relating to the open position, and
  - h. An ability or skills demonstration, if required.
3. The oral interview is individually scored by each member of the board without discussion.

E. Practical Exercises:

1. Candidates will be required to participate in three practical exercises, each worth a total of 15 points. These practical exercises are designed to evaluate the candidate's ability to carry out the duties related to the position they are seeking.
  - a. Sergeant candidates will be assessed on their ability to resolve administrative, supervisory, and operational issues.
  - b. Corporal candidates will be assessed on their ability to train, evaluate and prepare other employees for duty as well as resolve first line supervisory issues.
  - c. Investigator candidates will be assessed on their abilities to conduct proper investigations, document those investigations and resolve other types of operational issues.

E. Ranking

1. Those conducting the interview will not have any knowledge of the scores for the file review or written examination. The oral board will be scored by the following criteria.
  - i. Resume - 10 points.
  - ii. Presentation of resume and command appearance - 10 points.
  - iii. Answers to ten (10) predetermined questions - 30 points.
  - iv. Successful resolution of three practical exercises – 45 points
  - v. Total score possible - 95 points
2. At the conclusion of all promotion processes, the candidates will be dismissed. Each member of the oral board will then vocally report their scores for each candidate and display their score sheets. These scores will be displayed on a tally board or sheet.
3. The chair person for the board will then open the score envelopes for the written exam and file reviews, and these scores will be added to the tally.
4. Candidates are then ranked according to their total scores.
5. The final product of the promotional process is the ranking of candidates which serves as written certification of eligible employees.
  - a. The list reflects the combined ranking of each candidate's written examination, file review, and oral board.
  - b. Eligibility lists will be effective until the next scheduled written test for that position.

6. The candidate's scores and ranking will be submitted to the Sheriff for a final decision.

F. Appointment

1. Once a candidate has been approved for promotion by the Sheriff the candidate will have a conference with the Sheriff or his designee. This discussion provides the candidate the opportunity to find out what is expected of them in their new position and any issues which need to be discussed.

**PER 1-04-10 REVIEW OF SELECTION PROCESS**

- A. All individuals participating in the promotional process have the opportunity to review each step in the process, to include:
  1. Review of their personal answers to written examinations. This request must be in writing and following the policies of the commercial testing company which provides the test.
  2. Review of the written results of their own scored elements of each component of the selection process and their individual scoring by oral interview board members.
  3. The review of other candidate scores or answers will not be allowed.
- B. In order to facilitate this review, members of the oral interview board will be available to meet on a specified date after the promotion has been posted.
- C. This policy is subject to the grievance policy as defined in the Lea County Personnel Ordinance.

**PER 1-04-11 TRANSFERS WITHIN THE DEPARTMENT**

- A. When a vacancy exists at a supervisory level in another division, any current supervisor of the same rank may apply to the Sheriff via the Chain of Command for a transfer. The Sheriff may grant the transfer, or appoint an individual to the assignment from the eligibility list.
- B. The Sheriff or their designee may transfer any employee to another Division at their discretion, based on necessity with consideration for the needs and desires of the Sheriff's Office and the employee.
- C. These actions will occur only after an administrative review has resulted in the command staff's determination that a transfer or the creation of an additional duty is warranted and in the interests of the missions of the Sheriff's Office.

**PER 1-04-12 ADDITIONAL DUTIES**

- A. It may be necessary from time to time for the department to create a program, activity or organizational component to upgrade the quality of service to the citizens. These programs, activities or organizational components will be considered "additional duties".
- B. The criteria for assignment to additional duties is based on the training, skills, knowledge, abilities and interest required for the position and includes consideration of

education and experience.

- C. The selection is made by the Sheriff or their designee.

**PER 1-04-13 ADMINISTRATIVE REVIEW**

- A. The administrative review process is used to select employees for internal positions that do not involve promotion or to fill personnel resource needs due to changes within the office or our missions.
- B. Its intent is to provide employees with fair and equal opportunity within the department and to assist in meeting the needs of the Sheriff's Office. An administrative review is conducted by command staff.
1. Administrative reviews may be used to determine the necessity for:
    - a. Lateral transfers between divisions.
    - b. Changing a work assignment within a division.
    - c. Staffing a new position.
    - d. Assigning newly promoted Lieutenants and Sergeants.
  2. An administrative review involves the following steps:
    - a. Review of any documentation submitted by an employee for consideration.
    - b. Review of the following information in the employee's personnel file:
      - i. Last two (2) performance evaluations.
      - ii. Review of any commendations.
      - iii. Review of any Internal Affairs complaints during the preceding two (2) years.
      - iv. Review of attendance records.
      - v. Review of employee's safety record.
    - c. Other items that may be considered during the administrative review process include, but are not limited to the following:
      - i. Level of formal education.
      - ii. Amount and type of in-service training.
      - iii. Other special job skills or communication skills that would enhance the employee's performance in the assignment.

**PER 1-04-14 PROBATIONARY PERIODS**

- A. All non-certified employees serve an initial two year probation.
- B. Certified employees who have been hired or are promoted shall complete a one year probationary period.
- C. As early as possible during the probationary period, unsatisfactory performance should

be brought to the attention of that employee to allow time for improvement. They should be informed that failure to improve the performance to satisfactory could be cause for return to his/her former rank or status.

- D. If an employee fails to meet their probationary period, they shall be returned to the rank they previously held unless the demotion is related to an act of malfeasance.

**PER 1-04-15                      COMPENSATION**

- A. Salary increases due to promotions or transfers will be governed by the Lea County Personnel Compensation and Classification Policy.

**PER 1-04-16                      REVIEW OF PROMOTIONAL PROCESS**

- A. At least annually, the Undersheriff will conduct an evaluation of the promotion and transfer process. If the need for change is discovered in the process, the appropriate change will be made as soon as possible. An evaluation report will be submitted to the Sheriff detailing the evaluation and any required change.

**PER 1-05 EMPLOYEE RECOGNITION PROGRAM****POLICY:**

Effective discipline demands that we give credit to, and support the attitude and performance of our employees when it is proper and in line with the missions of this office. The Sheriff recognizes command's responsibility to keep employees advised of the appreciation we feel for their exemplary service to the residents of Lea County, this office, and each other. This policy describes the different awards we present to acknowledge exemplary service by office employees.

**PER 1-05-1 CLASSIFICATION OF EMPLOYEE AWARDS**

- A. Exemplary service to the public or the sheriff office by an employee will be recognized through the Employee Award Program. These awards will be classified as Letters of Appreciation, Good Conduct Medals, Commendation Medals, Meritorious Service Medals, Lifesaving Medals, Medals of Valor and Medals of Honor.
  - 1. Letter of Appreciation
    - a. A Letter of Appreciation may be considered any time an employee has provided significant assistance on a particular task or mission. The Letter of Appreciation will not require a formal ceremony of presentation. A letter on Sheriff's Office stationery detailing the action or deed will be signed by the supervisor rendering the letter and provided to the recipient.
  - 2. Good Conduct Medal
    - a. Issued for a consecutive 3 year increment calculated from the date of hiring without any disciplinary action.
  - 3. Commendation Medal
    - a. Issued for a particular act or acts that were of significant service to the mission of the Sheriff's Office.
  - 4. Meritorious Service Medal
    - a. Issued for a particular act or acts that were of significant service to the public's interest, safety or welfare.
  - 5. Lifesaving Medal
    - a. Issued for a particular act or acts which resulted in saving an individual's life.
  - 6. Medal of Valor
    - a. Issued for a singular act of bravery that placed the recipient in hazard of immediate serious injury.

7. Medal of Honor
  - a. Issued for a singular official act which exposed the recipient to imminent danger of serious injury or death and was performed with the intent of saving another's life in some way.
- B. All awards shall be accompanied by a medal and a suitable framed certificate summarizing the reason for the award and bearing the signatures of the recommending employee and the Sheriff.
  1. Sworn personnel will also receive a ribbon device for wear on the uniform.
  2. Non-sworn personnel will receive a pin or ribbon which can be worn at their discretion.

**PER 1-05-2                      RECOMMENDING AN AWARD**

- A. Any employee may recommend a member of the Sheriff's Office for an award. The recommending employee or supervisor will write a letter to the Sheriff through the chain of command.
  1. The letter will contain the number of the official report describing the incident; name and addresses of the complainant and victim, if available; date and time of occurrence, and details pertinent to the award being recommended.
  2. Each level in the chain of command will indicate his/her concurrence or non-concurrence.
  3. After a complete evaluation and upon recommendation of the Sheriff, the Sheriff will direct his staff to prepare for an award presentation, if appropriate.

## **PER 1-06 PSYCHOLOGICAL SERVICES**

### **POLICY:**

Critical incidents are significant events that occur to employees while they are on-duty or in the duty environment that can have a negative effect on them. It usually involves an event that is shocking and debilitating on the employee. This policy contains some explanations for employees who have been involved in a critical incident as well as protocols for supervisors to follow. Our policy is to provide support and counseling to all personnel during and following any incident which may cause a significant psychological impact on them. Simply put, we care about each other and will take proper actions to help each other through critical incidents.

### **PER 1-06-1 CRITICAL INCIDENT DEBRIEFING**

- A. The purpose of a Critical Incident Debriefing is to help an employee bring "closure" to a critical incident. Until closure is reached the human mind continues to run a memory track of the event in hopes of making the incident make sense and be logical. Employees will continue to "turn over" the situation and review it until they feel satisfied that it "now makes sense."
- B. A debriefing by a trained person helps the individuals understand the event, their lack of ability to control situations and then to store the incident into long term memory. Not all situations or persons need a debriefing, but for those persons who continue to not sleep, have anger issues emerge, or continue have difficulty in focusing attention a debriefing may prevent Post Traumatic Stress Disorder (PTSD).

### **PER 1-06-2 OBJECTIVES**

- A. To provide means for emotional expression by individuals involved in the event.
- B. To decrease distressing symptoms and prevent onset of PTSD.
- C. To assimilate the traumatic experience.
- D. To regain/increase capacity for self-control.
- E. To reduce the focus of the event in the daily lives of survivors
- F. To provide emotional support/enhance group cohesion.
- G. To dispel myths and reduce self-blame.
- H. To restore adaptive levels of trust.
- I. To restore capacity for emotional response.
- J. To alleviate disabling fears and anxieties caused by the trauma.
- K. To provide structure and stability.
- L. To prepare for physical and psychological symptoms that may follow.
- M. To inform individuals about stress, stress reactions and survival methods.



- N. To promote appropriate and realistic problem-solving.
- O. To assess individual coping skills & make referrals if necessary.
- P. To identify and access additional resources or support systems.
- Q. To arrange for effective follow-up.
- R. To obtain closure.

#### **PER 1-06-3 SYMPTOMS**

- A. Employees are encouraged to watch for these symptoms in themselves and other employees who have experienced a critical incident and bring them to the attention to the person suffering the symptoms or the chain of command in a respectful and confidential manner:

Loss of Sleep	Stomach Problems
Increased Anger	Increased Blood Pressure
Inability to Concentrate	Increased sweating
Increased Alcohol/Drug consumption	Increased Agitation
Increasing Tears	Headaches
Loss of Appetite	Nausea
Nightmares	Anxiety
Agoraphobia	Increasing Fear

#### **PER 1-06-4 LEADING A DEBRIEFING**

- A. Debriefing shall be conducted by a trained and certified mental health professional. Supervisors will coordinate with the Lea County Personnel Director when scheduling a critical incident debriefing.

#### **PER 1-06-5 CONFIDENTIALITY**

- A. It is imperative the information obtained and shared in the debriefing be held absolutely confidential. These meetings cannot be considered a part of any related investigation and the information shared will not be used in that manner.

#### **PER 1-06-6 ANTICIPATED STAGES TOWARDS HEALING AFTER A CRITICAL INCIDENT**

- A. Research has indicated most people will follow these stages and it is helpful to all employees to know they are going through a process of healing.
  1. SHOCK – an employee may refuse to believe the event occurred, describe it in non-sequential terms, or fail to disclose certain aspects due to the trauma.
  2. ANGER – the employee may become angry with the situation, persons, or even non-involved parties.

3. RESISTENCE - Here the individual feels overwhelmed and needs to be given space to begin to heal. Feelings of exhaustion and fatigue are frequent in this phase.
4. ACCEPTANCE – normal relations and interactions with work and others return.
5. HEALING – the person has successfully transitioned the event to long-term memory and has accepted the event. They are typically a bit wiser and can help others.

**PER 1-06-7 DETERMINING IF A CRITICAL INCIDENT DEBRIEFING IS APPROPRIATE**

- A. To help make sure a debriefing is right for employees, supervisors should ask themselves the following questions:
  1. Are personnel asking for help? If employees are not asking for someone to talk to they may not need a debriefing.
  2. Am I only involving those persons who are asking for assistance? Briefings MUST BE VOLUNTARY; don't force persons to attend because they may have already worked through their feelings and stored the event. Also, some debriefings should be held only one on one because of the severity. Supervisors should coordinate with the debriefer to organize the sessions properly.
  3. Did I publicize the debriefing time and date well and did I STRESS that it is VOLUNTARY? Remember that forcing someone to attend a debriefing can harm.
  4. Does the debriefer selected have experience performing debriefings for similar incidents and with similar employee types? A debriefing held for investigators following an Officer Involved Shooting is not at all similar to a debriefing for deputies after a horrible vehicle accident involving children.
  5. Do I have a private place on site to hold the debriefing? In most cases it is advantageous to hold the debriefing at the office.

**PER 1-06-8 TIPS FOR DIFFUSING A TRAUMATIZED EMPLOYEE**

- A. Employees are not qualified or authorized to provide treatment to another employee; however there are various methods to assist in calming the situation down or to reassure a distressed employee. It is helpful to remember that the second phase of recovery is Anger.
  1. Don't argue with someone who is in attack mode. You are not under attack – do not respond defensively.
  2. When attacked, do not counter-attack.
  3. Ask "What does this person want from me?"
  4. Recognize when the person is under stress.
  5. People want you to be helpful; they want choices and acknowledgment.
  6. Be slow to anger – don't react quickly.
  7. Listen . . . really listen.

8. Take time to respond if you are on the spot.
9. Keep your own sense of self-confidence.

**PER 1-06-9                      COMMAND AND SUPERVISOR RESPONSIBILITIES**

- A. The supervisor of any employee involved in any incident which is expected to have a significant psychological impact on the employee must notify the Office of the Sheriff as soon as possible after the incident.
- B. Anytime an employee utilizes deadly force which results in injury to a person, regardless if there is loss of life, the Sheriff must order the employee to psychological counseling, at the expense of the Sheriff's Office. This is for employee's benefit and is intended to provide them with a timely opportunity to receive qualified assistance.
- C. The Sheriff may also order an employee to psychological counseling or evaluation, the expense of the Sheriff's Office, for any incident where the Sheriff has reason to believe such intervention is necessary for the employee's, the county's or the public's welfare.
- D. In the absence of an identifiable critical incident, the Sheriff or designee may order an employee to attend psychological testing or counseling to determine the feasibility of the employee to properly and safely perform their job, provided there are documented instances and indications of potential psychological problems being experienced by the employee.
- E. Initial evaluation visits shall be paid for by the Sheriff's Office, however, subsequent counseling sessions will be paid for by the employee unless the particular disorder being treated is a direct result of the employee's duties.

**PER 1-06-10                      RETURNING TO WORK**

- A. Any employee ordered to psychological counseling shall not return to duty unless released to do so by the attending Psychologist.

## DEFINITIONS

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### General Terms

**ACTIVE INCIDENTS** - Defined as an incident requiring an initial report and continuing investigative activity that must be documented.

**ACTIVE SHOOTER** - An active shooter is an armed person who has used deadly force on other persons and continues to do so while having unrestricted access to additional victims.

**ADJUNCT RECORD** - Reports and records generated internally by the Sheriff's Office, including, but not limited to: radio logs, teletype and telephone transcriptions maintained for varying periods of time (including audio tapes). NOTE: Requests for copies, review or other disclosure must be directed to the Records Clerk for review and approval.

**AFIDs** - Confetti-like pieces of paper that are expelled from the cartridge when fired. Each anti felon identification (AFID) tag contains an alpha-numeric identifier unique to the cartridge used.

**ARREST REPORT** - A report prepared when a person is arrested by a member of the Lea County Sheriff's Office or by any other Law Enforcement agency within the county for a violation of criminal law or pursuant to a valid arrest warrant when that arrest report is maintained by the Records Division of the Lea County Sheriff's Office.

**ARREST/RECORD FILE** - The numerical file assigned to an individual upon their first arrest, containing, as a minimum, the original arrest report, a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).

**AUTHORIZED EMERGENCY EQUIPMENT** - That equipment on authorized emergency vehicles, including, but not limited to: siren, flashing/rotating red/blue, or amber lights.

**BIASED-BASED POLICING "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 or serious medical condition, or economic status.

**BLOOD ALCOHOL CONCENTRATION (BAC)** -Percentage of alcohol by volume as determined by obtaining a proper blood sample utilizing the appropriate and current blood kit as furnished by Scientific Lab Division (SLD). The concentration is measured in grams/100ml.

**BREATH ALCOHOL CONCENTRATION (BrAe)** -Percentage of alcohol by volume as determined by obtaining proper breath samples from an approved machine. The concentration is measured in grams/210 liters of breath.

**CASE FILE** - A file maintained in numerical sequence and consisting of a Criminal Incident Report, a Non-Criminal Incident Report, or an Accident Report.

**COMPLAINT** - A complaint consists of an individual or employee's expression of concern that provides reason to suspect an employee has committed misconduct.

**CO-PARENT** - Persons who have a child in common, regardless of whether they have been married or have lived together at any time.

**CRASH REPORT** - State-mandated reports documenting the collision or other involvement of motor vehicles as required by law.

**CRIMINAL BACKGROUND INVESTIGATIONS** - The collection of information about individuals, businesses, or organizations based on known or suspected criminal activity.

**CRIMINAL INCIDENT REPORT** - A report prepared when a prima facie showing of a violation of State Law or County Ordinance occurring within the jurisdiction of the Lea County Sheriff's Office is presented.

**CRIMINAL INVESTIGATIONS** - The information on identifiable subjects compiled in an effort to collect evidence for the purpose of prosecution.

**CRITICAL INCIDENT** - a workplace event which is extraordinary in nature with the expectation of producing significant reactions on the part of victims or those either directly or indirectly impacted. Who can be affected? Witnesses, employees, colleagues, clients and/or family members all can be affected and can create risk.

**DAILY OBSERVATION REPORT** - A daily form completed by the FTO which documents the FTO's appraisal of the recruit deputy's appearance, attitude, knowledge, performance, and relationships during their training. The DOR is intended to note the recruit deputy's strengths and weaknesses objectively until they reach the level of consistent, acceptable standards which are applicable throughout the office. The DOR is to be completed daily and signed off by the Supervisor daily or immediately upon their return to duty.

**DEADLY FORCE** - Any use of force that is likely to cause death or serious physical injury.

**DELINQUENT ACTS** - A delinquent act is any act committed by a child which would be designated as a crime under the law if committed by an adult.

**Deprivation Period** -Measured time period; Minimum 20 minutes starting the moment a suspect is deprived of placing anything foreign into their mouth i.e. chewing gum, chewing tobacco, narcotics and ending when an arrested DWI offender initially begins giving breath samples.

**DISPATCH RECORD** - A report prepared when the circumstances of the event being reported do not warrant any other type of report.

**DOMESTIC ABUSE** - Any incident by a household member against another household member resulting in physical harm, severe emotional distress, bodily injury or assault, a threat causing imminent fear of bodily injury by any household member, criminal trespass, criminal damage to property, repeatedly driving by a residence or work place, telephone harassment, stalking harassment, or harm or threatened harm to children as set forth in the paragraphs of this subsection.

**DRUG RECOGNITION EXPERT (DRE)** –Law enforcement officer with specialized training in detecting persons under the influence of substances other than alcohol, i.e. marijuana, cocaine, methamphetamines, heroin and prescription narcotics. Division Captains shall be responsible for keeping qualified drug recognition experts and key operators in their respective divisions.

**ELECTRONIC PRISONER CONTROL DEVICE (EPCD):** An electronic device designed to incapacitate a prisoner or impede their ability to escape custody from a safe distance while reducing the likelihood of serious injuries or death to the deputy, the prisoner, court personnel or civilians. The device works as

both a Neuro-Muscular Incapacitation (NMI) and pain-compliance tool. These devices have a low likelihood of injury and a high potential for control.

**EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.) COMPLAINT COORDINATOR** - The County Personnel Director (County Manager) acts as the office's E.E.O Complaint Coordinator.

**EVENT RECORD** – An administrative form maintained in the Recruit Deputy's FTO Program Training File. This form can be utilized by the training coordinator to document administrative actions, such as completion of a Phase and the submission of DOR's or Training Logs to supervisory personnel for review.

**EXIGENT BLOOD-DRAW** -Specific to areas of the state where persons involved in suspected DWI crashes are injured and are transported via ambulance or helicopter to a hospital out of state. It is incumbent for officers in these areas to consult with their local paramedics, flight crews and the District Attorney in their respective area regarding the use of exigent circumstance blood draws. The blood draw ideally should be collected prior to the departure of the arrested suspect if this does not interfere with the medical condition of the offender. This applies specifically to felony investigations such as Vehicular Homicide, Great Bodily Injury or 4th or subsequent DWI. Refer to NMSA 1978, Section 66-8-103.

**FAMILY/HOUSEHOLD MEMBER** - A spouse, former spouse, family member (including a relative), parent, present/former step-parent, present/former in-law, child/co-parent of a child, or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section.

**FELONY DWI** -A felony DWI arrest occurs when it is learned through the investigation that the arrested suspect has at least three prior DWI convictions.

**FIELD INTERVIEW CARD (FI)** - A report prepared to document officer/citizen contact that does not warrant another type of report.

**FIELD TRAINING LOG** - A manual provided to the FTO and Recruit Deputy which documents the training objectives for a Recruit Deputy. The log consists of a series of worksheets, identified by the Week number and Phase which identify the task being taught along with the date it was presented and satisfactorily performed by the recruit deputy. The log also contains the written tests and results administered to the recruit deputy at the completion of each Phase and the final test administered prior to the recruit deputy being released to solo patrol.

**FIELD TRAINING OFFICER / PEER COACH** - A commissioned deputy or non-sworn employee assigned the task of training and evaluating newly hired deputies or employees while preparing them to carry out their duties. FTO Corporals serve as temporary field supervisors in the absence of an assigned shift sergeant. FTO's are responsible for developing and presenting shift-level training to peers.

**FOLLOW-UP INVESTIGATION** - The continuing stages of an active investigation include the final stages of the process to include warrants, affidavits, DA submissions, preparation for court, testifying, and the recording of a Judgment and Sentence where appropriate. They include those investigations which were not solved or cleared in the initial stage or where such investigations have either been assigned to an Investigator, a deputy within a specialized unit, or are being investigated further by the primary deputy.

**FORMER SPOUSE** - A husband and wife who are legally divorced from one another.

**FTO COORDINATOR** – Sheriff's Office employee who coordinates in-service and certification training and provides assistance to FTO Corporals and the FTO program.

**GREAT BODILY INJURY** - An injury to the person which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.

**HARASSMENT** - Harassment includes sexual, racial, ethnic slurs, and any other verbal, visual, or physical abuse relating to a person's race, color, religion, national origin, ancestry, age, sex, or handicap and includes any other type of behavior which interferes with a person's work performance or creates an intimidating, hostile, or offensive working environment.

**HAZARDOUS MATERIALS** - Those substances which in quantity or form constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.

**IMMEDIATE ACTION RAPID DEPLOYMENT:** The swift and immediate deployment of law enforcement personnel and resources to ongoing, life threatening situations where delayed deployment of personnel could otherwise result in death or great bodily injury to innocent persons. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.

**IMPLIED CONSENT** - Any person who operates a motor vehicle within this state shall be deemed to have given consent, subject to the provisions of the Implied Consent Act (NMSA 1978, Sections 66-8-105 through 66-8-112) to chemical test(s) of his breath or blood or both, approved by the scientific laboratory division of the Department of Health pursuant to the provisions of NMSA 1978, Section 24-1-22 as determined by a law enforcement officer, for the purpose of determining the drug or alcohol content of his blood if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or drug.

**INFORMED CONSENT** - The full knowledge and written permission of the individual being investigated.

**INITIAL REPORT** - The first report completed relating to an event. It includes but is not limited to: information on all known involved persons, offenses initially reported/alleged, property information, locations and the initial narrative.

**INQUIRY** - Consists of an individual or employee's expression of concern regarding Sheriff's Office services that is determined to stem from a lawful act or duty, performed within accepted guidelines. Inquiries may be generated internally or externally.

**INTAKE REPORT** - A report prepared when a person is detained for a reason not amounting to a violation of criminal law, pursuant to valid authority (e.g. Mental Evaluation, Detoxification)

**INTERNAL AFFAIRS (IA)** – A function within the Lea County Sheriff's Office that investigates, documents, and/or reviews or monitors all complaints.

**INTOXICATED PERSONS** - As used in subsection 2-11-7, a person whose mental or physical functioning is so substantially impaired as a result of the use of alcohol that the person has become disorderly or has become unable to care for his/her own safety

**LAW ENFORCEMENT ACTION** - Any offensive or non-passive defensive action by a deputy, or some intention action under his/her control.

**LAW ENFORCEMENT ACTION INJURY** - Any injury to a suspect that results from offensive or non-passive defensive action by a deputy, or some intentional action under his/her immediate control.

**LAW ENFORCEMENT CONTACTS / ENFORCEMENT ACTIONS** - Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property.

**LAWFUL MANNER** - Collection of information in such a way as to conform to all appropriate laws of the United States, laws of the State of New Mexico, as well as County ordinances and official policy.

**MEDICAL RECORD** - A record detailing physical conditions and treatments (if any) of persons. This does not include reports that are prepared pursuant to an investigation that detail injuries sustained as part of the circumstances of the report. Example of a Medical Record would be jail medical logs, jail medical treatment forms, etc.

**MENTALLY ILL PERSONS** - One who has a mental disorder. This means a substantial disorder of a person's emotional processes, thought, or perception which grossly impairs judgment, behavior, or capacity to recognize reality.

**MISCONDUCT** - Consists of

- Malfeasance: Defined as a deliberate wrong act or deliberate inaction in the presence of a duty to perform a function.
- Misfeasance: Commission of a lawful or required act done in an unlawful or improper manner.
- Nonfeasance: Defined as the failure to do a lawful or required act.

**MISDEMEANOR CITATION** - A document issued in lieu of a physical arrest for violations of certain criminal laws, as provided by law.

**NON DEADLY FORCE** - Any use of force other than that which is considered to be Deadly Force.

**NON-CRIMINAL REPORT** - A report prepared when the circumstances of an event: (1) constitute a violation of criminal law occurring outside the jurisdiction of the Lea County Sheriff's Office; (2) a violation of Federal Law; (3) an unattended death without obvious signs of criminal activity (including suicides); (4) any other event requiring more documentation than is provided by a Dispatch Record; and (5) any other event where this type of report is specified by policy or directive.

**ON-VIEW INCIDENTS** - Defined as all events requiring some type of documentation, investigation, and/or enforcement activity, which is committed in the presence of, and witnessed by, a deputy.

**PERSONS RESIDING WITH EACH OTHER** - Any persons residing in the same residence on a full-time basis.

**PETITION FOR ORDER OF PROTECTION** - A victim of domestic abuse may petition the District Court under the Family Violence Protection Act for an Order of Protection. The Lea County Sheriff's Office is required to keep petition forms for distribution to the victims of domestic violence. These forms will be available at all Sheriff's Offices and deputies should familiarize themselves with these forms and their implications in order to instruct family violence victims seeking such relief.

**PETITION FOR ORDER OF PROTECTION** - An order issued by any State District Judge pursuant to the Family Violence Protection Act granted for the protection of victims of domestic abuse with a specific expiration date, valid for no longer than six months (renewable for six additional months).

**POST TRAUMATIC STRESS DISORDER (PTSD)** is the physical response to long term exposure or untreated reactions to a traumatic event and can be prevented by attending a debriefing. Symptoms of



this disorder vary depending on the types of trauma a person has survived in their lifetime, the severity of the current event, the amount of control removed for the individual at the time of the incident and the quality/quantity of a support system in the person's personal life. PTSD can be long term or permanent if not treated early with intervention. One of the primary issues underlying PTSD is the feeling that the person has lost control in their personal lives.

**PRELIMINARY INVESTIGATION** - This is the initial stage of any investigation. The preliminary investigation includes the gathering of evidence, taking statements, etc. Preliminary investigations are initiated when information is brought to the attention of a deputy by means of a complaint, a dispatch notice, a telephone conversation, a crimestopper tip, personal observation, or other viable means.

**PRIMARY PURSUING UNIT** - The law enforcement unit that initiates a pursuit or that is the closest following unit in the pursuit.

**PRISONER** - For the purpose of this section a prisoner is anyone whose freedom of movement has been significantly restricted pursuant to a deputy's lawful authority according to New Mexico statute or a court order. This includes an individual under investigative detention, physical arrest, and/or an individual placed into a deputy's custody pursuant to a court order.

**PROBABLE CAUSE** - The combination of facts which lead a deputy to believe a crime has been committed. The "probable cause standard" applied to domestic violence crimes is no different from the standard applied to all other crimes.

**PROBABLE CAUSE FOR ARREST** - Articulable facts or circumstances that would lead a reasonable person to believe that a crime has been committed or is being committed and that the person arrested committed the crime.

**PURSUIT** - An active attempt by one or more deputies to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed, but willfully failing to yield to the deputies signal to stop.

**REASONABLE BELIEF** - facts or circumstances the deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**REASONABLE FORCE** - Use of the minimum amount of force needed to achieve control over an incident or person.

**REASONABLE SUSPICION** – Those fact and circumstances that would lead reasonable law enforcement officer, based on their training and experience, to believe a crime is about to be, is being or has occurred.

**RECORD** - Any record, paperwork, associated documented or file generated by members of the Lea County Sheriff's Office during the course of their duties and normally maintained in or by the Records Division, or documents generated by other criminal justice agencies when the original of such documents is maintained physically in or by the Lea County Sheriff's Office Records Division, including, but not limited to:

**RECRUIT DEPUTY** - A newly hired, commissioned deputy who has not yet completed the mandatory Field Training Program as set forth in this policy.

**RESPONSE CODES** - The manner in which deputies respond to an incident.

Code 1:	Response in accordance with all traffic regulations without use of emergency equipment.
Code 2:	Response using only emergency red lights.
Code 3:	Response with full emergency equipment in operation.
Code 4:	Disregard Cover Unit

**ROADBLOCK** - Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to achieve the apprehension of an actual or suspected violator in a motor vehicle.

**SERIOUS PHYSICAL INJURY** - A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

**SEXUAL HARASSMENT** - Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
2. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive environment.

**SPOUSE** - A husband and wife who are legally married to one another at the time of the incident.

**SUPPLEMENT** - A report prepared: (1) by the original reporting officer to continue the narrative or other information of an original report when the space provided on the original form is insufficient; or (2) a report prepared subsequent to, or in addition to, the original report (by the same officer or officers) that present data not contained in the original report or case status updates.

**SUPPLEMENTAL REPORT** - A report completed by any deputy affiliated with a case documenting their involvement, additional activity, new information or investigative status.

**TRAINING LOG** - The training log is used to document task-specific training designed to orient deputies/supervisors to new duties such as Civil Process/promotions.

**TRAFFIC CITATION** - A document issued to motorist for the violation of a traffic related law.

**VEHICULAR HOMICIDE AND GREAT BODILY INJURY** - These offenses are third degree felonies that can only be charged when a driver is operating a motor vehicle while under the influence of intoxicating liquor and/or drugs or when the driver's actions reach the threshold of reckless driving; and is involved in a crash that results in death or great bodily injury. Refer to NMSA 1978, Section 66-8-101 (1985).

**VIOLENT FELONY** - A felony that involves an actual or threatened attack which the deputy has reasonable cause to believe could or has resulted in death or serious bodily injury, limited to murder; armed robbery; kidnapping; aggravated battery, involving serious bodily injury; shooting at an occupied dwelling, or at or from a motor vehicle, resulting in serious bodily injury; or criminal sexual penetration, as provided in Subsection C or Paragraph (5) or (6) of Subsection D of Section 30-9-11 NMSA 1978. Other types of violent felonies may be considered to fall within this definition, but only upon approval of a supervisor.

**WARRANT** - Court issued documents authorizing the physical arrest or search of particular persons or places for specific violations or items.

**CRIMINAL INTELLIGENCE TERMS**

**ANONYMOUS INFORMANT** - Anyone calling the Sheriff's Office with information who wishes to remain anonymous.

**COMPLETELY RELIABLE** - An informant who has provided information on multiple occasions that has been proven to be correct by arrests, seizures, or through independent investigation by a deputy, and never provided false information.

**CONCERNED CITIZEN/WITNESS** - An individual who is providing information about actual or alleged criminal activity without expectation of regard or consideration on pending criminal charges.

**CONFIDENTIAL INFORMANT (C.I.)** - A paid or unpaid individual who is providing information to the sheriff's office; who for reasons of personal safety or other valid considerations, requests that his/her identity be kept confidential.

**CONFIDENTIAL RECORD** - A record which has been reviewed by a supervisor and determined to contain information that reveals confidential sources, methods, information, (as described in State Law) and has been marked "CONFIDENTIAL" by that supervisor.

**EXPENSE REPORTS** - Internal administrative documents used to provide an audit trail. Expense reports do not contain any information concerning the actual information received, nor do they report activity of the deputy in matters concerning the case. Expense reports are not used to circumvent normal intelligence or criminal case files.

**FAIRLY RELIABLE** - An informant who has provided information that on occasions has been proven to be true and correct, but has never intentionally provided false information.

**INFORMANT** - Anyone who provides information on a suspected criminal activity including one or more of the following specific categories.

**INFORMANT FILES** - Those files containing the true identity of confidential informants used by the employees of the Lea County Sheriff's Office. Informant files are kept by the deputy, with all the necessary documentation to identify the informant.

**INTELLIGENCE INVESTIGATIONS** - The information on identifiable subjects compiled in an effort to anticipate, prevent, or monitor criminal activity. This includes a coordinated series of interrelated functions to collect, evaluate, collate, analyze, disseminate, and re-evaluate criminal information.

**JUVENILE INFORMANT** - Any informant under the age of eighteen.

**NEED TO KNOW** - The requested information is pertinent and necessary to the requesting law enforcement representative in initiating, furthering, or completing an official investigation.

**PAID INFORMANT** - Anyone who provides information about actual or alleged criminal activities with the expectation of financial compensation or other considerations. The compensation can include money, goods, services, or consideration on pending criminal charges.

**PAYMENT & CONSIDERATIONS** - The actual exchange of money, goods, or services for information. The draft of agreements through the prosecuting attorney's office in consideration of reducing charges pending or plea agreements with the informant.

**RECEIPTS** - Receipts are normal business receipts or, in emergencies, handwritten receipts used to provide additional audit methods to ensure the proper use of funds. Receipts are attached to expense reports where applicable to provide a unified expense file on each operation involving informants.

**REGULATORY REQUIREMENTS** - Requirements defined by regulation for the completion of background investigations. This includes, but is not limited to authorized government licensing and regulatory procedures, as well as Sheriff's Office policy, rules, and procedures.

**RELIABILITY UNKNOWN** - A person who wishes to provide information that may be true but the deputy cannot establish the truthfulness of the informant through previous use of the informant or through other deputies.

**RIGHT TO KNOW** - The requesting law enforcement agency representative has an official capacity, and statutory authority to receive the information being requested.

**STATUTORY REQUIREMENTS** - Those requirements defined by law which regulate information dealing with the collection, evaluation, and dissemination of information gathered as part of a background investigation.

**UNIDENTIFIED, UNRELIABLE INFORMANT** - A person who provides information that may or may not be true and who does not identify him/herself to the deputy.

**UNPAID INFORMANT** - Anyone providing information about actual or alleged criminal activity and does so with no expectation of compensation but does expect anonymity.

**UNRELIABLE INFORMANT** - An informant who has provided information that has been found to be intentionally given as false information, violates any of the outlined agreements on the informant agreement sheet, or intentionally places a deputy in danger. It is the responsibility of the informant file maintenance deputy to advise the investigating deputy of any informant that is considered unreliable.

**UNWITTING INFORMANT** - An individual involved in criminal activity who acts as an intermediary to negotiate illegal transactions, purchase contraband, or who otherwise unwittingly acts as an informant.



LEA COUNTY SHERIFF OFFICE

*Keeping the Peace Since 1917*