Truth or Consequences Police Department

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Professionalism, Respect, and Integrity

NMMLESPSC STANDARD OPERATING PROCEDURES MANUAL

ADMINISTRATION POLICIES

	Policy Name:	**AGENCY ROLE** **Oath of Office-Code of Ethics** **Policy#-TCPD 1A** **NMMLESPSC Standard ADM 01.01-01.02**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 09/14/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY

All personnel, elected or appointed to any office shall take the oath of office as subscribed by the Constitution of the State of New Mexico.

II. PURPOSE

The Oath of Office is an affirmation to the State of New Mexico and the residents of Truth or Consequences to uphold the Constitution of the United States and the State of New Mexico through the impartial discharge of duties in a legally and constitutionally protected manner.

III. OATH OF OFFICE

Oath of Office

STATE OF NEW MEXICO}
COUNTY OF SIERRA}

I, _____having been appointed Police Officer for the City of Truth or Consequences, County of Sierra, State of New Mexico, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of New Mexico and that I will faithfully and impartially discharge all the duties pertaining to my office to the best of my ability and belief:

SO, HELP ME GOD

_____
OFFICER

Subscribed and sworn to before me this ____ day of _____, 20 _____.

IV. POLICY

All sworn officers are required to abide by the Law Enforcement Code of Ethics as published and approved by the International Association of Chiefs of Police and adopted by the Truth or Consequences Police Department.

V. PURPOSE:

All sworn officers are required to abide by the Law Enforcement Code of Ethics and understand the importance of the Canons of Police Ethics as it pertains to their role.

VI. CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule' develop self-restraint' and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary for the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

	Policy Name:	**LIMITS OF AUTHORITY** **POLICY #: TCPD 2A** **NMMLEPSC Standard ADM.02.01-02.06**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/06/2023** **Revision Date: 11/29/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY:

Department members, whether on duty or off duty, are expected to conduct themselves in accordance with statutory limits and guidelines of this manual, and in such manner as would reflect favorably upon themselves and on the Department.

II. PURPOSE:

The questions of the authority and responsibility of Police Officers is one that must be considered in light of the following factors: whether the Officer is on duty or off duty and whether the incident takes place within the jurisdiction of the Officer's Department. The statutory provisions and the recent judicial determination have established an amorphous outline, of which Officers should be aware. In addition, Officers are expected to exercise a certain degree of discretion in their enforcement activities. Such discretion appears to run contrary to law, yet is necessary due to the limited resources available to the Police.

III. PROCEDURE:

A. ON DUTY AUTHORITY

1. While on duty, within the city limits, Officers have the full authority granted peace Officers by New Mexico Statute. (Refer to NMSA 3-13-2)
2. An officer of the City of Truth or Consequences who goes outside of the city limits for authorized and official duties is limited to action directly related to the reason he is out of his jurisdiction.

B. ON DUTY RESPONSIBILITY

1. Officers, while on duty within the city limits, after consideration of the situation at hand, are expected to take all necessary steps consistent with their assignment.

    a. To protect life and property.
    b. To enforce the laws of the United States and the State of New Mexico, and the ordinances of the City of Truth or Consequences.
    c. To adhere to 3-13-2 NMSA 1978.

C. The police officer of a municipality shall:

1. execute and return all writs and process as directed by the municipal judge of the municipality employing the police officer or any other presiding entity where we have jurisdiction;
2. execute and return all criminal process as directed by the municipal judge of any incorporated municipality in the state if the criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs;
3. serve criminal writs and process specified in Paragraphs (1) and (2) of this subsection in any part of the county wherein the municipality is situated; and within the municipality:

    a. suppress all riots, disturbances and breaches of the peace;
    b. apprehend all disorderly persons;
    c. pursue and arrest any person fleeing from justice; and
    d. apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring him before competent authority for examination and trial.

4. In the discharge of his proper duties, a police officer shall have the same powers and be subject to the same responsibilities as sheriffs in similar cases.

    a. On duty Officers outside the city limits should avoid overzealous involvement in Police situations.
    b. If an incident arises in which the Officer reasonably believes his or another person's safety is jeopardized, he should make every effort practicable to cause appropriate action to be affected by the responsible law enforcement agency.
    c. Action, beyond notifying the appropriate agency, should be taken only after careful consideration of the tactical situation, and of possible liability for themselves and for the city.

IV. OFF DUTY AUTHORITY

A. Police action by off duty personnel is discouraged, and should be taken only after careful consideration of the tactical situation, the safety of themselves and the public and possible civil liability.
B. While off duty, within the city limits, Officers have the same authority granted as on duty peace Officers under New Mexico Statute.
C. Due to recent court rulings, and ambiguity within the New Mexico Statutes, off duty Officers observing a criminal act should not attempt to affect an arrest. They should observe and report to the local authority.

V. OFF DUTY RESPONSIBILITY

A. While off duty Officers observing a situation indicating a need for Police action, both inside and outside the city limits, should first give consideration to contacting and allowing the appropriate action to be affected:

1. By on duty personnel (within the city limits).
2. By the responsible law enforcement agency (outside the city limits).

B. While off duty Officers should consider immediate action if they observe a criminal act which threatens the life of another or themselves. Limitations on actions should be considered:

1. The danger to the public if there is no action taken.
2. If the Officer has a means of protection for himself that is applicable to the danger that is faced.
3. If the Officer is under the influence of an intoxicating alcohol or prescription narcotic.

VI. DISCRETION

A. GENERAL GUIDELINES

1. Officers are expected to use discretion and authority only in compliance with law, in furtherance of Departmental goals and objectives, and in compliance with the Police Code of Ethics.
2. When confronted with situations involving traffic and ordinance violations Officers should examine all possible alternatives to arrest and confinement. This is not meant to discourage the writing of traffic citations or ordinance citations.

B. SPECIFIC RESPONSIBILITIES

1. Discretion in criminal violations will be subject to approval of a supervisor.
2. Officer enforcement action, inaction, or degree of severity, must not be influenced by malice, vengeance, or prejudice based upon race, sex, ethnic background, religious belief, or political affiliation.
3. Enforcement action must not be more severe than can reasonably and objectively be justified to further Departmental goals and objectives. Enforcement action or contact may not be extended unnecessarily for the purpose of delaying the release of, or inhibiting the free movement of, any person.

VII. ALTERNATIVE TO PRE-TRIAL CONFINEMENT ("Incarceration")

A. Officers are reminded that bond placed upon a defendant in the vast majority of cases, is only to insure that defendant's appearance in court.

B. ALTERNATIVES

The use of OR-bonds (Own Recognizance bonds) is encouraged in minor criminal arrests, as well as criminal summons (non-traffic citations) in accordance with New Mexico Supreme Court rule

1. Bond hearing, when applicable, or contact with a judge to set bonds lower than determined by New Mexico Statute, are encouraged when a defendant is determined not a threat to flee jurisdiction prior to trial

VIII. POLICY

Officers of the Truth or Consequences Police Department will not threaten, coerce, physically abuse or question after a request for an attorney.

IX. PURPOSE

A. To ensure compliance with all applicable constitutional and state law requirements.

1. Interviews and interrogations will be conducted in compliance with the requirements of Miranda and state statute when applicable.
2. All persons' access to counsel will be conducted in compliance with the requirements of Miranda when applicable.
3. All persons or property subject to search and seizure will be in compliance with the United States Constitution.
4. Terry vs. Ohio, (Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868) as defined by New Mexico Supreme Court, will govern all stop and frisk contacts conducted by the Truth or Consequences Police Department.
5. The Truth or Consequences Police Department will provide all safeguards in assuring that non-English speaking and hearing-impaired persons are protected in a manner that is clearly understood whenever constitutional issues become apparent through the use of qualified interpreters.

X. POLICY- Search and Seizure

A. Definition:

1. Police action is termed a search when (1) there is a prying action into hidden places by the officer or his agent: or (2) the person whose premises or person is being searched has a reasonable expectation to privacy.

2. A seizure is the collection of property, arrest of a person or in some cases deadly force.
3. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons and property. The Supreme Court is continuously interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under Civil Rights Act. In order to ensure that the Fourth Amendment rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases.

XI. PURPOSE

A. In order to uphold our oath to the constitution and our obligation as an officer in the State of New Mexico and the United States of America, officers will not intentionally or knowingly violate the constitutional rights of our citizens.

XII. EXCEPTIONS- (May require warrant to remove evidence located)

A. Consent Searches (signature forms available)

1. An officer may conduct a search without a warrant and with reasonable suspicion if the person to be searched gives consent to the search.
2. A person having legal interest or common authority in the property may give consent to search a structure or vehicle.
3. Consent searches are limited in scope by the request of the officer and the permission given by the person granting the consent to search.
4. The officer may not legally search beyond the extent of the permission, which has been given. The consent to search lasts only as long as the person granting consent allows it
5. The person granting the consent also may limit the area covered by the consent; i.e., giving consent to search only one room or one area.
6. Because there is a legal presumption against a waiver of a constitutional right, the officer has the burden of proving that the consent to search was made voluntarily.
7. Officers will record the request for consent and the consent to search in writing by completing the Consent to Search Form. If the individual indicates they will verbally consent to a search but not sign the Consent to Search form, the form will be completed anyway noting the individual's refusal to sign and shall be signed by a witness.
8. If there is a question as to the validity of the consent or the scope of the search, officers should contact their supervisor.
9. All officers must complete a written search report anytime a consent search is completed documenting the legal basis for the search and the results thereof. The original Consent to Search form will be will be attached to the report.

10. Any recording of request for consent and the subsequent searches if consent is granted shall be placed into evidence and maintained for 120 days. If criminal charges are filed as a result of evidence seized as a result of the search; the tape will be maintained in evidence until the final disposition of the criminal case.

B. Emergency Searches

1. Officers, who have legally entered a residence or other place when they are conducting a lawful arrest, may conduct a protective sweep or search of the interior of the premises when the officers have a reasonable belief that the area to be searched harbors an individual posing a danger to officer**s** or others.
2. Such a search is not a full search of the premises and may extend only to a cursory inspection of those spaces where a person may be found.
3. Their protective sweep may last no longer than is necessary to dispel the suspicion of danger to the officers.

C. Stop and Frisk

1. Terry v. Ohio, 392 U.S. 1 (1968), gave officers the right to conduct a limited pat down of a person they have lawfully stopped when they have reason to believe that the person is armed and /or presently a threat.
2. The key to the "stop and frisk" situation is that the initial stop of the person must be legal and that the reason for a "stop and frisk" is for weapons and not contraband.
3. Factors to consider include:

    a. The subject's movements
    b. The reputation for being armed
    c. Visual clues as to the presence of weapons
    d. The type of criminal activity in question

4. The pat down may include the person's outer clothing, baggage and the immediate area surrounding the person from which they may obtain a weapon when there is a reasonable fear that the area may contain a weapon.
5. Items that feel as if they may be weapons may be removed to determine what they are.
6. When practical, an officer of the same sex will conduct a pat down.
7. When a vehicle is lawfully stopped and an officer has a reasonable suspicion that it contains weapons, which may be dangerous to the officers, a limited search of the passenger compartment for weapons is permitted.
8. Officers must indicate in their report anytime a pat down is conducted.

C. Fresh Pursuit

1. To apply this exception, an officer must have probable cause to believe that a serious crime has been committed; that the person they are pursuing committed the crime and that the person is in/at the location to be searched.
2. The time period involved should be short and there should be some semblance of continued pursuit throughout the period.
3. The key question to be answered in this matter is whether police would risk losing a suspect if time were taken to obtain a warrant.
4. The scope of the search must be limited to areas where the suspect reasonably could be found.
5. If it is believed that evidence may have been placed or hidden in the residence by the suspect and it is not found during a search incident to arrest, a search warrant must be obtained before there is a further search of the property.

D. Plain/Open View

1. If an officer is legally in an area or at a location, he may seize any item in plain view which is evidence of a crime, contraband or an item that otherwise is able to be seized by the police. When dealing with structures or vehicles, once the plain/open view contraband or evidence is seized, no further searching can be continued without consent or a search warrant.
2. The "two-prong test" which assists in ensuring the legality of this exception is:

    a. The officer is legally present at the location
    b. The items seized must be immediately recognizable as evidence or contraband.

E. Automobiles

1. Gomez v. New Mexico (1997) changed law in New Mexico when dealing with vehicle stops and searches. Under Gomez, if probable cause exists for the stop and search of the vehicle, a search warrant is necessary prior to a search being initiated unless other exigent circumstances exist**, if you cause the exigency (i.e., tow) this applies**. This will not preclude an owner or driver of a vehicle from giving consent to the search. (Refer to DPD 2A.XII.G.5)
2. When dealing with automobiles, a search incident to an arrest is still permissible to remove any weapons that might be used to harm officers or to aid in the arrestee's escape and to seize any evidence, which might be destroyed.

F. Crime Scene Searches

1. The U.S. Supreme Court in Thompson v. Louisiana 469 J.S. 17 (1984) made it clear that there is no exception to the search warrant requirement because a place to be searched is a crime scene.

2. It is always safer to obtain a search warrant than it is to proceed on the assumption that an unknown suspect has no reasonable expectation of privacy in the residence, which contains the crime scene.
3. As there is no reasonable expectation of privacy in public places, the scene may be searched and processed as necessary.

G. Exigent Circumstances

1. When an officer lawfully obtains custody of a vehicle (i.e., **drunk driver, stolen vehicle) an inventory** of the impounded vehicle is conducted.
2. The purpose of the inventory is to protect both the owner of the vehicle and the department in the event of a loss.
3. Officers are only to inventory places where someone might logically put something.
4. If an item is discovered that provides probable cause for a more extensive and intrusive search or law enforcement creates the exigency, a search warrant will be sought.
5. Prior to obtaining the search warrant it may become necessary to transport the vehicle to a secure location. Prior to movement the doors will be secured by "red evidence tape."
6. The tape will be initialed by officer securing it, the date and time will also be noted on the tape.
7. The seal will be photographed prior to service of the search warrant.

H. Intrusive Searches

1. For the purpose of this policy an Intrusive Search is defined as any search that includes the dismantling or potential destruction of a building, dwelling, automobile or the search of a body orifice or cavity.
2. Any Intrusive Search shall only be pursuant to the finding of **independent probable cause**. Upon establishing independent probable cause, a District Court search warrant will be sought. For the purpose of this policy any member of this department will not apply for a search warrant through Magistrate Court.
3. When an officer establishes independent probable cause, they will secure the property or person to be searched and contact a patrol supervisor immediately. If a person is to be searched, the person will be secured and transported to the police department.
4. When probable cause exists, the patrol supervisor shall notify the Patrol Lieutenant. The Patrol Lieutenant shall then notify the Chief of Police. The Investigator shall also be contacted for assistance during these searches.
5. After notifications are made a search warrant will be prepared for application before an authorizing district attorney. Once reviewed and approved by the district attorney the district court judge shall then be contacted for their review and authorization of the warrant. If the search

has the potential to extend beyond normal warrant execution hours, the affiant shall request the "Nighttime Authorization" by the district court judge.

6. At all times the property or person to be searched shall be under continuous observation until the contraband or evidence is retrieved or the incident is terminated due to the lack of continuing probable cause.
7. After a district court judge signs, the search warrant authorizing the search warrant, for the purpose of an intrusive search of property, only the minimum amount of dismantling necessary to locate and seize any contraband or evidence shall be authorized. A supervisor shall remain on scene during this search to ensure continuing probable cause exists.
8. For the purpose of an intrusive search of a person, no member of this department shall conduct the search. The person shall be transported to a licensed medical facility for the execution of this search. A supervisor shall remain on scene during these searches to ensure continuing probable cause exists. Only male officers/detectives will be present during the search of a male subject and only female officers/detectives will be present during the search of a female subject.
9. Only non-intrusive scanning devices such as X-rays or ultrasound equipment will be used initially to determine if continuing probable cause exists. If these measures do not produce continuing probable cause, the search will be terminated immediately and the date, time and reasons for termination will be documented through central dispatch for record log.
10. If a scanning device detects the presence of contraband or evidence, the Patrol Lieutenant and Chief of Police will be notified before the search continues. The date, time, and description of the contraband or evidence detected shall also be documented through central dispatch for record and tracking purposes on the dispatch log.
11. When it is determined that the search is necessary to be continued, only medically-approved procedures by a licensed medical professional will be utilized to retrieve the contraband or evidence by using the minimum amount of intrusiveness possible.
12. Any contraband or evidence retrieved will be secured and properly processed as prescribed under ADM 17 of this policy.
13. At the completion of any Intrusive Search, all members of this department shall complete a full and detailed Offense/Incident report and include any photographs, videos, documents, etc. that were obtained during the incident. These reports will be completed prior to the end of the shift and reviewed by the supervisor and assigned detective.
14. All Intrusive Searches of property will be recorded throughout the entirety of the search. Intrusive Searches of persons will only be recorded as allowable under federal and/or state laws. Medical procedures have a high degree of protected confidential information that must be adhered to by law.

XIII. POLICY- With Search Warrant

A. When an officer obtains a search warrant that is verified and signed by a judge, the officer shall have ten (10) days in which to serve the warrant. The officer will notify a supervisor of the warrant. If the probable cause vanishes within those (10) days, the warrant may not be served. Recognize that each search warrant will be designated by daytime and/or nighttime. Hours for allowed service will be listed on warrant.

B. Upon Execution of the warrant, the officer will:

1. Fill out the return and inventory pages
2. When possible, have the subject sign and date the inventory to acknowledge seizure of any items taken.
3. Provide the subject named in the search warrant with a copy of the affidavit for search, a copy of the inventory and a copy of the search warrant. When no one is at the location, the paperwork will be left in a conspicuous place.
4. Ensure that the original warrant and a copy of the inventory are returned to the court within three (3) working days of its execution.
5. Complete a supplemental report including the following information:

    a. Date of receipt of the search warrant
    b. Date of service
    c. Location of service
    d. Name of person on whom the warrant was served
    e. Name of the judge and court who issued the warrant
    f. Names of those persons present when the warrant was served
    g. Items seized in the search
    h. Any arrest and/or pending charges

XIV. POLICY-Arrests

A. Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if he or she is eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause. Without probable cause the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law enforcement mission.

XV. PURPOSE

A. To define the authority of officers to arrest and the mechanism for making arrest with and without a warrant.

XVI. DEFINITIONS

A. Arrest: An arrest is a seizure of a person. An arrest is supported by probable cause. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave.
B. Probable cause: According to the Supreme Court, "probable cause exists where the facts and circumstances within their [the arresting officer's] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it.

    1. An officer must have probable cause to make an arrest.
    2. The aim of probable cause is to make a formal charge. When an officer has probable cause, he or she may undertake a complete body search; record the suspect's fingerprints, take the suspect's photograph, and jail him.

C. Custody (Investigative Detention): a state of being confined usually for a short period of time. Until probable cause is determined or not.

XVII. DISCRETION

A. Officers shall continuously demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the written orders of our department, and the oral instruction provided by field supervisors.
B. Officers shall not make arrests based on or affected by a person's sex, race, creed, color, general attitude, ethnicity or natural origin.
C. Officers have six forms of discretionary authority when making arrests: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, request for a warrant, a full-custody arrest or issuance of a criminal citation.

    1. Informal resolutions take the form of referrals to other agencies, mediating agreements between two or more parties, or issuance of a warning. Informal resolutions are the least coercive of all enforcement measures and shall be applied when stronger enforcement methods are unnecessary or inappropriate under the circumstances.
    2. Issuance of a summons may be requested of the court or decided by the judge upon review of complaint.
    3. Criminal Citations may be issued for violations in accordance with NMSA 31-1-6.

D. The decision to apply one or more enforcement methods must account for the totality of the circumstances and must be consistently applied.
E. Supervisors shall review each arrest report to ensure that proper action was taken under the circumstances.

XVIII. ARRESTS WITH A WARRANT

A. Who may issue: any municipal, magistrate, or district judge who has jurisdiction for the case may issue an arrest warrant.
B. When the court may issue; what to recite: Court rules provide that the Judge having authority to issue an arrest warrant shall first examine on oath any complainant or other witnesses and, if probable cause exists, issue the warrant. (Rule 5-208, 6-204, 8-203)
C. What the warrant contains: a warrant commands the accused to appear before a judge or magistrate at a stated time and place. The warrant names the accused or gives a description if his or her name is not known, describes the offense and names the violation, and displays a judge's signature. The warrant contains the complaint and sworn statements from witnesses.
D. Issuance of a summons instead of warrant: Court Rule 5-208 provides for issuance of a summons instead of a warrant. Summonses impose the same requirements as with a warrant including an order for the defendant to appear at an appointed place and time.
E. Issuance and service of summons in place of warrants in misdemeanor cases.

    1. Officers may request that the court issue summonses for offenses committed in their presence when the offenses violate local ordinances.
    2. Persons to whom summonses have been issued shall not be held in custody until after an adjudication of guilty. Booking procedures at the time of a physical arrest, however, allow and at times require the taking of fingerprints and/or photographs.
    3. Any person refusing to give a written promise to appear under the provisions of this section shall be taken as immediately as possible by the arresting or other officer before a magistrate or other appropriate issuing authority.

F. Copy of process to be left with accused:

    1. Criminal procedures require that in most circumstances the officer shall leave a copy of the criminal process with the person charged.

G. Execution of arrest warrants:

    1. NMSA 31-1-4 authorizes a law enforcement officer to execute within his jurisdiction a District or Magistrate warrant, or summons issued anywhere in New Mexico. Municipal court actions may be served within the court's jurisdiction, except for DWI actions which may be served anywhere in New Mexico.

2. NMSA 31-1-5 requires an officer who arrests a person on a warrant from another jurisdiction to take the arrestee without unnecessary delay to an appropriate judicial officer serving our locality.

H. Escape, flight, and pursuit: Arrest anywhere in the state:

1. NMSA 29-1-4 allows an officer, with or without a warrant, to pursue within his jurisdiction an escapee from custody. If the officer is in close pursuit, he or she may arrest the suspect wherever he is found.
2. If the arrest is made in an adjacent county or city than the one from which the suspect fled, then the officer shall deliver the suspect to the judicial authority of the local jurisdiction.
3. NMSA 31-2-1 authorizes a law enforcement officer from any other state or the District of Columbia to pursue a fleeing felon into New Mexico and take the suspect into custody as if the suspect had committed a felony in New Mexico. Foreign officers shall immediately take the arrestee to a local magistrate judge to determine the lawfulness of the arrest as required in NMSA 31-2-2.
4. NMSA 31-2-8 authorizes a Truth or Consequences Police Officer whose jurisdictional boundary while in fresh pursuit of a misdemeanant whom he would otherwise have authority to arrest shall have the authority to arrest that misdemeanant anywhere within the state and return him to the jurisdiction in which the fresh pursuit began without further judicial process. (See TCPD 1B)

I. Arrest of warrant suspect inside a residence:

1. If an officer wishes to arrest a suspect inside his residence, he must first obtain an arrest warrant. If the residence belongs to the suspect, only an arrest warrant is required. If the dwelling belongs to someone else, the officer must obtain a search warrant as well.
2. A search warrant is not required if the officer is in fresh pursuit or the owner of a residence consents to the officer's search for the suspect.

J. Return of warrant:

1. Upon executing the warrant, the arresting officer shall note the date of execution on it then return it to the court less copies given to the arrested person.

XIX. ARREST WITHOUT A WARRANT

A. Authority:

1. As noted earlier, the search and seizure provision of the Fourth Amendment protects citizens from the arbitrary and oppressive interference by law enforcement officials with regard to privacy. Further, officers must have

probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

B. When warrantless arrests may be made:

1. when a person commits any crime in the officer's presence;
2. when the officer has reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence when exigent circumstances exist;
3. at the scene of any motor vehicle crash when the officer has reasonable grounds to believe, upon personal investigation, that a crime was committed by any person in their presence (66-8-125 NMSA);
4. at any hospital or medical facility to which any person involved in a motor vehicle crash has been transported, provided the officer has reasonable grounds to believe, based upon personal investigation, that a crime has been committed by that person;
5. on a highway when charged with a theft of a motor vehicle; (66-8-125 NMSA)
6. when any person is charged with a crime in another jurisdiction and the officer has received:

    a. a photocopy of a warrant;
    b. a telegram;
    c. a computer or facsimile printout; or
    d. a radio, telephone or teletype message which gives the name or a reasonably accurate description of the wanted person and the crime alleged;

7. when the officer investigates the crimes of assault, battery, public affray, or criminal damage in a licensed liquor establishment and has probable cause to believe a crime was committed (30-3-6 NMSA);
8. when the officer has probable cause based upon a reasonable complaint of a misdemeanor not committed in the officer's presence involving shoplifting, or falsely obtaining services or accommodations, (30-16-23, 30-16-16 NMSA).
9. Under NMSA 31-1-7, officers shall arrest without a warrant in cases of assault and battery against a family or household member and NMSA 40- 13-6 for violations of protective orders, regardless of whether the violation occurred in the officer's presence, provided the officer has probable cause. See TCPD13B domestic violence.

C. Actions upon arrest from charges filed in another jurisdiction:

1. Upon arrest based on a photocopy of the warrant, telegram, computer or facsimile printout, or teletype message, the arresting officer shall serve a copy of the document on the accused.

2. The arresting officer shall bring the accused before the magistrate for arraignment. 35-5-1 NMSA.
3. The magistrate shall conduct a bail hearing and set bail, or secure bond, if appropriate just as if the accused had been arrested on the warrant. The officer shall not request the issuance of any arrest process such as duplicate warrants or fugitive warrants based on the charge in the other jurisdiction within New Mexico.
4. NMSA 31-4-14 Fugitive from Justice – Arrest of a person may be made without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed. A complaint must be made against the accused under oath setting forth the grounds for arrest.

E. Juveniles: Refer to TCPD04B concerning handling of juveniles.

F. Criminal Citations:

1. Per NMSA 31-1-6, an arresting officer may issue a citation to appear at a time and place specified in such situation any person is detained by or in the custody of an arresting officer for:

    a. Any offense committed in the officer's presence which is a violation of any county, city ordinance, or for any petty misdemeanor offense.

2. If after issuing a citation for above, the suspect continues the unlawful act, then the officer shall immediately take him or her before the appropriate judge.
3. If the officer believes that the suspect is likely to disregard a citation, or may cause harm to himself or another person, then the officer shall immediately take him or her before the appropriate judge.
4. An NCIC check on any person to whom a citation will be issued will be completed before releasing him or her. In the event the NCIC check reveals a valid extraditable warrant the criminal citation shall not be issued and a physical arrest will be made on all charges.

XX. POST-ARREST PROCEDURES

A. Constitutional considerations: Refer to above paragraphs for a discussion of search guidelines and searches incident to arrest.
B. Releases on citations and mandatory arrest: If the arrested person is not released on a citation or is charged with a felony, officers shall observe the following procedures:

1. Transport the suspect to the Sierra County Detention Center and begin booking process. Obtain case number from communications operator to be placed on the offense/incident report.
2. Complete a criminal complaint and probable cause statement for each adult charge or obtain copy of appropriate arrest warrant. (Multiple charges may be on same form)

    a. Magistrate Court requires the following paperwork:

        1. Criminal Complaint, Probable Cause statement and/or copy of the warrant and citation if arrest is traffic related.

    b. Municipal Court requires the following paperwork:

        1. Criminal Complaint, Probable Cause statement and/or copy of the warrant and citation if arrest is traffic related.

    c. Records will send one copy to the appropriate court and the final copy will be placed in a permanent file.

3. The officer needs to provide defendant with a copy of the criminal complaint, warrant and any citations entered then inform him of his bond amount, which shall be set by the bond schedule provided by the appropriate court.
4. Subject will then be released to the appropriate Detention Facility.
5. The subject may be transported to the appropriate court for arraignment in the event the subject does not post the required bond.

C. Injury before or during arrest:

1. If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, medical attention is needed, officers shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking.

D. Processing of paperwork:

1. Offense/Incident reports

    a. Must be completed in report management system by officer prior to conclusion of shift unless approved by supervisor.
    b. Report will be reviewed and approved by supervisor.
    c. A copy of the report will be sent to the appropriate prosecutor with accompanying paperwork.
    d. All reports will then be approved by the Patrol Lieutenant.

e. Supervisors will approve and turn into records division in a timely manner.
f. Reports become a permanent record of the Truth or Consequences Police Department.

2. Arrest/booking forms

a. Must be completed by the arresting officer before the defendant is transported to the detention center.
b. Officer should print two copies of the arrest/booking and disseminate one copy to the detention facility and one to the prosecutor

3. Fingerprint cards

a. The records division will obtain completed fingerprint cards from the Sierra County Detention Center monthly, at a minimum.
b. The records division is required to keep one in the permanent file.

4. Photographs

a. Officers must ensure that TWO digital photographs (one forward facing and one profile) of the defendant are taken and attached to the "Person Master" in RMS as well as photographs of scars, marks and tattoos upon each arrest.

5. Copies of warrant

a. The officer shall provide the detention facility a copy of the warrant.
b. The officer shall scan in a copy of the warrant to RMS.
c. The officer shall return the signed original warrant to the appropriate court.
d. In the case of juvenile offenders see TCPD04B.

E. Further processing:

1. Items seized as evidence/property shall be properly tagged and turned in to the departmental evidence locker.

XXI. INVESTIGATIVE DETENTION

A. Legal background:

1. Officers may encounter a circumstance where probable cause appears to exist in order to detain a person for an offense, only to find out shortly thereafter that the person detained did not commit a crime, or that the act was not a crime. It is imperative, then, that the officer ends the detainment process immediately to avoid becoming liable for false imprisonment. Case law

considers a "reasonable amount of time," as a basis for detainment and further investigation. (*Terry v. Ohio, State v. Werner*)

2. An investigative detention is a temporary seizure of a suspect for the purpose of determining:

    a. Whether there is probable cause to arrest him/her
    b. Whether further investigation is necessary
    c. Whether the officer's suspicions were unfounded.

B. Procedure:

1. Detention is determined as custody of any type, i.e., handcuffs, transport or detainment. Officer may handcuff the detainee if reasonably necessary i.e., if the subject is combative, detained for a violent crime or multiple detainees. Handcuffs must be removed after a reasonable amount of time.
2. After detainment as soon as practical investigating officers shall read the suspect, their Miranda rights. This **will** be recorded, via an audio/video device, and documented in the report. **NO** investigative questions will be asked of persons in custody prior to Miranda.
3. Investigating officers will make every attempt to immediately determine whether the person in custody is suspect in a criminal act or whether a criminal act occurred. Officers must promptly terminate the detention when they have completed their investigation.
4. To protect him/herself and the department, the officer shall document in an incident report all of the following:

    a. the date and time of detainment;
    b. the person detained (name, address, date of birth, race);
    c. the location of detainment;
    d. the location and time of release from detainment and how the person was transported;
    e. the reasons or discovery of information which led the officer to release from detainment;
    f. any witnesses to the alleged offense, or to the fact the person detained was allegedly involved.

XXII. DISMISSAL OF CHARGES

A. If the officer makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the officer and arrested person before the appropriate judge. If not, the charges should be dismissed as soon as practical, by DA's office if charges are approved through their office.

1. Should the defendant be in detention after determining there is no probable cause he will be released on his Own Recognizance only with the authority of the judge.

2. If the defendant is not being held and it is determined that probable cause does not continue to exist the prosecutor (i.e., Officer, District Attorney or Municipal Attorney) will file the appropriate dismissal.

XXIII. POLICY

A. It is the policy of this Department to utilize the Criminal Citation in lieu of arrest whenever applicable, thereby reducing the time consumption involved with physical arrests while still taking enforcement action. In most cases, the officer will make the decision of whether a citation will be issued or a physical arrest made for the offense.

XXIV. PURPOSE

A. Criminal citations may be used for offenses, which are classified petty misdemeanors.
B. In order for the court to have the necessary information to process the complaint, the victim and witness or witness's name, DOB, address and telephone number shall be listed in the offense/incident report and the court intake sheet. The criminal citation must be completed properly to include property shoplifted and total dollar amount.
C. The officer will be sure that the correct violation and ordinance or statute number is used.
D. Complete details of the incident should be placed in the offense/incident report.
E. If any evidence is taken, the case number will be listed on the evidence form.

XXV. IMMUNITY FROM ARREST

A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are in route to or from congressional business, except for traffic summonses. {Article I, Section 6, U.S. Constitution}
2. Members of the New Mexico Legislature are exempt from arrest during a legislative session except in cases of treason, a felony, or a breach of the peace. {Article IV Section 13, Constitution of New Mexico}

B. Diplomatic immunity:

1. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise

the U.S. State Department Office of Security {202-673-3881, days, or 202-647-2412, nights and weekends}.

2. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures—including pat-downs or other legal searches—to ensure safety to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the chief shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance.
5. Upon detaining any foreign national with diplomatic immunity, the State Department will be notified. This includes death of a minor or adult, or a foreign national who is incompetent, or a foreign national who required assistance

	Policy Name:	**MISSION STATEMENT** **POLICY #: TCPD 3A** **NMMLEPSC Standard ADM.03.01**
Effective Date: 01/25/2023 *Approved by the Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 11/29/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. Policy

A. Mission Statement

All members of the Truth or Consequences Police Department believe in the responsibility of our police, governmental bodies and citizens to improve Truth or Consequence's quality of life and defend our community. Officers have taken an oath of office and vowed to protect our citizen's lives, property and rights, fairly enforce the laws of the City of Truth or Consequences, the State of New Mexico and the Constitution of the United States. Working together with all of the citizens of our community, we will work to maintain order, reduce crime and the fear of crime through education, prevention, and enforcement to provide safe environment and proud society.

	Policy Name:	**GOALS AND OBJECTIVES** **POLICY #: TCPD 4A** **NMMLEPSC Standard ADM.04.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 11/29/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police**

I. STATEMENT OF PURPOSE

The purpose of this order is to identify the organizational philosophy of the Department which emphasizes a positive working relationship between the public and the police. This concept involves a community-oriented approach to policing. Each unit's goals and objectives will be focused to achieve this philosophy.

II. POLICY STATEMENT

It is the desire of the Truth or Consequences Police Department to provide guidance in those circumstances wherein the Rules and Regulations and Standard Operating Procedures or stated procedures cannot be followed. When employees encounter circumstances in which department policy or stated procedures cannot be followed, officers adopt alternative procedures to accomplish police objectives. When the use of alternative procedures becomes necessary, employees adopt those alternative procedures which will accomplish policy objectives in the most expedient manner with the least inconvenience to the public. Alternative procedures are those which tend to accomplish stated policy objectives in a manner which best insures the safety and welfare of the employee and the general public.

III. GOALS AND OBJECTIVES

A. The Police Department in serving the people of Truth or Consequences, strives to reduce crime and provide a safe city by:

1. Recognizing that our goal is to help people and provide assistance at every opportunity.
2. Provide preventive, investigative and enforcement services.
3. Increase citizen satisfaction with public safety and obtain community cooperation through the Department's training, skills and efforts.
4. Realize that the Police Department alone cannot control crime, but must act in concert with the community and the rest of the Criminal Justice System.

B. In achieving this mission, the men and women of the Truth or Consequences Police Department will conduct themselves in an ethical manner. We will:

1. Respect and protect the rights of citizens as determined by the law.
2. Treat citizens and their fellow employees courteously and with the same amount of dignity with which they expect to be treated themselves.
3. Be examples of honesty and integrity in their professional and personal lives, thereby earning the public trust.
4. Perform their duties with the knowledge that protection of the lives and property of all citizens is their primary duty.
5. Comply with the spirit and letter of the Code of Conduct.

	Policy Name:	**USE OF FORCE** **Policy# TCPD 5A** **NMMLEPSC Standard ADM.05.01-.05.04**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/06/2023** **Revision Date: 11/29/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although the careful use of force is authorized by law, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties.

II. REFERENCES

NMML ADM.05.01 – 05.04
U.S. Supreme Court, Graham v. Connor, 490 U.S. 386 (1989)
U.S. Supreme Court, Scott v. Harris, 550 U.S. 372 (2007)
U.S. Supreme Court, Tennessee v. Garner, 471 U.S. 1 (1985)
Draper v. Reynolds, 369 F.3d 1270, 1273 (11th Cir. 2004)
Jones v. City of Hartford, "Duty to Intercede" (2003)

III. DEFINITIONS

A. **Chemical Agents**- Chemical agents designed and manufactured for law enforcement purposes, as approved and issued by the Truth or Consequences Police Department.

B. **CIT** – Crisis Intervention Trained Officers (CIT) are composed of uniformed and plainclothes officers who function within their respective shifts, units, or teams as specialists, trained in handling calls involving the mentally ill, as well as other calls of crisis not related to mental illness.

C. **Deadly Force**- Force that is intended or known by the person using the force to cause or in the manner of its use or its intended use, is capable of causing death or serious bodily injury.

D. **Imminent**- An event, absent intervention, that is likely to occur at some point in the near future. Used synonymous with immediate.

E. **Less-Lethal Force**- Measures or equipment such as bean-bag rounds or other propelled impact devices designed to incapacitate without causing death or serious physical injury. However, these measures, even when deployed properly, still possess the potential to cause death or serious physical injury.

F. **Less-Lethal Munitions** - Munitions designed to incapacitate hostile individuals without causing death or great bodily harm, but that possibility always exists even though the munitions are deployed properly. Department approved less-lethal munitions are:

- Conducted Electrical Weapon (CEW)
- Bean Bag Rounds
- Foam Projectile Rounds
- Department approved chemical agents

G. **Objectively Reasonable**- This term means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of the threat or resistance presented by the subject, and the level of threat to the community.

H. **Physical Injury**- Any injury to a person that is not likely to cause death or great bodily injury to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body.

I. **Ready Position** – is a position of preparedness. The muzzle of the firearm should be in the "low ready" position as taught in firearms course. A weapon at the ready position is not a show of force, as further action is required by the officer before he or she may immediately use the weapon.

J. **Reasonable Belief-** Facts and circumstances known to the officer at the time, which would cause another reasonable and prudent officer to act or think in a similar way under similar circumstances.

K. **Serious Bodily Injury-** Injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of a bodily member or organ.

L. **Show of Force** – Show of force is an officer drawing and displaying any weapon system at a high risk or unknown risk situation. Pointing a weapon towards or at

a subject showing the intent to use the weapon to gain compliance, command, or stop the actions of a subject.

M. **Totality of Circumstances-** The facts and circumstances of an incident, including the severity of the crime at issue, and whether the suspect posed an immediate threat to the safety of the officers, or others, by actively resisting arrest or by flight

N. **Use of Force-** The amount of effort required to compel compliance by an unwilling subject resulting in a potential for injury, excluding compliance holds that require no more than a firm grip.

O. **Weapon System –** Lethal, Less-Lethal, and Impact weapons (e.g., telescoping batons).

IV. USE OF FORCE CASE LAW

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

1. **The severity of the suspect's crime;**
2. **The immediacy of the threat posed by the suspect to the safety of the officers or others; and**
3. **Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.**

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

C. Instead, an officer must be able to identify specific and articulable facts. Essentially, an officer must list the information that he or she observed, heard, or otherwise collected through reliable police channels and the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect's threat level.

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

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

objective *certainty*.

V. GENERAL POLICY

A. Officers shall first use de-escalation techniques when feasible to gain the voluntary compliance of an individual to reduce or eliminate the need to use force. Among these techniques are the use of advisements, warnings, and verbal persuasion.

B. When feasible, officers shall allow an individual a reasonable amount of time to submit to arrest or a lawful order before using force.

C. Reasonable force may be used by an officer in the performance of duties when:

1. It is necessary to preserve the peace, to prevent the commission of an offense or to prevent suicide or self-inflicted injury.
2. Officer is making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
3. It is in self-defense or defense of another against unlawful violence to a person or property.
4. Preventing or interrupting an intrusion on or interference with the lawful possession of property.

D. An officer may use reasonable force to overcome resistance in the lawful performance of his duties, even though there is no immediate or apparent danger calling for self-defense. However, the officer must be acting within the scope of official authority. Every reasonable opportunity to comply must be given to the person being arrested. Force should be used only after all other means have failed to produce compliance.

E. Before the application of reasonable force, officers should identify themselves as police officers and state their purpose to the offender and others present. This identification is not necessary if the officer reasonably believes his purpose and identity are already known or conditions exist which render it unfeasible to identify.

F. There is no specific rule fitting all cases as to how much force and means may be used, each case must be decided in the light of its own facts and circumstances. Under no circumstances, will the force used to be greater than necessary and in no instance will deadly force be used except as stated in the Deadly Force section of this chapter.

G. Officers will use only the force necessary to accomplish lawful objectives. Officers must exhaust every reasonable means of employing the least amount of force appropriate to the situation.

H. Choke/choke holds, Vascular Neck Restraint (VNR), Lateral Vascular Neck Restraint (LVNR), or any technique that restricts the air or blood flow to the neck is prohibited and subject to disciplinary action up to and including termination.

1. The exception to the neck prohibition is during a deadly force encounter.

VI. DE-ESCALATION

A. De-escalation

1. The Truth or Consequences Police Department recognizes that an officer must exercise control of an individual displaying resistance and its need to protect the public and others from an immediate threat.

2. Officers should look for opportunities for de-escalation when and where it may be accomplished without increasing the risk of harm to the officers or others.

B. De-escalation techniques are proactive actions and approaches that an officer uses to gain voluntary compliance of the individual(s) to reduce or eliminate the need to use force. When force is necessary the application of force should be reasonable and consistent with department policy, training, and established law.

1. The following list of de-escalation techniques is not intended to establish an order of priority in their use by officers. De-escalation techniques include, but may not be limited to:

a. Using distance, cover, concealment, and/or time. These techniques allow an officer to: assess the situation and their options; bring additional resources to the scene; and develop a plan for resolving the incident without using force;

b. Utilizing intermediate barriers;

c. When feasible, requesting additional personnel and waiting for their arrival;

d. Using active listening skills by an officer to indicate engagement in conversation with an individual;

e. Employing verbal de-escalation, which may include:

i. Communicating with the individual(s) in a conversational tone of voice while considering additional resources.

ii. Beginning by asking questions rather than immediately issuing orders;

iii. Advising the individual(s) of the actions that officers may take to end their crisis without the need to use force; and

iv. Warning the individual that disobeying orders and posing an immediate threat to officers or others may result in the need to use force.

C. When reasonable, given the facts and circumstances known to the officer at the time, the officer shall attempt to de-escalate and slow down the situations without increasing the risk of harm to the officer or others.

1. Exceptions to de-escalation can include:

    a. Being attacked

    b. Personal safety or the safety of another

    c. The safety or security of evidence or a crime scene

    d. A suspect fleeing from an officer

2. When feasible, the officer should:

    a. Gather information about the incident;

    b. Assess the potential risk to the individual(s), the officer(s), and others;

    c. Coordinate resources; and

    d. Communicate and coordinate a response.

D. Should an individual fail to comply with lawful directions or commands, an officer shall attempt to consider whether an individual's lack of compliance may be based upon an inability to comprehend in order to comply.

1. Where an officer identifies the presence of one of the following factors, they shall use de-escalation techniques to reduce or eliminate the need to use force:

    a. The influence of drugs and/or alcohol;

    b. A known or reasonably apparent mental illness or developmental disability;

    c. The individual is experiencing a crisis incident;

    d. A known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment; and

    e. A language barrier.

E. An officer's approach to an individual can influence whether a situation escalates, resulting in the use of force.

1. An officer shall avoid taking unnecessary actions that may lead to the need to use force.

2. An officer shall recognize that their elevated stress levels can have an adverse impact on the interaction.

F. In their interaction with individuals, an officer **should** use advisements, warnings, verbal persuasion, and other tactics before using force **whenever feasible**.

G. Supervisors will become involved as soon as practicable in managing an overall response to potentially violent encounters by coordinating resources and officers' tactical actions.

H. If the individual is or appears to be, in a mental or behavioral health crisis, an officer should attempt to de-escalate and shall otherwise follow the following:

1. Follow procedures outlined in biennium training HB93 interacting with the mentally ill. If available determine whether CIT response is necessary, however use of force encounters will be viewed under the totality of the circumstances as stated in Graham v. Conner.

I. When the Truth or Consequences Police Department's interest in making a seizure outweighs the risk to the officers, public, and suspect(s) (balancing test); all reasonable force options should be considered to stop the action or seize the suspect(s) (i.e., active shooter situation).

VII. REPORTING PROCEDURES

A. A written use of force report will be submitted whenever an officer:

1. Discharges a firearm, for any reason other than training or recreational purposes;
2. Takes an action that results in, or is alleged to have resulted in injury or death of another;
3. Applies force through the use of lethal or less-lethal weapons;
4. Has used any equipment in applying force (Taser, baton, pepper spray, spike system, fire equipment etc.)
5. Utilizes any leveraged takedowns, escort positions, distraction techniques, compliance holds or impact takedowns.

In any incident where a use of force is used, officer(s) shall document the incident in a use of force report. The report will include a detailed description of the events leading to the necessity for the use of force; the amount and type of force used; the nature and extent of injuries, if any, and treatment rendered; the identity of all person(s) involved and any other pertinent information. **It will be turned into the immediate supervisor, who will review it and then submit it to the Chief of Police or designee through the proper chain of command.**

B. Parameters for reporting a Show of Force

1. A show of force event is when an officer points any weapon system at a subject. Show of force is an officer drawing and displaying any weapon system in potentially high risk or unknown risk situation. Pointing a weapon system towards or at a subject showing intent to use the weapon to gain compliance, command, or stop the actions of a subject.

a. Drawing from a duty belt, retrieving a weapon from a department

vehicle, or displaying a weapon at the ready position does not require a show of force report.

b. Drawing a weapon for a building search or clearing does not require that you document a show of force report unless contact is made with a subject and police action is taken.

2. A show of force shall be done only as objectively reasonable to accomplish a lawful police action.

C. Parameters for Officers Intervention of Excessive force "duty to intercede" – Jones v. City of Hartford, (2003)

1. Police officers have an affirmative duty to intercede on behalf of a citizen whose Constitutional Rights are being violated in their presence by other officers.

a. Officers who fail to intervene may be subject to disciplinary actions up to and including termination.

2. If an officer observes a colleague (no matter the rank) commit an act of unreasonable force in his or her presence, the officer must intervene.

3. All concerns or intercessions on the behalf of a citizen or officer will be reported through the chain of command, reviewed by the Lieutenant, and forwarded for a use of force review if necessary.

4. Supervisors must intervene in an officer's conduct when excessive force is present and report it through their chain of command.

a. Including any violations observed in a video or evidentiary review.

5. If the report of excessive force is a colleague of greater rank than the officer, it will be reported to the rank above the chain.

VIII. LESS THAN LETHAL

A. Requirements to Carry and Qualify

1. An officer shall carry only intermediate weapons that are issued by the Department.

2. An officer shall not be issued nor carry any intermediate weapon unless the officer has been trained and is certified on the weapon.

3. A uniformed officer shall carry the Electronic Control Weapon (ECW) and Oleoresin Capsicum (OC) spray on their duty belts.

4. The expandable baton is an optional force tool.

5. Officers and supervisors assigned to specialized units may carry intermediate weapons as dictated by their responsibilities. The commander of each unit will ensure that officers carry intermediate weapons according to the unit's standard operating procedures.

B. Use Guidelines

1. Intermediate weapons shall be used in accordance with the Department's Use of Force policies.

2. The use of an intermediate weapon must be reasonable, necessary, proportional, and shall be used only to bring about a lawful objective.

3. An officer shall issue a verbal warning to an individual and allow that individual a reasonable time to comply with the warning prior to deploying any intermediate weapon, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be Tased!"

4. An officer shall give a verbal announcement in order to notify officers on-scene that an intermediate weapon is about to be used, e.g., "Taser, taser!", "Beanbag, beanbag!" The purpose of the verbal announcement is to avoid the possibility of firearms discharge by other officers due to a sympathetic or startle reaction from other officers on scene.

5. An officer shall consider that there are individuals who are more susceptible to injury as a result of using an intermediate weapon. These high-risk individuals include visibly pregnant women, young children, elderly persons, frail persons, individuals exhibiting signs of excited delirium, and individuals with low body mass.

C. USE OF OC (Pepper Spray)

1. OC spray may be used on a suspect who is non-cooperative and is actively resisting the efforts to control him by the following, though not fully inclusive, actions:

   a. Suspect not responsive to directions;
   b. Verbal resistance or body posture;
   c. Pulling/moving, running away or closing distance;
   d. Aggressive movements and/or a response to resistance.

2. Decontamination

   a. Decontamination begins after the suspect has been restrained with handcuffs or by other means and the 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 attempt to flush affected area with water.
   d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses, if necessary, and to begin or continue flushing the suspect with water. In the event EMS personnel are not

able to assist with decontamination efforts, the suspect will be transported to the emergency room to begin or continue these.

e. Once the suspect has been transported to the detention facility, the on-duty detention facility personnel shall be notified that the suspect has been sprayed with OC.

f. Under no circumstances will any creams, salves, or oils be applied to the affected area.

3. Reporting

   a. As with any use of force or application of force, a written report will be submitted detailing the use of the OC spray, decontamination procedures and the events leading to the use of the OC spray.

   b. Anytime the OC spray is used, the approving supervisor will be responsible for ensuring that a copy of the use of force report is forwarded up the chain of command.

D. 12 GAUGE BEAN-BAG

1. Bean-bags are considered to be extended range impact weapons that allow officers to deliver a similar amount of force comparable to batons.
2. The bean-bag may be used when other less-lethal force options have been ineffective or when it reasonably appears that such options will be ineffective in subduing the subject. Examples of situations in which the bean-bag may be used include, but are not limited to, the following:

   a. Dealing with a subject who is perceived to be violent;
   b. Armed subjects;
   c. Warrant service where the subject is perceived to be violent.
   d. Violent persons under the influence of drugs and/or alcohol;
   e. Persons expressing the intent and having the means to commit suicide;
   f. When deemed the reasonable alternative of lesser force options are likely to be ineffective or greater force options may be inappropriate given objective circumstances.

3. Where possible, the bean-bag operator should consult with a supervisor prior to the use.
4. The bean-bag should not be pointed at any individual unless the officer involved reasonably believes it will be necessary to use the device.
5. The bean-bag will not be used:

   a. When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;
   b. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.

6. In less-lethal force situation, when possible, officers should avoid using the

bean-bag on:

a. Persons in wheelchairs or in control of a vehicle;
b. Pregnant women;
c. People with known heart problems;
d. People with apparent debilitation illness or the elderly;
e. Children or those under 80 pounds;
f. Individuals with known neuromuscular disorders such as muscular sclerosis or muscular dystrophy.

7. Only officers who have successfully completed the agency's approved course of instruction on the bean-bag are authorized to use it in any situation.
8. Officers of this agency shall receive refresher training in the use of the bean-bag on an annual basis during firearms instruction.

E. CONDUCTED ELECTRONIC WEAPON– TASER

TASER Modes

1. An officer has three options for TASER deployment. The choice of mode used shall depend upon the articulable facts and circumstances at the time of deployment and the guidelines and restrictions set forth below. These are the three operational modes:

   a. Show of Force Mode
      i. Pointing a TASER at an individual or using a TASER to "paint an individual with the laser sight or utilizing a warning arc.

   b. Drive Stun Mode
      i. Pressing and holding the device against the individual as it is cycled. This can be done in two configurations:
         - Drive Stun Only – This technique involves pressing the TASER against the individual while it is energized without probe deployment, causing pain but minimal or no neuro-muscular incapacitation. This technique is solely a pain compliance technique and Graham factors should be considered.
         - Follow-up Drive Stun – This technique is used as a follow-up to a probe deployment. It can increase the effectiveness of the Taser by increasing the spread between the connections in the event of a close-quarter probe deployment, completing the circuit in the event of a clothing disconnect or when only one probe has made a connection with the individual.

   c. Standoff Mode
      i. Discharging the TASER with a cartridge on the device, which propels the probes towards the individual and,

upon effective contact, is intended to cause neuro-muscular incapacitation.

F. USE OF A TASER ON PERSONS

1. An officer shall issue a verbal warning to an individual, and allow that person a reasonable time to comply with the warning prior to deploying any TASER, unless doing so would place an officer or other person at increased risk. An example of a verbal warning is: "Stop or you will be Tased!"
2. Upon using the device, the officer shall apply the TASER no longer than reasonably necessary, to accomplish a lawful objective. Upon applying the device, back-up officers should attempt to handcuff the individual during the cycle (i.e., handcuffing under power) to reduce the risk of injury to the individual and officers.
3. An officer shall independently justify the reasonableness of each standard TASER cycle (five seconds) or continuous cycle exceeding five seconds. After one standard TASER cycle, the officer shall re-evaluate the situation to determine if subsequent cycles are necessary.

    a. Continuous cycling of TASER is permitted only under exceptional circumstances, such as, where it is necessary to handcuff an individual under power (e.g., where the individual is armed and it would be unsafe to evaluate a subsequent cycle). Back-up officers should attempt hands-on control tactics during TASER applications, including handcuffing the individual during a TASER application (i.e., handcuffing under power).

4. An officer shall consider other available force options before deploying a TASER on potentially at-risk individuals. TASER should not generally be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the individual's threat level to themselves or others.
5. In standoff mode, center mass of the individual's back should be the primary target area when possible. If feasible, in situations where a frontal deployment is the only available option, low center mass and/or the legs should be the targeted area.

    a. An officer shall not intentionally target an individual's head, neck, chest, or genitalia, except where lethal force would be permitted.

TASER Restrictions

6. Using the TASER is considered a less-lethal level of force unless other variables are present (as described below), which may increase the likelihood of serious physical injury to the individual because of a

secondary impact. Decisions to use a TASER must be reasonable, necessary, and proportional given the totality of the circumstances. The following restrictions, considerations, and conditions apply to the use of a TASER:

a. An officer must never use the TASER in a punitive or coercive manner.
b. Exposure to the TASER for longer than fifteen (15) seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious physical injury. An officer shall also weigh the risks of subsequent or continuous cycles against other force options.
c. An officer shall not use the TASER on a passively resistant individual.
d. An officer shall not use the TASER on handcuffed, restrained, or subdued individuals unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts to control have been ineffective.
e. As a result of the incapacitating effects of the TASER, individuals may lose the ability to protect themselves from injury in a fall. This increases the potential for serious physical injury from a secondary impact.
f. TASER shall not be used in any environment where an officer knows or reasonably should know that potentially flammable, volatile, or explosive materials are present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, drug lab flammables, or propane).
g. Using the TASER based solely on the fact that an individual is fleeing an officer making a lawful detention or arrest is generally not authorized. However, the totality of the circumstances, including the severity of the offense, whether the individual is actively resisting or attempting to evade arrest and whether the individual poses an immediate threat to officers, others, or themselves, may justify TASER use under these conditions. An officer shall consider all such factors before using a TASER on a fleeing individual.
h. TASER shall not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle.
i. An officer shall not simultaneously point both a TASER and a firearm at an individual.
j. Authorized devices shall consist only of those devices issued and approved by the Department. Personally, owned TASER's are not

authorized for duty carry.

7. Under no circumstances shall the TASER holster be located on the duty belt next to, or on the same side as, an officer's firearm. The TASER shall be carried on the support side, also known as the "weak side," to reduce the chance of accidentally drawing and/or firing a firearm.
8. All authorized sworn, uniformed officers, unless specifically exempted by the Chief of Police, shall carry the TASER in the holster on their person at all times while on duty.

9. The TASER has an effective range of 3 to 12 feet with a 25-foot cartridge. Ranges under 3 feet may not provide adequate distribution of the probes to allow the unit to function to its full effectiveness.

G. DUTIES AFTER DEPLOYMENT

1. Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene.
2. Once the subject has been restrained or has complied, the TASER should be immediately turned off.
3. A TASER will not be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
4. Medical personnel can be summoned to the scene to assess the subject. If the exam or other circumstances dictate the subject needs further medical treatment; the subject will be transported to the nearest medical facility. Medical treatment will not be refused for anyone who requests it.
5. Medical personnel should remove probes located in sensitive areas such as the face, neck, groin or breast.
6. Removal of probes in other areas may be done by Officers; at the discretion of the on-scene supervisor. Officers will provide first aid following removal of the probes by applying iodine or alcohol wipes, and band-aids to the probe sites as needed. Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off is still embedded in a subject's skin; the subject should be provided appropriate medical attention to facilitate the removal of the object.
7. Photographs will be taken of probe impact sites and any other related injuries.
8. Probes that have been removed from skin will be treated as biohazard sharps.
9. Involved personnel will attempt to locate and identify any witnesses to the incident.
10. **Officers shall refrain from discussing the incident until the arrival of an on-scene supervisor or other administrator**. The involved person will brief them of the circumstances surrounding the incident and what action has taken place.
11. After deployment the used cartridge will be placed safely and responsibly into evidence. This will be documented accordingly in all reports.
12. Each trigger pull of the Taser constitutes a separate use of force and must be

documented in the use of force report.

13. Arrangements for replacement will be made through the Lieutenant via a memo.
14. All members are required to have two cartridges while on duty.

H. USE OF A TASER ON VICIOUS ANIMALS

1. The full effect of a TASER on animals is not yet proven. However; field deployments have shown positive results and the TASER has been an effective tool against vicious animals.

    a. Using the TASER against vicious animals may reduce the need for greater, more injurious force against such animals.
    b. Personnel should deploy a TASER on an animal when other conventional means to control the animal have been exhausted, or may be unreasonable.
    c. The use of a TASER on an animal should be based on the attempt to provide a safer, more humane and less traumatic conclusion to the incident.

2. Officers should be prepared to use other means of justified force if necessary, and should use conventional means of animal control if feasible. Conventional means of controlling the animal (e.g.: control sticks, collars, cages) should be on hand, at the scene, if possible, prior to the use of the TASER. Personnel should be prepared to apply conventional controls once the TASER subdues the animal. A TASER may be deployed on an animal when:

    a. A vicious animal is threatening or attacking a citizen, an Officer, or other animal and the use of other force is not reasonable, or may not be desired given the situation.
    b. A vicious animal has threatened or attacked a citizen, an Officer, another animal, or has caused a continuing public nuisance and the vicious animal needs to be controlled for reason of public peace or safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to Officers in their efforts to perform their duty.

3. Other sections of this policy that apply to issuance, training/certification, deployment procedures, precautions and duties also apply to this section.
4. Procedures for probe removal should take place as outlined in this policy. Personnel will take reasonable measures to ensure the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. It is generally understood that as long as personnel acted appropriately, the animal's owner will be responsible for any medical attention needed by the animal.

I. BATONS (Expandable/Straight)

1. An officer is authorized to deploy the baton when such force is reasonable,

necessary, and proportional in order to protect the officer or another individual from an immediate threat.
2. Preferred target areas are the extremities (arms and legs).
3. An officer shall not intentionally strike the head, neck, throat, torso, or groin of an individual with a baton, except where deadly force is justified
4. Impact weapons other than the baton (expandable/straight) are prohibited by the Department unless exigent circumstances exist
5. An officer shall not use their firearm as an impact weapon due to the possibility of unintentional discharge and/or the possibility that it could result in the serious physical injury or death to the officer, the individual, or others

Medical Attention After the Use of the Baton (Expandable/Straight)

6. Following the use of an expandable/straight baton, an officer shall first restrain the individual and then, once it is safe to do so, immediately call EMS to the scene to provide medical attention.
7. If medical personnel determine that the individual requires medical transport, a supervisor shall ensure that an officer accompanies the person to the medical facility.
8. Photographs will be taken of the impact sites and any other related injuries, and included in the use of force report.

IX. DEADLY FORCE – Tennessee v. Garner, 471 U.S. 1 (1985)

WARNING SHOTS ARE PROHIBITED!

A. Authorized Use of Deadly Force

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

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

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

   a. The use of deadly force to prevent the escape of all felony suspects,

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

Accordingly, police officers are authorized to use deadly force, by any means, to:

a. Protect themselves or others from an immediate threat of serious physical harm;

b. Prevent the escape of a felony suspect who the officer has probable cause to believe that the suspect poses an immediate threat of serious physical harm to the officers or others if allowed to escape;

c. Where feasible, some verbal warning should be given prior to engaging in the use of lethal force.

B. Prohibited uses of deadly force:

1. Officers shall not unreasonably or unnecessarily endanger themselves or the public in the application of deadly force pursuant to this policy or state law. Officers shall not place themselves in a position (in the path of a fleeing vehicle) in order to justify the use of deadly force.

    a. An officer shall not rely solely on third party reports as a basis for use of Deadly Force, without firsthand knowledge of an alleged offense.
    b. An officer shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
    c. In an attempt to apprehend fleeing felons or escapees whom are not placing the officer or another person in immediate danger of death or immediate serious bodily injury.

2. All officers will be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force.

C. Section 30-2-6. Justifiable homicide by public officer or public employee.

1. Homicide is justifiable when committed by a public officer or public employee or those acting by their command and in their aid and assistance:

    a. in obedience to any judgment of a competent court;
    b. when necessarily committed in overcoming actual resistance to the execution of some legal process or to the discharge of any other legal

duty;

c. when necessarily committed in retaking felons who have been rescued or who have escaped or when necessarily committed in arresting felons fleeing from justice; or
d. when necessarily committed in order to prevent the escape of a felon from any place of lawful custody or confinement.

2. For the purposes of this section, homicide is necessarily committed when a public officer or public employee has probable cause to believe he or another is threatened with serious harm or deadly force while performing those lawful duties described in this section. Whenever feasible, a public officer or employee should give warning prior to using deadly force.

History: 1953 Comp., 40A-2-7, enacted by Laws 1963, Ch. 303, 2-7; 1989, Ch. 222, 1.

D. Section 30-2-8. When homicide is excusable or justifiable defendant to be acquitted.

1. Whenever any person is prosecuted for a homicide, and upon his trial the killing shall be found to have been excusable or justifiable, the jury shall find such person not guilty and he shall be discharged.

History: 1953 Comp., 40A-2-9, enacted by Laws 1963, Ch. 303, 2-9.

X. DUTIES AFTER DEADLY FORCE

A. If deadly force is used:

1. Render the area safe.
2. If suspect is injured:

a. Disarm the suspect
b. Place the suspect in custody
c. Secure the scene as well as the suspect's weapon as evidence.
d. Notify the on-duty supervisor immediately.
e. Render aid to the injured, request medical personnel.
f. The officer shall not leave the scene until replaced by other law enforcement personnel.
g. The officer(s) should document the scene as quickly as possible and note any disturbances made by medical personnel.
h. The officer shall not investigate the event.
i. The officer should keep his weapon with him and shall not change the condition of the weapon until it is appropriate to turn it over for evidence purposes.

3. If suspect is killed:

a. Secure the scene as it is; do not move the body or the weapon, if the

weapon is in a safe area.

b. The officer should keep his weapon with him and shall not change the condition of the weapon until it is appropriate to turn it over for evidence purposes.
c. Render aid to the injured, request medical personnel.
d. The officer shall not leave the scene until replaced by other law enforcement personnel.
e. The officer(s) should document the scene as quickly as possible and note any disturbances made by medical personnel.
f. The officer shall not investigate the event.

B. Supervisory Duties:

1. Notify appropriate superior officers.
2. Set up perimeter.
3. Assign extra personnel to preserve the scene.
4. Identify witnesses.
5. The officer(s) shall be removed from the scene and transported to the Truth or Consequences Police Department or to a medical facility if necessary.
6. A supervisor will accompany the officer and await further instructions from the Chief of Police.
7. Investigators will collect the officer's firearm for evidence and initiate a chain of custody report.
8. A replacement will be issued as soon as appropriate.
9. No officer shall make a statement to members of the media or the public.
10. The Chief of Police or his designee will contact New Mexico State Police to request their assistance in investigation of all deadly force incidents.

XI. ADMINISTRATIVE DUTY

A. Immediately following an officer's involvement in an incident involving serious injury or death, the officer will be automatically placed on administrative duty pending a review by the Chief of Police on the next normal work day, unless the duty status is changed to administrative leave status by the Chief of Police. The officer shall remain in an administrative duty status until such time as the matter is resolved legally and administratively.
B. Assignment to administrative duty is non-disciplinary with no loss of pay or benefits. This duty is designed to:

1. Address the personal and emotional needs of the officer involved in the use of Deadly Force;
2. To ensure the community that the facts surrounding the case are fully and professionally investigated.

C. An officer placed on administrative duty will be assigned to office duty in civilian clothes.

D. The officer may be placed on administrative leave instead of administrative duty at the discretion of the Chief of Police. Assignment to administrative leave is non-disciplinary with no loss of pay or benefits.
E. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
F. An officer on administrative duty or leave is authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty police related jobs and should not enforce laws and make arrests except in emergency situations.
G. An officer whose action results in a Deadly Force incident will be required to counsel with the Department's appointed counselor. The counselor must make written notification that the officer is fit for duty before the officer returns to full duty.
H. The Department will make available and reserve the right to require counseling for officers who was involved in a Deadly Force incident.

XII. INCIDENTS OF FORCE REVIEW

A. If use of force indicates a possible violation of TCPD policy or other inappropriate conduct, the immediate or any other supervisor will refer the matter directly to the Office of the Chief for review.
B. Referrals to the Office of the Chief will be automatic and take place immediately anytime there is a firearm discharge (except at firing range or in the event of the humane dispatching of an animal.)
C. The Administrative Staff will:

1. Analyze use of force data on a quarterly, cumulative basis to detect trends;
2. Have compiled in writing and review use of force incidents by officers and types of force used
3. Review the data for the purpose of identifying and acting upon their implications for police and training designed to ensure that officers are using only appropriate types and amounts of force necessary.

XIII. TRAINING

A. Annual training will be conducted to instruct officers in the Use of Force and/or Use of Force Policy. This instruction will be documented.
B. Copies of this policy will be issued to each officer, before being authorized to carry a weapon and will be updated as needed. This issuance and instruction will be documented.

	Policy Name:	**WEAPONS** **POLICY #: TCPD 6A** **NMMLEPSC Standard ADM.06.01**
Effective Date:		**Reviewed Date: 08/03/2023** **Revision Date: 08/03/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

A police officer's firearm is perhaps the most commonly perceived symbol of his authority and role. In the interest of public safety and police professionalism, the department sets herein high standards of performance for its personnel who use weapons. The department's policy ensures that members are properly trained not only in the use of appropriate firearms, but also in their maintenance. In addition, the department believes that off-duty use of weapons, plus the selection and wearing of on-and off-duty holsters must follow standards enforced by supervisors and the department armorer.

The purpose of this directive is to establish policies and procedures regarding training, approved weapons, and related equipment. Officers are not permitted to routinely switch back and forth between different handguns and types of handguns. During a shooting incident, it is imperative that an officer be able to instinctively operate an assigned or authorized weapon proficiently. Routinely switching weapons puts an officer at a distinct disadvantage which could be fatal.

No officer shall be permitted to carry a weapon until proper training has been received and the officer has qualified with the weapon. Each officer will be provided with a copy of the Department's Use of Force policy prior to being allowed to carry a weapon. All officers, while on duty and within their jurisdiction, must have a department authorized handgun immediately accessible. Uniform officers must carry authorized handgun while on duty.

II. POLICY

It is the policy of the Truth or Consequences Police Department that all officers will be properly trained in the use of the weapons supplied and approved by the Chief. This includes the appropriate usage, care of the weapons and recognition of damage if it should occur. The Truth or Consequences Police Department also requires that

officers appropriately give assistance to any person(s) on which the weapons are used. (TCPD 5A)

III. PRIMARY HANDGUN

A. The Department shall inspect and approve each commissioned officer's handgun.

1. All officers must carry the department issued FN509 9mm handgun.
2. Animal Control Officers are not authorized to carry any type of handguns.

B. While in an on-duty status, all officers will be armed with the department issued FN509 9 mm handgun, and carried in an issued holster. Only magazines and pouches issued or authorized by the department will be carried. The department shall issue ammunition for the weapon.

C. Any modifications must be approved by the Chief of Police.

D. All department issued firearms will be inspected once a year by the Range instructor and the Department Armorer. Unsafe weapons will be removed from service until repaired.

E. All weapons issued will be recorded with the weapon type, serial number, date of issue and officer it was issued to. This will be maintained by the Range instructor and/or Armorer.

IV. OFF-DUTY HANDGUN

A. Officers may carry their department issued firearm or off duty weapon while off duty with badge and commission card. The weapon will be loaded with Department approved ammunition and may be carried concealed. If an off-duty weapon is carried displayed the officer shall display his badge of office and carry his commission card.

Exceptions:

Off-duty officers shall not carry a firearm when socially inappropriate (e.g., at a sports event etc.) or <u>when consuming alcoholic beverages</u> or when going into a licensed liquor establishment.

1. Off-duty weapons shall be carried safely.

B. Officers may carry a firearm other than their issued duty weapon, off-duty, if it meets the following guidelines:

1. Firearms must be authorized by the Chief of Police.

2. Weapon will be at least a five shot semiautomatic or revolver in a minimum caliber of .380 not to exceed .45 caliber.

C. Holsters, extra magazines or speed loaders are not required for qualification or when the weapon is being carried off-duty. The weapon must be carried in a manner where it is safe and secure.

D. All off-duty weapons to be carried must be authorized by the Chief of Police. Officers wanting to change weapons must qualify with the new weapon at regular qualification.

E. All firearms will be inspected and approved by the Firearms Instructor and the Department Armorer prior to being carried.

V. BACK-UP HANDGUN

Officers are authorized to carry back-up firearms that meet the same guidelines as stated in Off-Duty Weapons listed above, under section B. Back-up firearms are to be used as a last resort weapon when primary weapon has been exhausted or is inaccessible.

VI. SHOTGUNS/RIFLES

A. Shotgun

1. Every officer may only carry a departmental issue shotgun upon passing the shotgun qualification course.
2. The qualification course shall be an approved NMLEA course of fire:
3. The ammunition chamber shall be left open and the safety on until instructed by the firearms Instructor to load or check the weapon.
4. Shotguns will not be handled except on the command of the firearms Instructor.

UNDER NO CIRCUMSTANCES WILL BEAN-BAG AMMUNITION BE LOADED INTO ANY OTHER FIREARM THAN THE DESIGNATED 12 GAUGE ORANGE SHOTGUN.

B. AR-15

1. ***Every officer may only carry a departmental issue AR-15 equipped with departmental issued magazines and accessories.*** Officers will not modify or add to the AR-15 unless there is prior approval from the Chief of Police.
2. Prior to carrying an AR-15 officers will pass a training program with the rifle and will qualify with the rifle. The qualification course will be approved by the NM Law Enforcement Academy.
3. After the initial training course and qualification, officers will be required to qualify with the AR-15 once a year.
4. Ammunition shall be only department issued ammunition.

5. At the range, the AR-15 shall remain unloaded with the magazine removed and the chamber shall be left empty until instructed by the instructor to load or check the weapon.
6. AR-15 rifles will not be handled on the range except on command of the instructor.

C. Classroom instruction

All police department personnel, if duties require, they carry firearms, shall receive classroom familiarization with their firearms before obtaining permission from the firearms Instructor to enter the firing range.

VII. GAS GUNS AND TEAR GAS

A. Only members assigned by the SRT Commander are authorized to use gas guns and tear gas.
B. The SRT Commander is responsible for coordinating the cleaning and maintenance of 12 ga. Shotguns which will fire barricade projectile CS liquid irritant.

VIII. AMMUNITION

A. Duty Weapon

1. The only ammunition that officers will carry in their handguns and magazines is that which is issued by the Department.
2. Officers shall inspect all rounds prior to loading their weapon and make periodic inspections for damaged rounds.
3. Ammunition used for firearms training and qualifications will be provided by the Department.

B. Off-Duty/Back-up Weapon

1. The department may supply ammunition if it is available and financially feasible, with approval of the Chief of Police. Otherwise, Officers must supply their own ammunition which must be approved by the Firearms Instructor and the Chief.
2. No armor piercing, incendiary, Glazier safety slug, or remanufactured ammunition will be authorized.
3. Ammunition must be replaced at least annually.
4. Ammunition used for qualifications must be provided by the officer.

C. Other Authorized Departmental issued weapons

1. Officers will only carry department issued shotgun rounds in the

department issued shotgun.

2. Officers will only carry department issued rifle rounds in the department issued rifles.

   Officers authorized to carry other department issued firearms will carry it loaded with department issued ammunition.

IX. HANDLING FIREARMS

A. The authority to bear firearms carries with it an obligation and responsibility to exercise discipline, restraint, and good judgment in their use. The officer must keep in mind that when firing a weapon, there always exists a danger to innocent parties.
B. As a general rule, when in presence of the public, a handgun should be drawn only when the officer or his/her superior has sufficient cause to expect it will be used and the officer is preparing for its use. Shoulder weapons (long arms) may be displayed as their use may require.
C. If possible, some warning should be given before engaging in the use of deadly force.
D. A handgun, rifle or shotgun muzzle shall not be held in direct contact with an individual, except as a last resort.
E. Firearms shall be secured when the officer is safe to do so.
F. Officers shall not exhibit any weapon within the police building or grounds. An officer's weapon may be removed from his holster to be placed in a secure area or during a weapons inspection.
G. Officers shall not load or unload any weapon inside the police building unless the weapon is being processed for a criminal offense or for an inspection by a supervisor.

X. DISCHARGE OF FIREARMS

A. Officers may discharge a firearm under the following circumstances:

   1. To safely destroy an animal that represents a threat to public safety; as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted
   2. During range practice or competitive sporting events
   3. For ballistics and scientific testing
   4. In defense of a life
   5. Under appropriate circumstances as described in ADM 5, Use of Force.

B. Firing a weapon should be for the intent of rendering the person at whom the weapon is discharged incapable of continuing the activity prompting the officer to shoot.
C. Warning shots are prohibited.
D. Firing a weapon at or from a moving vehicle should not be considered except as the ultimate measure of self-defense or defense of another when the suspect

is using deadly force.
Under no circumstances will an officer fire at a moving motor vehicle with the sole intent of rendering the motor vehicle incapable of being operated.

E. When an officer discharges a firearm accidentally or in the line of duty, except at firearms qualifications, his immediate supervisor will be notified as soon as possible, but never later than the conclusion of his tour-of-duty.
F. When a duty firearm is discharged, on or off-duty, the officer shall file a written Use of Force Report of the incident through established channels to the Chief of Police.
If an officer is unable to write the report, the duty supervisor will ensure the necessary reports are properly prepared and forwarded.
G. Reports of discharge will be forwarded to the Chief of Police.

XI. CARE OF WEAPONS

A. All officers are responsible for care of assigned and approved weapons.
B. Willful or negligent damage to a department approved weapon by an employee shall not be tolerated. Incorrect or negligent use of a weapon is prohibited.
C. All officers shall, by every practical means, secure all weapons from unauthorized access. Department approved firearms shall not be left in unsecured vehicles while on-duty or off–duty or when the vehicle is unattended for extended periods of time. Weapons shall be removed from an officer's assigned vehicle and secured during his regular days off and during off hours. Furthermore, officers will assure that weapons are not left unsecured or unattended during workout or personal times while at the police station.
D. Officers are responsible for inspecting their approved weapons for safety and maintenance needs and ensuring that the weapon is safe and functional at all times. Weapons shall be subject to random and monthly inspections by a supervisor for proper cleanliness.
E. All repairs or modifications on department issued weapons shall be performed by Department Armorer or certified gun smith coordinated through the firearms Instructor.
F. Department weapons found to be defective shall be delivered to the Lieutenant for review. If necessary, he will issue another weapon for use during this repair period.
G. All weapons stored at home should be secured with a gun lock. All officers should utilize this lock to secure the weapon, separate the firearm from the ammunition and keep out of the reach of children and other inexperienced or unauthorized persons.

XII. FIREARMS QUALIFICATIONS

A. Firearms qualification courses are mandatory for all officers, and courses will be scheduled throughout the year. The Firearms Instructor or Training Coordinator will post the dates and times for officers to qualify.

Firearms qualifications will include a minimum of two (2) pistol qualifications and one (1) shotgun qualifications for all officers. There will be one (1) off-duty qualification for officers authorized to carry off -duty weapons other than their duty weapon. There will be two (2) qualifications for other department issued firearms; long rifle. These courses will be offered throughout a calendar year.

If it is necessary for an officer to miss a qualification, a written request will be submitted and approved by the Lieutenant. At the discretion of the Lieutenant, those officers who have missed a scheduled qualification during the year will be scheduled for makeup shoot by the end of the year.

Every commissioned officer must maintain a minimum shooting score as stipulated by the Firearms Instructor/New Mexico Law Enforcement Academy (80%).

Officers must shoot approved courses with their issued and/or approved personal duty weapons and approved off-duty weapon prior to carry.

B. If an officer is unable to qualify, completion of a remedial training course will be required. This remedial training will be conducted in lieu of normally scheduled assigned duties until the officer successfully completes remedial training and qualifications.

   If after a reasonable time, the Firearms Instructor and the Patrol Commander determine that an officer cannot qualify, a detailed report shall be submitted to the Chief of Police. The officer shall be placed on Administrative unarmed duty in civilian clothes pending a determination of the officer's employment status.

C. Because this training is mandatory, any unauthorized absence of commissioned officers at this training is subject to disciplinary action.

D. Certain circumstances may excuse an officer from scheduled qualifications (illness, injury, pregnancy). The officer is required to qualify immediately upon returning to full status capacity.

E. All firearms training will be conducted by certified firearm instructor(s).

F. All training and proficiency demonstrations will be documented and maintained with the training coordinator and Firearms Instructor. The firearms Instructor will inspect all firearms records once every four months.

XIII. FIRING RANGE PROCEDURES

It is the officer's responsibility to conduct themselves in a mature manner and use common sense in safe handling procedures with handguns, shotguns, and rifles. The following range rules and firearms safety standards will be followed by everyone engaged in firearms training. Infractions of, or disregard for, firearms safety will be dealt with promptly and firmly by the firearm's staff and may be subject to disciplinary action:

A. Safety Rules and Regulations

1. Each time a weapon is picked up for any purpose, point the weapon in a safe direction, open the action and make a visual and physical inspection

to ensure that it is unloaded. Never trust your memory, and consider every weapon as loaded until you have personally proven otherwise. Never turn in or accept a weapon unless the action is open.

2. Do not leave a loaded weapon unattended. Un-holstered weapons will have actions open at all times when not being fired
3. Shotguns and rifles not in use will have an open action with the safety on.

    a. Semiautomatics - When not holstered a semiautomatic will be carried with the magazine removed, the slide locked to the rear, the muzzle pointed down, with the strong hand holding it by the grip.
    b. Shotgun/Rifle – When transporting a shotgun/rifle, the weapon will be carried muzzle down with the action open and the safety on.

4. Do not place your finger within the trigger guard until you are pointing the weapon at the target. This is especially important when drawing the weapon from the holster.
5. Do not load until the command is given. NEVER anticipate a command. All range commands will be given by the Firearms Instructor/Range Master.
6. While on the firing line the muzzles of all weapons will be pointed downrange at all times when not holstered, but at no time will point over the top of the backstop.
7. Do not handle a weapon on the firing line while there is someone downrange. Dry firing is allowed only on the firing line under the supervision of an instructor.
8. No conversations are allowed between participants while on the firing line.
9. If you drop a weapon accidentally, report this fact to an instructor who will immediately inspect your weapon to ensure that it can function.
10. Holstered weapons will be snapped-in fully secured at all times except while in the process of being drawn.
11. Never bend over to retrieve dropped ammunition during loading or unloading procedures. You will be permitted to do so after the line has been declared safe. You will also be instructed when to pick up magazines or other dropped equipment.
12. Do not fire at a target that has turned on the edge position.
13. Anytime you observe an unsafe act that endangers someone, you have the responsibility to shout, “Cease Fire”, raise your non-shooting hand and report the incident to an instructor.
14. Any injury sustained during firearms training, no matter how minor it may seem, will be reported immediately to an instructor.
15. For your protection, it is mandatory that all officers wear ear and eye protection while engaged in live fire on all ranges.
16. All officers will also wear their issued ballistic vest at the range at all times.
17. When you are instructed to step up to the firing line, remain there unless

told to do otherwise.

18. Staple guns should always be handled carefully as the staples will be under spring tension. Do not put your hands behind the target cardboard when stapling targets.
19. Keep talking to a minimum while at the firing ranges. Exercise courtesy while others are shooting or engaged in classes.
20. Do not turn around on the firing line or look behind you unless instructed to do so.
21. When arriving or leaving the range weapons will be fully secured.
22. Any loading/unloading or checking the condition of a weapon will be done either on the firing line or at a side safety berm as directed.
23. During drawing and/or holstering sequences the trigger finger shall be in register (along the side or frame of the weapon).
24. When at "Ready Gun" position, the trigger finger shall be in register.
25. Horseplay, practical jokes, or other such action is prohibited
26. The firearms Instructor is the ultimate authority on the range. Range discipline will be enforced by the firearms Instructor and his/her designee.

B. General Range information

1. Leather Gear

    a. A complete set of leather gear will be worn during qualification courses unless otherwise specified for the course of fire.
    b. If a holster or ammo carrier is excessively worn or does not function properly, notify your supervisor for arrangements on replacement.

2. Facilities and Equipment

    a. Range equipment is not to be abused. Any broken equipment should be reported to an instructor.
    b. Range will be kept clean at all times. Range equipment will be appropriately cleaned at the end of the day following firearms qualifications.
    c. Officers who are firing will be responsible for cleaning up their area.

XIV. DEFENSIVE EQUIPMENT

A. Batons

1. The expandable baton is the only baton issued for carrying and use by officers of the Department. Personal batons must be approved.
2. Uniformed officers who are required to carry the expandable batons in the appropriate manner while on duty. Other uniformed officers and non-uniformed officers may carry the expandable batons at their discretion.
3. Officers are not approved to carry an expandable baton until successful

completion of approved baton training.

4. If an officer's authorization to carry the baton is revoked, the baton instructor shall notify the officer's supervisor.
5. Officers are responsible for maintaining the expandable baton so that it is safe and reliable for use.

    a. Damaged, warped or incomplete batons must be reported immediately to the officer's supervisor for repair or replacement.
    b. No alterations or modifications shall be made to the expandable batons without the approval of either the Defensive Tactics Coordinator or the Patrol Commander.

6. On a periodic basis, in conjunction with firearms qualifications, officers will complete continuing training under the supervision of a certified baton instructor. This allows officers to continue demonstrating proficiency. This proficiency demonstration will be documented.
7. An officer may carry a straight or expandable baton if the training has been successfully completed.

B. Chemical Spray

1. Oleoresin Capsicum spray, otherwise known as OC Spray, is made with the plants from the genus capsicum, and is the only chemical spray authorized for use by this Department. Peppers are the active ingredient in OC Spray which comes in concentrations of 5% and 10%.
2. No officer shall be issued or authorized to carry or use chemical spray until the officer has successfully completed a course of training under the direction of a NMLEA certified instructor. Officers must be specifically authorized to carry chemical spray.
3. Truth or Consequences Police Department recommends all officers to carry and be certified in the use of OC spray as this provides the officer with an additional tool for officer safety issues. However, Officers may carry OC at their discretion.
4. Officers who have been authorized to carry chemical spray may be required to attend a training session at least once per year. This training will be documented by the instructor and turned over to the Department Training Coordinator for documentation.
5. An instructor may revoke an officer's authorization to carry chemical spray if the officer fails to demonstrate proficiency.
6. An officer's authorization to carry chemical spray may be revoked with cause by a supervisor.
7. If an officer's authorization to carry chemical spray is revoked, the instructor will notify the officer's supervisor and the Patrol Commander by memorandum.
8. Only department issued chemical spray may be carried.

9. Officers shall not alter or modify the chemical spray canister or any part of the trigger mechanism in any manner.
10. The OC spray canister may be inspected on a monthly basis by the officer's supervisor.

C. CONDUCTIVE ELECTRONIC WEAPON– TASER

1. Department personnel shall only carry and use the TASER or conductive electronic weapon approved by the Chief of Police. Members may only use Department issued TASER cartridges.
2. A record will be kept of all TASERs, their serial numbers, and what Officer or division they have been issued to. In the event that a TASER is returned for repairs or no longer remains the property of the Deming Police Department, the use history of that particular TASER will be downloaded using the data port access and appropriate software. The use history will be maintained for a period of 3 years from the date the TASER was taken out of issue.
3. Use histories will be run on each TASER once each year. Any indications of misuse of the device may result in disciplinary action or revocation of the user's certification.

CI. TRAINING AND CERTIFICATION:

1. All members who carry and/or use a TASER must first successfully complete a 4-hour TASER familiarization program, to include written practical tests. A mandatory re-certification program will be completed bi-annually. The re-certification will be a minimum of 2 hours.

CII. SUPERVISOR RESPONSIBILITIES

1. The first supervisor on the scene should ensure that proper care is given to injured officers and/or citizens.
2. He/she should ensure that all responsibilities of the Officer have been carried out regarding care for the injured, apprehension of the suspects and protection of the scene.
3. The supervisor shall ensure the proper notifications of department command staff are made, as soon as possible.
4. The shift or on scene supervisor shall notify the Patrol Commander if any traumatic injury has occurred due to the use of force involving the TASER.
5. The Patrol Commander shall determine if detectives are to be called to investigate the incident.
6. A Use of Force Report shall be completed and forwarded to the Chief of Police through the appropriate channels.
7. All other written reports associated with the incident shall also be completed before the end of the shift and forwarded in the same manner.

F. Knives

1. Knives will be stored in a belt pouch or attached by clip.
2. Total length of opened knife will be no more than ten inches.
3. The knife is not to be used as a defensive weapon except in extreme situations.
4. The intent of this policy is that the knife is used to assist officers in freeing victims.

G. Other: Under survival conditions an officer may use whatever weapon is available.

	Policy Name:	**STRUCTURE AND SYSTEM** **POLICY #: TCPD 7A** **NMMLEPSC Standard ADM.07.01-.07.05**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/06/2023** **Revision Date: 11/30/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The purpose of this order is to designate the authority and responsibilities of the Chief of Police and Staff.

II. CHIEF OF POLICE

A. Is appointed by the City Manager with the approval of the City Commission and is responsible to the City Manager.
B. Has final authority and responsibility for the management, direction and control of the operations and administration of the Department.
C. Develops and proposes such programs and policies to the City Manager as necessary to maintain a modern efficient and effective Police Department.
D. Develops, presents, and justifies budget estimates for Department operations.
E. Submits an annual report to the City Manager outlining the operations and achievements of the Police Department.
F. Develops and provide adequate training to the employees of the Department in order to maintain professional standards and conduct.

It is the purpose of this policy to outline a protocol to be followed in the absence of the Chief of Police.

III. COMMAND PROTOCOL

The purpose of this order is to describe the organization of the Police Department and to assign responsibilities, functions, and duties.

A. In the absence of the Chief, the Lieutenant will assume the role of Chief Administrative Officer of the department and be responsible for the overall operation of the department.
B. In the absence of the Chief and the Lieutenant, the Sergeants will assume the role of Chief Administrative Officer of the department and be responsible for the overall operation of the department.

1. After the Chief of Police, the line of succession is by rank and seniority in rank.
2. When absences of the Chief of Police and the Deputy Chief are anticipated, the Chief of Police may designate, in writing, a command officer to act on his behalf.

C. It is the intent of this policy to establish a guideline for exceptional situations:

1. In certain emergency or exceptional situations an immediate supervisor may not be available. At this time an officer shall be fully aware of and follow the Policy and Procedures set by the Department.

D. This policy is to give protocol for Joint Investigations:

It is the policy of the Department to establish and maintain a positive working relationship with other agencies. The guidelines set out herein should assist employees in maintaining open communication and cooperation with other agencies not only within the Criminal Justice System, but also in the realm of social services and provide a guide for command protocol.

1. When a joint investigation is conducted with another law enforcement agency, the Lieutenant maintains liaison with the outside agency.
2. Outside agencies requesting non-emergency assistance shall be referred to either of the following:

    a. The Patrol Supervisor on-duty, if uniformed officers are requested, or
    b. The Lieutenant, if investigative personnel are requested.

3. When Department personnel and personnel from outside agencies are working together on a police operation, the highest-ranking Department supervisor(s) coordinates with the highest ranking outside agency supervisors(s).
4. Department personnel shall not be placed under the sole command of an outside police agency.
5. At the scene of a major incident, the ranking Department uniformed supervisor assumes command of, and is responsible for, all uniformed Department officers. The ranking investigative supervisor assumes command of, and is responsible for, investigative personnel. If only one supervisor is present, that supervisor shall assume overall command of, and is responsible for, all officers until or unless relieved by a higher authority.
6. The Lieutenant shall be kept informed on the status of any joint investigation by the ranking supervisor.
7. If the joint investigation deals with a crime which occurred outside the Department jurisdiction and a Department employee needs to file a report for his/her role in the investigation, a supplemental report detailing the officer's involvement shall be completed and approved by a supervisor

and submitted to that agency through the Records Division.

8. If the joint investigation deals with a crime which occurred inside the Department jurisdiction, a Department employee shall file the appropriate criminal report.

IV. STATEMENT OF PURPOSE:

The purpose of this order is to describe the organization of the Police Department and to assign responsibilities, functions, and duties.

V. POLICY:

The Department is established by law and shall consist of a Chief of Police, such regular officers and employees as may be approved. The Police Department shall be under the general supervision of the Chief of Police who shall be the Chief Executive of the Police Department. It shall be the responsibility of the Police Chief to enforce the rules and regulations for the City and the policies and procedures of the Department. The Chief of Police reports directly to the City Manager. Police Officers are charged with enforcing the laws of the State of New Mexico and all the ordinances of the City of Truth or Consequences. Jurisdiction of the Police Department is limited to the City boundaries, except when another department requests assistance, or when enforcing laws on property owned by the City, but outside its boundaries. The organization of the Police Department will support the effective and efficient accomplishment of Departmental responsibilities and functions.

VI. PROCEDURES:

A. Organizational structure:

1. The Chief of Police is responsible for the direction of all activities of the Department. This direction will be accomplished through written and oral orders, policy, directives, guidelines, and guidance as well as by personal leadership.
2. The Department shall consist of a Police Chief, Lieutenant, Sergeants, and as many police officers as determined by the Chief of Police and the City Manager are required to protect and serve the community.

B. Span of control:

For any major event in which all or most of departmental personnel will be on duty, plans for the event will clearly delineate the command and structure and consider span of control.

C. Authority and responsibility:

1. At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
2. Each departmental employee will be held fully accountable for the use of,

or failure to use, delegated authority. Any employee who has any questions concerning his delegated authority should bring such questions to the attention of his supervisor or the Chief of Police for prompt resolution. Legal questions may be referred to the City or District Attorney.

3. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

D. Direction, obedience to orders:

The Chief of Police is the Chief Executive of the Department. As such, the Chief of Police under the direction of the City Manager has full authority and responsibility for the management, direction and control of the operation and administration of the Department.

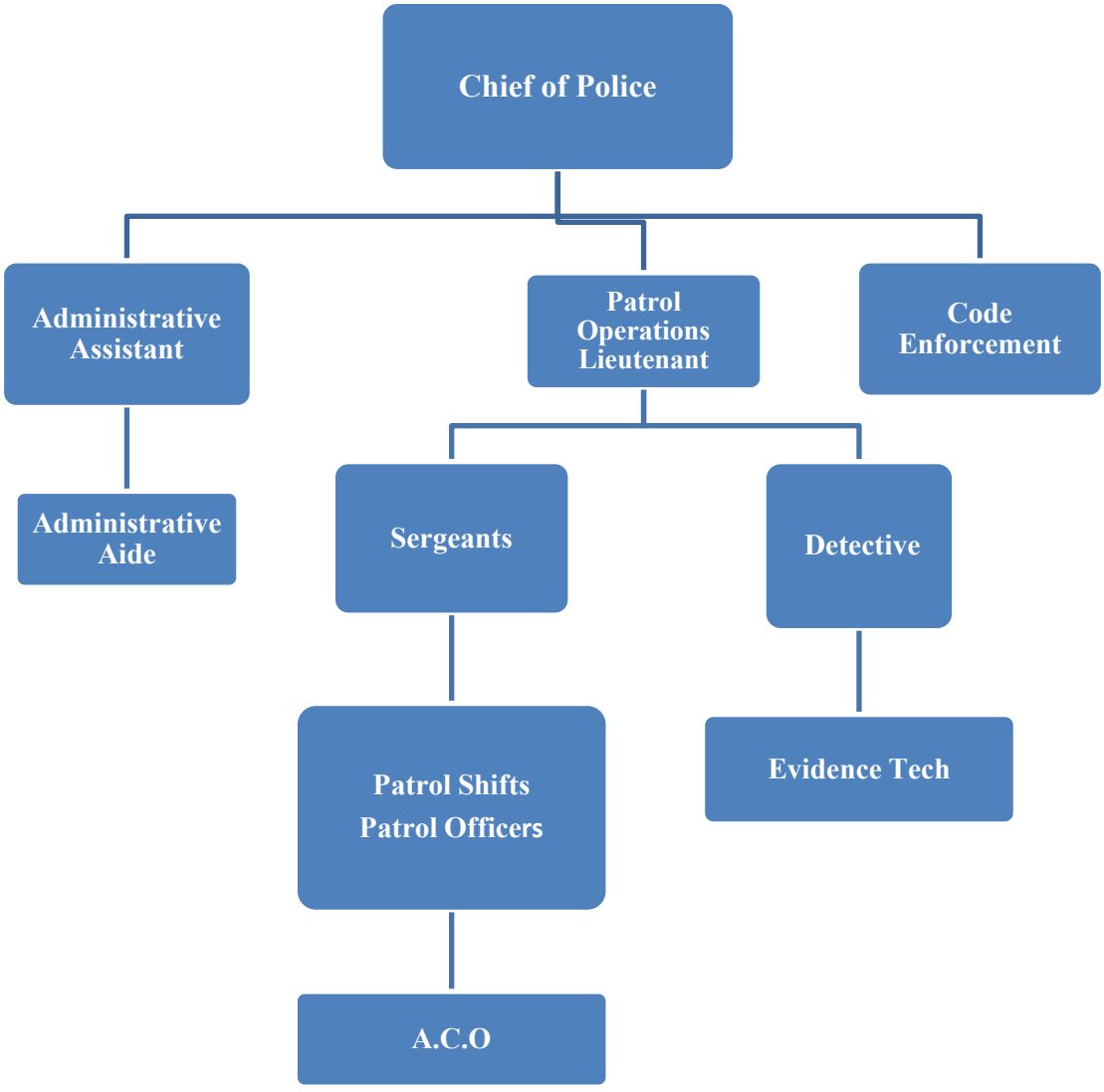
E. Grievances

Department personnel with complaints against other police personnel except the Chief of Police must present such complaints to the Chief of Police. An officer dissatisfied with the decision of the Chief of Police may appeal to the City Manager, appealing the case through the Chief. Department personnel may not directly approach the City Manager or Mayor on any official matter without permission of the Chief of Police.

VII.STATEMENT OF PURPOSE

The purpose of this directive is to define the command structure of the Department and to delineate the supervisory authority. The order of rank for personnel within the Police Department is:

A. Chief of Police
B. Lieutenant
C. Sergeant
D. Investigator
E. Patrol Officer
F. Code Enforcement Officer
G. Animal control
H. Secretarial Staff



VIII. STRUCTURE

A. Each patrol shift is supervised by an assigned Sergeant or Senior Patrolman. The Senior Patrolman will coordinate shift operations when a Sergeant or other supervisor is not available, but will not have the same authority as a formally promoted supervisor. The Senior Patrolman is not based simply on seniority, but will be assigned based on overall ability to make good decisions and will have direct contact with the on-call supervisor.

B. The Lieutenant and/or a Sergeant will designate an officer to serve as Senior Patrolman.

C. Each officer and employee are directly accountable to the supervisor on their shift except when working on a special assignment, incident, extra duty, or temporarily assigned to another shift within this Department. In these cases, the employee will be accountable to the first-line supervisor over that shift, assignment, event, duty or incident. For performance evaluation purposes employees are accountable to one supervisor, designated as the *Lead Evaluator*.

D. Whenever the Department engages in an operation involving more than one shift, the overall command of the operation will be assigned to the supervisor of the shift initiating the event, unless otherwise directed by the Lieutenant, or Chief of Police.

E. Occasions may arise requiring a supervisor to issue an order outside the chain of command. Nothing in this section shall prevent this.

F. For any given incident, the officer assigned the call will be in charge unless:
   1. Relieved by a Detective on a crime scene;
   2. Relieved by a supervisor.

G. The Detective assigned the crime scene will be in charge unless relieved by a supervisor.

H. The officer in charge of an incident will be responsible for securing and protecting the scene, documenting all entries of persons into the scene, and planning for processing of the scene in accordance with appropriate Departmental Policy.

I. In all instances where a supervisor relieves an officer or Detective, that supervisor will then assume control of the situation.

IX. STAFF MEETINGS

While the Department is comprised of three separate Divisions, each Division must allow for communication, coordination and cooperation among all functions. To facilitate this end, and to encourage and support the exchange of information between specialized functions, periodic staff meetings are held.

A. The Chief of Police or his designee shall call a staff meeting of supervisory personnel whenever necessary. These meetings may be frequent and personnel attending may be restricted according to the subject matter being discussed.

X. SUPERVISORYAUTHORITY

A. First Line Supervisory Authority

Sergeants are the first line supervisory authority in the Department and are responsible for, and have authority in, directing and monitoring the performance

and conduct of subordinates, which includes, but is not limited to, the following:

1. Assure adherence to Department directives, policies and procedures;
2. Counseling and coaching of subordinates in an effort to maintain the efficiency of the Department;
3. Reception of complaints concerning the actions of personnel;
4. Invoking the disciplinary process.
5. The overall direction and control of their respective shifts or units. They are responsible for seeing that subordinate officers carry out directives in guiding personnel toward the accomplishment of Department goals.

B. Command Officers Responsibility

Command level offices are the Chief and Lieutenant. They are responsible for the overall direction and control of their respective Divisions. They are responsible for seeing that subordinate supervisors carry out directives in guiding personnel toward the accomplishment of Department goals.

	Policy Name:	**Classification/ Task Analysis** **Policy#-TCPD 8A** **NMMLESPSC Standard ADM. 08.01-.08.02**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** Chief of Police Luis A. Tavizon

I. JOB DESCRIPTIONS:

A. Chief of Police

1. Summary

The Chief of Police is the Chief Administrative Officer of the Department and the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

Through the Chief of Police, the Department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by proper authority and for the Department's relations with local citizens, the local government, and other related agencies.

The Chief is responsible for training of all members of the Department. The Chief shall have general charge of the Police Department and all property of the Police Department.

General duties and responsibilities:

a. As necessary, recommends and makes recommendations for the adoption of new City ordinances or the amendment of existing ones.
b. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.
c. Prepares periodic and special reports, and assures that adequate records are maintained of all Department activities.

d. Controls the expenditure of Department appropriations and prepares annual budget estimates of needs.
e. Plans and coordinates training of members in procedures, duties, and proper use of equipment.
f. Cooperates with other law enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
g. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the Police Department, and to establish favorable public relations.
h. In consultation with the City Manager, formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the Police Department.
i. Ensures compliance with all laws which the department or its officers have the authority to enforce.
j. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
k. Establishes a routine of daily duties to be performed by officers.
l. Designates an officer to serve as commanding officer in his absence.
m. Assigns details or transfers any member or employee of the department to or from any assignment whenever he shall deem such action necessary for the efficiency, discipline or morale of the department.
n. Ensures that all members have copies of the department's policy manual.
o. Investigates all cases of alleged or apparent misconduct by department personnel.
p. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
q. Promulgates all general and special orders of the Department and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.
r. Supervises the safekeeping of all evidence and any property recovered, found or confiscated.
s. Maintains a personnel record system in which shall include all pertinent information on all departmental members and employees.
t. Maintain a records department in compliance with Open Records Act, with staff designated for appropriate preservation.
u. Keep current and accurate records of evidence and property through his designees.

2. Knowledge, skills and abilities:

Comprehensive knowledge of laws, rules, and court decisions relating to the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification and radio communication; comprehensive knowledge of controlling laws and ordinances; thorough knowledge of the geography of the City; demonstrated ability to lead and direct the activities of police officers; ability to maintain

cooperative relationships with other City officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.

3. Education and Experience: Shall be determined by the City Manager and City Council as appropriate.

B. Lieutenant

1. Summary

   The Lieutenant occupies the mid-level area of management. Their primary responsibility is to assist in day-to-day operation of the department and oversee the operation of his assigned shift. The Lieutenant is charged with ensuring compliance with the department's regulations. They handle all infractions and reports violations to the Chief. Lieutenants shall thoroughly acquaint themselves with the duties of patrol officers and shall assist and instruct the officers under their supervision in the proper performance of their duties. They shall be responsible for the proficiency, discipline, conduct, appearance, and strict attention to duty of all officers.

2. General Duties and Responsibilities

   a. Assists in formulating policies and regulations for the department.
   b. Instructs and trains Sergeants and assists them concerning difficult police problems and cases.
   c. Performs all work required of a police officer.
   d. Prepares reports on a variety of Police Department activities.
   e. Supervises officers of the Department.
   f. Maintains active, working knowledge of departmental rules, policies, procedures, and developments in the laws that affect him and members under his supervision. Advises Chief on policy matters.
   g. Continuously audits the performance of officers under their supervision to determine whether they are properly, effectively, and consistently carrying out their police duties. In particular, compares field practices with the standards established through written orders.
   h. In cases involving alleged sexual assaults the Patrol Lieutenant will ensure that the detective is contacted in all cases. The Patrol Lieutenant will also ensure that the Detective is also contacted for the scheduling of a forensic interview.
   i. Ensures that when the performance of an officer under their command is unsatisfactory, measures are taken through encouragement, explanation, referral to his superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
   j. Submits a written report to the Chief regarding any member of the department who commits a serious breach of the regulations of the

department, or where informal corrective measures prove inadequate. Includes in this report the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct which would ordinarily be considered "serious" include, but are not limited to the following:

1) Flagrant refusal to obey orders.
2) The commission of any criminal offense.
3) Oral or physical abuse of a member of the public.
4) Excessive use of force with a prisoner or other person.
5) Absence without leave.
6) Excessive tardiness.
7) A conflict of interest.
8) Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
9) Repeated failure to respond to orders, instructions, or other admonitions to correctly execute duties.

k. Implements all orders received from the command. To this end, thoroughly explains to departmental personnel under his supervision the content and meaning of new orders that affect their responsibilities, when practical.
l. Accountable for the actions or omissions of officers under their supervision which are contrary to departmental regulations or policy.
m. Ensures that all patrol officers receive, serve, or deliver warrants, summonses, subpoenas or other official papers and performs relevant duties promptly and accurately.
n. Performs other duties as may be assigned by command.

3. Knowledge, Skills and Abilities:

Thorough knowledge of the rules and regulations of the department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances, and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; commands respect, of the officers and assigns, directs, and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations; analyzes complex police problems and situations and adopts quick, effective, and reasonable courses of action; skilled in the use of police equipment.

4. Education and Experience:

Lieutenants shall have three years patrol experience, be certified New Mexico Peace Officer, must be able to complete Mid-Level Supervisor course. Must be able to pass City drug testing and have no felony convictions or convictions for a crime of moral turpitude.

C. Patrol Sergeant

1. The Patrol Sergeant is a supervising officer and shall report directly to the Patrol Lieutenant. He/she is charged with supervising subordinate officers and is coordinator of functions and activities of the various units of their respective command. He/she is the immediate field supervisor and will direct immediate responses to any emergency or incident of a crisis nature.

   The Patrol Sergeant shall adhere to the following conditions:

   a. Shall see to it that all complaints and requests for service in the city are promptly and properly investigated and that appropriate action is taken.
   b. Shall be thoroughly familiar with the duties of officers and the laws of the State and City and shall assist and instruct officers under his/her direction in the proper discharge of their duties.
   c. Shall be responsible for the attendance of all personnel within his/her command and see that each member's overtime, days off, leave of absence and vacations are carried out in such a manner and form as directed by the Chief.
   d. Shall be held responsible for the efficiency, discipline, good conduct, appearance and morale of the officer under his/her supervision. He/she will closely supervise the activities of the subordinates.
   e. Shall take suitable action in the case of any laxity, misconduct, incompetence or neglect of duty within his/her jurisdiction.
   f. Shall regulate their command so when they are absent, their shift will be under the command of a competent officer.
   g. Shall be responsible for the scheduling of manpower in conformance with departmental policy and procedures.
   h. Shall be responsible for the investigation of complaints made by anyone, in relation to the conduct of subordinates under their command and shall report the results to his/her supervisors.
   i. Shall personally respond to any emergency or occurrence of a serious or unusual nature within his/her jurisdiction, unless his/her presence at headquarters would be of more value, at which time they shall assign a competent officer to take command at the scene.
   j. In cases involving alleged sexual assaults the Patrol Sergeant will ensure that the detective is contacted in all cases. The Patrol Sergeant will also ensure that the Lieutenant is also contacted for the scheduling of a forensic interview.
   k. Shall report any unusual occurrence of violent crimes or any other serious crimes to his/her immediate supervisor or if unavailable, follow the chain of command.
   l. Shall be aware of problem areas within the city and shall provide adequate patrol in these areas.
   m. Shall know, follow and execute those instructions and guidelines set forth in the Department Policies and Procedures and shall execute general orders special orders, and/or memorandums without delay.

D. Detective

The Detective will have the ultimate responsibility for the clearance of all felonies assigned to them and any other offenses specifically assigned by their supervisor. Investigators shall have equal rank, with the exception of seniority as pertinent to such things as vacations, leaves, days off, etc.

Detectives shall be responsible for the following conditions:

a. Investigate all assigned cases to the best of one's ability. Investigators shall be responsible for making a follow-up investigation and written report on all felonies or other cases specifically assigned by their supervisor, including but not limited to interview, interrogation of suspects or witness's preparation of case reports, preparing for and testifying at a trial.
b. When called to a scene, shall take charge of the investigation, unless relieved by his superior officers. He shall have the authority to direct the activities of field officers when such action is not in direct conflict with the officer's immediate supervisor.
c. Shall be responsible for the collection and preservation of evidence in all cases handled by them or assigned to them.
d. Performs all work required of a police officer.
e. Shall be responsible for the complete, accurate and prompt preparation of reports pertaining to cases assigned to them.
f. Shall render such assistance to Patrol whenever necessary or requested, and shall also notify Patrol of any criminal situations that may require their attention.
g. Shall conduct themselves in a courteous and respectful manner and strive to promote and maintain a harmonious relationship with Patrol and other members of the Department.
h. Shall handle all crimes, reports, or information pertaining to narcotic investigation, or any special investigation assigned to them by their supervisor and or the Chief.
i. Shall know and follow those instructions and guidelines set forth in the Department Policies and Procedures Manual, and shall execute general orders, special orders, and/or memorandums without delay.

E. Patrol Officer

A police officer is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safety and good order of the community.

A police officer shall:

a. Identify criminal offenders and criminal activity and, where appropriate,

apprehend offenders and participate in subsequent court proceedings.
b. Reduce the opportunities for the commission of crime through preventive patrol and other measures.
c. Aid people who are in danger of physical harm.
d. Facilitate the movement of vehicular and pedestrian traffic.
e. Identify potentially serious law enforcement or governmental problems.
f. Promote and preserve the peace.
g. Provide emergency services.
h. The police officer position is non-supervisory. Police officer duties are performed on an assigned shift under the general guidance of the Sergeant.

1. General duties and responsibilities:

a. Exercises authority consistent with obligations imposed by the oath of office.
b. Accountable to superior officers.
c. Promptly obeys legitimate orders.
d. Coordinates efforts with those of other members of the department so that teamwork may ensure continuity of purpose and achievement of police objectives.
e. Communicates to superiors and to fellow officers all information obtained in the field which is pertinent to the achievement of police objectives.
f. Responds punctually to all assignments.
g. Acquires and records information concerning events that have taken place since the last tour of duty.
h. Records activity during tour of duty in the manner prescribed by proper authority. Maintains weapons and equipment in a functional, presentable condition.
i. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police department and suggests other procedures to be followed.
j. Accountable for the securing, receipt, documenting of, and proper transporting of all evidence and property coming into custody.
k. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels.
l. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
m. Confers with prosecutors and testifies in court.
n. Accomplishes other general duties as they are assigned or become necessary.
o. Cooperates with the efforts of other law enforcement agencies.

3. Specific duties and responsibilities: preventive patrol.

a. Patrols an assigned area for general purposes of crime prevention and law enforcement.

Patrol includes:

1) Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths, etc. Conditions that contribute to crime should be reported. The location of telephones and other emergency services should be noted.
2) Apprehending persons violating the law or wanted by the police.
3) Completing detailed reports on all crimes, vehicle crashes, and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, the officer completes an Investigation report.
4) Preserving any serious crime scene until: the sergeant or investigator arrives.
5) Public assembly checks.
6) Building security checks.
7) Observing and interviewing suspicious persons.
8) Issuing traffic citations.
9) Being alert for and reporting fires.
10) Reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
11) Checking schools, parks, and playgrounds.
12) Responding to any public emergency.

b. Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collect evidence and records data which will aid in identification, apprehension and prosecution of offenders, as well as the recovery of property.
c. In cases involving alleged sexual assaults the detective will be contacted in all cases. The Lieutenant will also be contacted for the scheduling of a forensic interview.
d. Is alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions, and informs superiors as soon as the situation permits.
e. Responds to situations brought to the officer's attention while in the course of routine patrol or when assigned by radio. Render First Aid, when qualified, to persons who are seriously ill or injured. Assist persons needing police services.
f. Remains on assigned patrol throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty gives authorization for a temporary absence.
g. Patrols area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a patrol officer shall not patrol an area according to any fixed route or schedule,

but shall alternate frequently and backtrack in order to be at the location least expected.

h. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
i. Concerning a patrol vehicle:

    1) See that it is well maintained mechanically and that it is kept clean both inside and out.
    2) Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
    3) Removes the keys whenever the patrol car is left unattended for any reason.
    4) Uses only vehicles assigned by the supervisor.
    5) Operates the radio according to FCC regulations and current departmental procedures.
    6) Ensures that the assigned vehicle's gas tank is never below half full. Full at the beginning of a shift is recommended.

j. Takes measures to direct the flow of traffic during periods of congestion.
k. Notifies the supervisor if more than a temporary absence from regular duties is required.

4. Specific duties and responsibilities: traffic patrol.

a. Directs and expedites the flow of traffic at assigned intersections, preventing crashes, protecting pedestrians, and ensuring the free flow of traffic.
b. Enforces the parking ordinances and motor vehicle laws in the patrol areas. Alert to traffic safety conditions which may endanger or inconvenience the public and reports such conditions to the sergeant.
c. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant at the earliest possible opportunity.
d. Wears the prescribed traffic safety clothing (TRAFFIC VEST) and equipment.

5. Knowledge, Skills and Abilities:

Officers need to have knowledge of resources available to the department, particularly as related to juveniles, knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; exercise skill in

the use of firearms and police equipment; possess of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public.

6. Education and Experience:

a. Officer must be at least 18 years of age, a high school graduate or equivalent, must be able to complete or have completed the New Mexico Law Enforcement Academy, pass written, oral and physical tests, must pass a psychological and medical exam and must complete FTO program. Must be able to pass City drug testing and have no felony convictions or convictions for a crime of moral turpitude. No DUI's within the last 5 years and must have a current and valid New Mexico operator's license.

F. Animal Control/CODES

Reporting to the day shift supervisor, this position patrols, answers complaints by citizens for Animal/nuisance code violations of the Nuisance Ordinance, including but not limited to animals running at large, biting or barking, animal attacks, and noxious or offensive odors. This position is responsible for issuing notices, citations and issuing animal/livestock permits and maintaining records, preparing reports and performing related tasks as assigned.

1. General Duties

a. Patrol the City for nuisance violations and animals running at large.
b. Removal of deceased small animals.
c. Answer and respond to calls for service.
d. Assist citizens with:

1) Adoptions
2) Surrenders
3) Complaints.
4) Missing animals.
5) Vehicle maintenance.

e. Maintain and generate computer reports including:

1) Daily log.
2) Monthly report.
3) Mileage log.
4) Citation log.
5) Animal surrender receipt.

f. Issue criminal citations for animal and nuisance ordinance violations.
g. Testify in court.

1) Maintain a working relationship with local veterinarians, tax assessor,

building inspectors, and City Attorney.

h. Maintain necessary training.
i. Maintain all assigned equipment.
j. Work with New Mexico Game and Fish regarding protected species.
k. Work with New Mexico Livestock Board.
l. Work with any agency requesting assistance within the city limits.

2. County Responses:

a. Respond to calls for service in the county with the approval of a Truth or Consequences Police Department supervisor. Deputy must be on scene if possible.

3. Education and experience

a. Animal Control must be 18 years of age, high school graduate or equivalent, must be able to pass City drug testing and must have no felony convictions or convictions of a crime of moral turpitude. No DUI's within the last 5 years and maintain a valid New Mexico operator's license.

G. Administrative Assistant

Reporting to the Chief of Police, this position involves the application and administration of departmental grants, purchasing of equipment, uniforms and supplies, tracking, record keeping and report duties.
Effective working relationships with the public, City officials and other employees are essential.

1. General Duties

a. Actively seeks, procures and administers grants in the department.
b. Maintains complete records track expenditures and files necessary reports.
c. Compiles and submits to grantors, required financial status and progress reports.
d. Prepares and submits monthly status reports on active grants and pending applications.
e. Suspense files set up for recurring grant opportunities.
f. Ensures requirements of purchasing on department budget are met.
g. Order and maintain necessary office supplies and department equipment.
h. Updates inventory records on a monthly basis.
i. Maintains orderly file system for ease in retrieval.
j. Composes correspondence, vouchers, reports and other documents.
k. Represents the Department in a courteous and professional manner at all times when conducting department business with co-worker's management, the public and other outside agencies.
l. Performs other duties as may be assigned by a supervisor.

m. Maintains the telephone system.

2. Education and experience

   a. Clerk III must be 18 years of age, high school graduate or equivalent, must be able to pass City drug testing. No felony convictions or convictions for a crime of moral turpitude. No DUI's within the last 5 years and valid New Mexico operator's license.

H. Evidence Tech

Reporting to the Lieutenant and/or assigned designee; the Evidence Clerk is expected to manage seized and acquired evidence and property for the Truth or Consequences Police Department. This is accomplished by receiving, processing, and destroying or disposing of evidence. Other responsibilities include tracking evidence; maintaining evidence logs; and performing other duties as requested. Will also be required to perform routine secretarial assignments or a series of clerical and administrative tasks in support of the City of Truth or Consequences Police Department's Administrative staff and the general public to ensure efficient, effective operations and positive customer relations.

1. General Duties

   a. Maintaining all evidence and property in a secure location designated as the property room.
   b. Ensuring all evidence is correctly marked and packaged prior to placement in storage.
   c. Recording all submitted evidence and property as soon as possible.
   d. Regularly inspecting and emptying the temporary storage lockers.
   e. Maintaining a sign-in log at the entrance to the secured storage areas and be responsible for obtaining a signature for any/all persons entering the secure area.
   f. Disposing of all property in accordance with standard operating procedures, all applicable laws and ordinances.
   g. Ensuring that the Property Management Record System is updated.
   h. Maintaining a computerized log of all items submitted for evidence or safekeeping. The log shall be maintained in accordance with the Property Section Standard Operating Procedures and shall contain the information documented by the submitting officer on the evidence sheet. The logs will be available at any time for the purpose of an audit/inspection.
   i. Ensure all proofs of Evidence and Property are in adherence to New Mexico Municipal League Accreditation Standards.
   j. Assist the Detective with the preparation of case disclosure reports and submitting them to the District Attorney's Office
   k. Ensure confidentiality of all documents, interviews, and evidence within the division, responsible for the accurate, timely preparation of payroll time sheets on all employees within the department, responsible for transcribing interviews and statements into print, legal format of high profile and violent

crimes, shall assist in the preparation of correspondence and other documents as requested

l. Evidence released to the public will only be done at the direction of the Lieutenant
m. Responsible for the follow up of case dispositions, shall know and follow those instructions and guidelines included in the Department's Policy and Procedures and shall execute general orders, special orders, or memorandums without delay.
n. Shall perform other tasks and assist with ensuring evidence in need of analysis is submitted to appropriate Crime Lab as assigned by the Lieutenant or Designee.

I. Records Division

Reporting to the Chief of Police, the Clerk/ Receptionist handles the front desk, files and retrieves police reports, answers the phones, enters data in computer, sends out surveys, maintains petty cash, prepares receipts, maintains records, prepares reports and performs related tasks as assigned.

1. General Duties

   a. Receives and assists the public at the front window.
   b. Prepares morning work to disseminate to other agencies.
   c. Keeps direct supervisor informed on general and specific duties.
   d. Prepares and mails UCR reports
   e. Maintains petty cash
   f. Maintains the police records system
   g. Prepares monthly reports
   h. Maintains animal control citations and receipts
   i. Maintain all police files and citations
   j. Assist administration secretary
   k. Compiles yearly report
   l. Maintains and tracks STN number
   m. Responsible for data entry
   n. Must be able to complete task utilizing office equipment
   o. Provides documents to the courts
   p. Remains on duty throughout the shift except when a supervisor authorizes permission for temporary absence.
   q. Performs other duties as may be assigned by a supervisor.
   r. Assist with computer programs

2. Education and experience:

   Records Clerk must be 18 years of age, high school graduate or equivalent, must be able to pass City drug testing. No felony convictions or convictions for a crime of moral turpitude. No DUI's in the last 5 years and maintain a valid New Mexico operator's license.

	Policy Name:	**PLANNING AND RESEARCH** **Policy# TCPD 10A** **NMMLEPSC Standard ADM.10.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police**

I. STATEMENT OF PURPOSE

The Truth of Consequences Police Department utilizes a program known as ENCODE/TYLER, to track crime patterns in the city. This is accomplished through the use of computer-generated information. This assists management by providing information useful for strategic planning and supporting front line units by providing information useful in the development of daily operational and tactical plans.

II. PRINCIPLES

ENCODE/TYLER is based on some simple principles

A. Accurate and timely intelligence - the effective response to crime increases proportionally as the accuracy of the criminal intelligence increases.
B. Effective tactics - these are established by comprehensive, flexible, and adaptable interpretation and deployment of personnel to shifting crime trends as they are identified.
C. Rapid Deployment of personnel and resources – a viable and comprehensive response to a crime or quality of life problem that demands that the Department bring its entire expertise and resources to bear on the crime or problem.

III. RESPONSIBILITIES

A. Records personnel shall provide detailed information on statistics upon request of an employee. The following factors should be included in the report, if available:

1. Frequency by type of crime;
2. Geographic factors;
3. Temporal factors;
4. Victim and target information;
5. Suspect information, including vehicle descriptors;
6. Modus Operandi factors;
7. Physical evidence

IV. ADMINISTRATIVE REPORTING PROGRAM

In order to create a system wherein the staff is informed of daily and monthly operations which are used to provide guidance to set Department goals and objectives and as a guide to report agency activities to outside entities, the following administrative reports are utilized:

A. Monthly reports to the Chief of Police

1. First Line Supervisors

a. Submitted monthly, recapping the events occurring within each division. Each unit within a specific division is responsible for the timely submittal of their respective information to their Division Commander, who in turn prepares the information for submission to the Office of the Chief of Police.

These reports are designed to assist the Chief of Police in ensuring Department goals are being met; that Department resources are being utilized efficiently; and that community needs are being met.

B. Statistical Reports

1. An activity report is produced by the First Line Supervisor and lists the activity of each individual officer. It is designed to provide supervisors with productivity levels of officers, assist in determining any patterns in productivity and tracking to determine any selective enforcement needs.
2. This report is distributed by the First Line Supervisor to appropriate personnel within the police department.
3. A Monthly report is produced by the Records Administrator for comparison of items month to month to the previous year. This report is distributed by the Records Administrator, or their designee, to the appropriate personnel within the Police Department.
4. A Uniform Crime Reporting (UCR) report is produced by the Records Administrator and contains the requested information. This report is distributed to the Chief of Police for review and then sent to the FBI.

C. Report to the City Manager

A report compiled yearly from the monthly reports will be completed by the Chief of Police and submitted to the City Manager. This report includes among other things, a comparison from the previous year calls for services; reported crime and arrests, and community education presentations.

V. RESOURCE DEVELOPMENT AND ANALYSIS

To complete the process, there will be an annual review and request by administrative staff, of the following:

A. Manpower (considerations)

1. Geographic size of area of responsibility;
2. population within area of responsibility;
3. efficient utilization of manpower;
4. budgetary allowances.

B. Equipment (considerations)

1. Antiquated equipment;
2. unsafe equipment;
3. mandated equipment;
4. funding availability;
5. needs assessment and prioritization;
6. efficient utilization of equipment;
7. local resources.

C. Infrastructure (considerations)

1. Code and standards;
2. OSHA regulations;
3. NMML compliant;
4. review and efficient utilization of available space.

	Policy Name:	**WRITTEN DIRECTIVES** **Policy#-TCPD 9A** **NMMLEPSC Standard ADM.09.01-.09.03**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY- STATEMENT OF PURPOSE

In order to fulfill the Department Goal, it is necessary to create and maintain a system through which the Truth or Consequences Police Department 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 everyday activities of the Department. 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. Standard operating procedures should therefore be considered only one part of the policy of the Department.

The department manual is compiled, adopted, and published on the authority of the Chief of Police for the information, guidance, government, discipline, and administration of the Police Department and its personnel. This department manual is in accordance and is intended to supplement New Mexico State Statutes, New Mexico common law and United States Supreme Court precedents. Department policy rules and procedures may be updated by special orders or formal training, which may not be currently reflected in these manuals. Any violations of the provision or intent of these manuals may result in disciplinary charges against personnel responsible for such violations. The Department recognizes the fact that situations will occasionally arise which may mitigate such violation. Evidence of such mitigating circumstances may be considered on an individual basis when assessing the conduct of personnel of this Department.

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

II. PROCEDURE

The Department Manual, together with the City Personnel Manual are the official guides to this department's organization and operations. The Accreditation Process Team is responsible for the updating and revision of the manual. The Manual is the property of the Truth or Consequences Police Department and all personnel will be issued a copy or a disc of the manual through the Records Administrator and will sign a form acknowledging receipt.

It will be the responsibility of the Accreditation Process Team to delegate to the appropriate division any revisions of the manual which may be required and which affect that respective division. It is the responsibility of each employee to maintain and keep current of all revisions to the Manual. When revisions are received, old orders bearing the same number should be removed from the manual and destroyed. The new order should be placed in the manual to replace the revised order. (The manual will be available in hard copy, thumb drive or on a CD)

Written Directives come in the following forms:

A. General Order
B. Special Order
C. Standard Operating Procedure
D. City of Truth or Consequences Employee Handbook
E. Other correspondence comes in the following forms:

    1. Memorandum
    2. Memorandum to the Chief
    3. Outgoing correspondence
    4. Training Request
    5. Equipment Request

III. GENERAL ORDERS

General Orders are permanent directives that describe departmental policy, programs and procedures, which apply to one division only, more than one division, or throughout the department. Such orders take effect on the date issued and remain in effect until withdrawn or modified.

A. Format

    1. Each General Order includes the following:

        a. Chapter and Section Number;
        b. Subject;
        c. Effective date;

d. Statement of purpose (such statements usually address the questions of "what?" and "why?");
e. Methods of operation or guidelines for performance. (The guidelines usually address the question of "how?")

B. Authority to Issue

The authority to issue, modify or approve Departmental policies rests with the Chief of Police or their designee. Staff review provides for a copy of the draft being sent to all supervisors for comments regarding the proposed order. The comments are sent to the Chief of Police prior to approving, disapproving, or modifying the proposed order. Supervisors have the authority to issue, modify, or approve divisional policies.

IV. SPECIAL ORDER

A special order may be used to set policy or procedures regarding a specific circumstance or event such as football games, parades, or other public gatherings. This order is temporary or self-canceling. Once the event is over the order has no effect. The same order may be reissued for each recurring event of the same nature.

When the need arises for an immediate change or amendment to a General Order, a Special Order may be used. The Special Order has the force and effect of a General Order until the change is incorporated into a General Order.

A. Authority to Issue

1. When a Special Order is used to set policy or procedures to be followed during a special event, the order may be issued by the commanding officer in charge of said event.
2. When a Special Order is issued to temporarily change or amend a General Order, it shall be issued by the Chief of Police after review to check compliance with existing laws and/or accreditation standards.
3. When a Special Order applies only to employees in one Division, the order is issued by the commanding officer of the affected division.

B. Distribution

1. When a Special Order is issued for a special event; the person originating the order distributes copies to involved personnel and posts a copy on appropriate bulletin boards.
2. When a Special Order is issued to temporarily change or amend a General Order; it is distributed in the same way as any Manual revision. The revision is then placed in the Manual directly behind the affected General Order.
3. When a Special Order is issued which applies to employees in one Division; copies will be distributed by the originating officer to those employees and a copy posted on appropriate bulletin boards.
4. Any time a Special Order is issued, a copy will be sent to the Accreditation Manager so that a permanent file can be maintained.

V. STANDARD OPERATING PROCEDURES (SOP)

The Standard Operating Procedures may be used to establish procedures within a division so long as they do not conflict with the goals, objectives and established General Orders of the Department.

A. Format.

1. The SOP is written in the same format currently utilized in the General Orders.

B. Authority to Issue

1. The SOP manual is established by Division Commanders and may include chapters or sections that address the operations of a specific division or unit within the Division.

C. Distribution

1. It is the responsibility of the issuing Division Commander to distribute SOP manuals and any revisions to the personnel affected. It is the responsibility of the Division Commander to ensure that the manual is complete and up to date. A copy of each SOP manual will be maintained in the office of the Accreditation Manager.

D. Limitations

1. The SOP manual affects duties and operations within the issuing Division only. Any operating procedure that directly affects another Division in whole or part must be either agreed upon between the affected Division Commanders or submitted to be considered for inclusion into General Orders.

VI. MEMORANDUM

A memorandum is a formal written method of communication used to transmit information up or down the chain of command. A memorandum may be addressed to all personnel, a small group, or to an individual. A memorandum shall not be used to change or establish departmental policy, regulation or procedure.

A. Authority to Issue

1. Memoranda may be written by any employee as needed in order to validate the memorandum; the issuing employee need only initial to the right of their name.

B. Distribution

1. When a memorandum is addressed to a small group or to an individual, the person originating the memorandum is responsible for distribution. Copies are made only for the people directly affected by that memorandum.
2. When a memorandum is written by an employee to the Chief of Police or Division Commander describing an incident, the employee should send the memorandum to their immediate supervisor to be routed through the chain of command.

VII. MEMORANDUM TO THE CHIEF OF POLICE

A. All inter-departmental memoranda submitted to the Chief of Police shall be forwarded through the chain of command with the least possible delay. Each supervisor in the chain of command should initial the memorandum. No officer, regardless of rank, has the authority to stop or otherwise detain any memoranda or other correspondence.
B. Mandatory reports to the Chief

1. Memoranda shall be submitted to the Chief of Police in a timely manner when:

    a. Requested or ordered;
    b. Appropriate for commendation/disciplinary recommendations.

VIII. OUTGOING CORRESPONDENCE

Employees shall not use Department stationery for private correspondence. Employees shall not correspond in the name of the Department without permission from their Division Commander.

	Policy Name:	**CRIME ANALYSIS** **Policy#-TCPD 11A** **NMMLEPSC Standard ADM.11.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. SUMMARY

This written directive establishes crime analysis or public safety functions for the Truth or Consequences Police Department. These functions include, but are not limited to, documents from which crime analysis and crime data are extracted, and identification of potential or actual police/citizens' concerns. This will include the documentation of the temporal and geographical distribution of crime statistics and distribution of crime analysis information, feedback and evaluation program.

A. Policy

1. The Police Supervisors shall attend supervisor's meetings bi-monthly or as scheduled by the Lieutenant. The meetings shall be scheduled at the discretion of the Lieutenant. Information for the meeting shall be retrieved from statistics from ENCODE/TYLER. During these meetings, the supervisors are required to report on criminal and traffic issues.

    a. Each Supervisor has available through computer software daily statistics, and shall analyze on a shift-by-shift basis the crime trends.
    b. They will utilize their individual and collective resources and manpower to determine the most effective tactic to combat specific, targeted crimes.
    a. The Supervisors shall meet on a regular basis at the shift briefings or supervisors' meetings to exchange information and develop short-term and long-term strategies. This includes the identification of potential and actual police hazards that are within the service area.
    b. Visual reminders, such as the use of pin maps, etc., are encouraged as they provide a constant, on-going generation of information. This provides documentation of temporal and geographic distribution of selected crimes.

2. Each shift Sergeant shall be in charge of updates in criminal damage, auto thefts, burglaries and larcenies.

3. Supervisors are to ensure that the information is disseminated throughout the department. They will work closely with the Chief of Police to disseminate information to the community if needed.

II. SOURCE DOCUMENTS

A. The following source documents may be used to collect data for crime analysis:

1. Offense/Crime reports,
2. Field interview cards,
3. Arrest reports,
4. Supplemental reports,
5. Other reports of record within the Department,
6. Reports from other agencies.

III. EVALUATION PROCEDURES

A. On a bi-monthly basis after the Supervisors meetings, the Chief of Police will be briefed on all ideas and methods to address recognized crime patterns and trends. During this meeting the Shift supervisors are held accountable for the activity which has taken place during their shift.

1. Goals for last month,
2. Goals for next month,
3. Crash Reports in relationship to citation,
4. Crime reports in relationship to crime patterns,
5. Community Concerns.

B. The purpose of the Supervisors meeting is sharing information.

	Policy Name:	**RISK ANALYSIS** **Policy#-TCPD 12A** **NMMLEPSC Standard ADM.12.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. SUMMARY

This written directive establishes risk analysis for security of the officers of the department, The City of Truth or Consequences and the Truth or Consequences Police Department. The purpose is to limit the exposure to each of the aforementioned entities from injury, liability, lawsuits and losses. This analysis will be done by reviewing specific materials to determine causation factors, patterns and exposures. This will also provide strategies for prevention in areas of risk.

A. Policy

1. The Police Supervisors shall attend supervisors' meetings bi-monthly or as scheduled by the Lieutenant. The meetings shall be scheduled at the discretion of the Lieutenant. Information for the meeting shall be retrieved from statistics from Tyler/Encode, City Accident Review Board, Accident/Injury forms, Use of Force forms and recent Tort information. During these meetings, the supervisors will review said documents and determine exposures.

    a. Each Supervisor has available through the course of their duties access to employee Accident/Injury and Use of Force Forms. Other information can be supplied by the city or its designee.
    b. They will utilize their individual and collective resources and manpower to determine the most effective strategies to avoid exposures in the future.
    a. The Supervisors shall meet on a regular basis at the shift briefings or supervisors' meetings to exchange information and develop short-term and long-term strategies. This includes the identification of potential and hazards that are within the service area.

2. Each shift Sergeant shall be in charge of informing the Administration of potential exposures of concern.
3. Supervisors are to ensure that the information is disseminated throughout the department...

II. SOURCE DOCUMENTS

A. The following source documents may be used to collect data for crime analysis:

1. Offense/Crime reports,
2. City Safety Review documents,
3. Supplemental reports,
4. Other reports of record within the Department,
5. Reports from other agencies,
6. Tort/notice of tort claims.

III. EVALUATION PROCEDURES

A. On a bi-monthly basis after the Supervisors meetings, the Chief of Police will be briefed on all ideas and methods to address recognized exposures of injury or tort and trends. During this meeting, the Shift supervisors are held accountable for the activity which has taken place during their shift.

1. Safety of the officers
2. Loss of equipment/property
3. Unnecessary use of force
4. Unnecessary exposure to lawsuits.

B. The purpose of the Supervisors meeting is sharing information and developing a strategy to protect officer's safety and accomplish the operational and tactical objectives of the Department.

	Policy Name:	**MUTUAL AID** **Policy#-TCPD 14A** **NMMLEPSC Standard ADM.14.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

It is essential that the Department maintain a good working relationship with other law enforcement agencies, both adjoining and within the Department's jurisdiction. Agreements between these agencies to provide assistance to each other in the event of natural disaster, mass disorder, or other emergency situations must be established before the need for mutual assistance arises. The purpose of this section is to establish procedural guidelines that ensure the positive cooperative efforts of all agencies involved.

II. AGENCY JURISDICTION

A. The boundaries and limits of Department jurisdiction include all areas within the corporate limits of the City of Truth or Consequences and property owned by the City of Truth or Consequences.
B. An official City map detailing the City's boundaries is maintained in the Communications Center. In the event a question arises in regards to any specific boundary of the corporate limits of the city, a prevailing official City map is maintained at Truth or Consequences City Hall.

III. CONCURRENT JURISDICTION

The New Mexico Department of Public Safety and Sierra County Sheriff's office have concurrent jurisdiction within the city limits and, may from time to time, investigate activities.

IV. ASSISTANCE FROM LOCAL AGENCIES

A. Emergency situations may require augmented law enforcement capabilities to restore order and assist victims. During this type of event, a supervisor or his/her designee has the authority to request assistance from, or provide to, any law enforcement agency.
B. There are generally three levels of mutual aid assistance as follows:

1. Short duration—less than one hour where an additional show of force, traffic control or prisoner transport is required.
2. Medium duration—one to three hours, where the on-duty supervisor may request from, or provide to, the neighboring agency assistance.
3. Long duration—more than three hours or where full-scale assistance may be required. The on-duty supervisor should notify the Chief of Police through the chain of command.

C. Any long-term support between the agencies should be coordinated in advance by the Chief or their designees.

V. REQUEST FOR FEDERAL LAW ENFORCEMENT ASSISTANCE

A. In cases where the involvement of a federal law enforcement agency is mandated by law, such as a bank robbery, it will be the responsibility of the Lieutenant or his designee to ensure that proper notification is made.
B. Request for federal law enforcement assistance in emergency situations, which are not mandated by law, is generally made through the Chief of Police who contacts the appropriate federal agency without undue delay. The Chief or his designee should convey the following:

1. The type of problem or circumstance requiring federal assistance.
2. Details pertinent to the problem or circumstance.
3. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.

C. Requests for federal law enforcement assistance in situations other than an emergency shall be made in writing under authority of the Chief of Police. The Chief should convey in writing the following:

1. The type of problem or circumstance requiring federal assistance.
2. Details pertinent to the problem or circumstance.
3. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.

VI. REQUEST FOR NATIONAL GUARD ASSISTANCE

A. Requests for State or Federal assistance, including activation of the New Mexico National Guard or other military forces, shall be made by the City Manager, or his designee.
B. The request for assistance should include the following:
   1. The nature of the emergency or disaster;
   2. That a state of emergency has been declared by the City Manager;
   3. That the available resources for the City of Truth or Consequences are insufficient to handle the emergency; and
   4. The types of assistance needed from the state and Federal agencies and the length of time it is anticipated the assistance will be needed.

	Policy Name: LIAISON WITH OTHER AGENCIES **Policy#-TCPD 15A** **NMMLEPSC Standard ADM.15.01-15.03**	
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police**

I. STATEMENT OF PURPOSE

It is the policy of the Department to establish and maintain a positive working relationship with other agencies. The guidelines set out herein should assist employees in maintaining open communication and cooperation with other agencies not only within the Criminal Justice System, but in the realm of social services.

II. RESPONSIBILITIES

A. All employees of the department are reminded that they work for the public and they are responsible to protect and serve in all areas of public safety.
B. Employees often encounter people who are in need of services from one or more of the local social service agencies. Although these problems may not be of a criminal nature, employees are obligated to make every effort to determine the needs of the individual and assist in obtaining help.
C. Because all criminal justice and social service agencies must work together, each employee is responsible for acting in a courteous and professional manner when in contact with other criminal justice and social service agencies.

III. REFERRALS

A. All officers are expected to be familiar with the application of New Mexico State Law as it applies to problems arising within the community. In dealing with problems presented to the officer, the determination of whether the problem is of a criminal nature or of a social or civil nature is made by the officer.
B. Referrals to other agencies should be based upon specific criteria:

1. Nature of the problem.
2. Type of help or remedy required.
3. Identification of the agency best suited to provide the necessary remedy.

C. Juvenile problems should normally be referred to and handled by either Children, Youth and Families, the Juvenile Probation and Parole Office, or the Department

of Human Services.

D. Adult criminal problems should be handled through either the District Attorney's Office or Adult Probation Office. The determination which office is to be referred to should be based on the type and degree of the crime.

E. Problems which are determined to be of a civil nature should be referred to either the Sierra County Sheriff's Office or Magistrate Court.

F. Issues which could be deemed a social problem should be referred to a variety of services and resources which are available in Sierra County. Employees should maintain a working knowledge of the available services and resources in order to expedite the referral process.

G. At times, a situation may require an officer to transport individuals to a social service agency, arrange for transportation, or arrange for a representative of the agency to come to their location. In these situations, employees should cooperate fully with all social service agencies, when necessary.

H. The Truth or Consequences Police Department also encounters situations which may require officers to make referrals to other law enforcement and fire rescue agencies, Adult Probation and Parole, Juvenile Probation and Parole, Human Services, local emergency medical care and any other agency deemed necessary to remedy the situation at hand.

Policy Name: BUDGET AND FISCAL MANAGEMENT **Policy#-TCPD 16A** **NMMLEPSC Standard ADM.16.01-16.03**	
Effective Date: 01/25/2023 *Approved by the City Commission on this date*	**Reviewed Date: 01/13/2023** **Revision Date: 12/01/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The ability to maintain current and accurate fiscal records is important in the administration of the Department. Procedures are necessary to control the fiscal process in order to make it more effective and efficient. The following guidelines have been established to assist employees and ensure adherence to the City of Truth or Consequences Procurement policy.

II. RESPONSIBILITIES

A. Chief of Police

The Chief has the ultimate authority and accountability for the fiscal management of the Department and is responsible for the final budget preparation for submission to the City Manager. It is the responsibility of the Chief of Police or the Deputy Chief to exercise control over and approve all expenditures of the Department's budget.

B. Lieutenant

All budgetary requests should be submitted through the chain of command to the Lieutenant. It will be the Lieutenant's responsibility to deny the request or forward it to the Chief. The Lieutenant is responsible for the everyday operations of the fiscal affairs function of the Department.

C. Department Employees

All Department employees may play a role in the budget process by identifying needs and preparing requests which are submitted through their chain of command. Selected employees may be identified by the staff to assist in budget preparations of specific areas.

III. CASH RECEIVED ACCOUNT

A. There will be one (1) cash received box.

1. Records division will maintain the Department's cash account for any police

records or hard card fingerprinting fees.
2. This account is balanced on a daily basis.
3. City of Truth or Consequences budget analysis group will have full access to review/audit this fund monthly.

IV. PURCHASING GUIDELINES

A. Equipment/Supplies

1. Complete guidelines for purchases are specified in the City of Truth or Consequences Procurement Policy and Purchasing Guidelines which is available in the Procurement Office.
2. The City of Truth or Consequences utilizes purchase orders. The only persons authorized to sign is the Chief or upon approval of the Chief, the Lieutenant.
3. Any employee of the police department requesting equipment must submit a memorandum or email. The Memo must be submitted through the employee's chain of command.
4. Bidding procedures
    a. When a determination has been made by the department, based on pricing estimations, that a purchase will or may exceed twenty thousand dollars ($20,000) but not exceeding sixty thousand dollars ($60,000), not including tax and/or shipping and handling, no fewer than three (3) businesses shall be solicited via written requests containing the specifications for the procurement to submit written quotations that are recorded and placed in the procurement file and attached to the purchase requisition and purchase order.
    b. All purchase orders or contracts between twenty thousand ($20,000) dollars and sixty thousand ($60,000) dollars must have City Manager and City Commission approval.
    c. All purchases exceeding $60,000.00 shall require formal bid procedures and legal advertisement as stated in Chapter 13, New Mexico State Statutes unless a City, City, State, GSA or Cooperative price agreement/contract will be utilized (see Sec.17.1). The CPD shall execute, manage and direct the formal solicitation process.
    d. All award recommendations and subsequent purchase orders or contracts exceeding sixty thousand ($60.000) dollars must have City Manager and City Commission approval.
    e. Any purchase using a sole source vendor must be accompanied by an explanation of why that vendor was used or any request by using agency that procurement be restricted to one potential contractor shall be accompanied by a written explanation as to why no other will be suitable or acceptable to meet the needs.
    f. A determination of acceptance or rejection shall be made for each sealed bid and placed in the bid file.
    g. State purchase contract agreements require prior approval from the Police Department and the contract being utilized must be on file. These contracts are utilized regardless of price or without going through the bidding process.

5. The Chief of Police has the authority for emergency purchasing or rental

agreements for equipment.

a. Through guidance of the Chief of Police, the Administrative Assistant is responsible for requesting supplemental or emergency appropriation and fund transfers to the City Manager. The City Manager will have the final decision for this transfer of funds.
b. The Chief of Police has the authority to purchase maintenance and service agreements as he deems necessary.

6. The Chief of Police receives a monthly status report from the Administrative Assistant on appropriation of each account balance, expenditures and encumbrances made during the period and unencumbered balances.

B. Travel Request

1. When a member of the Truth or Consequences Police Department is required to travel to training or an approved event which requires an overnight stay, the member will contact the Administrative Assistant for travel arrangements and to complete a City of Truth or Consequences Request for per diem form. Any member of the department who requests to go out of town and needs expenses must submit information pertaining as to why the expenses are necessary and any information detailing the training and or assignment must be submitted through the member's chain of command at least two weeks prior to travel.
2. A motel can be paid through the use of a city credit card. If the employee fails, for any reason, to attend the event and cancellation causes a financial expenditure by the city, the employee will be responsible for full reimbursement to the City.
3. Fuel costs for travel in a City of Truth or Consequences vehicle will be paid through the use of a fuel card supplied to the officer prior to travel. Receipts of purchases will be signed and returned with the card upon return.
4. All meal receipts must be itemized, dated, and signed by the officer for reimbursement. No alcoholic beverages will be acceptable for reimbursement. Meal reimbursements will be paid in accordance with state law and city policy.
5. A City of Truth or Consequences Reimbursement form will be completed by the employee requesting reimbursement prior to travel. Upon return the employee will supply all receipts for reimbursement.

V. INVENTORY CONTROL

A. Inventory controls are set by the City of Truth or Consequences and provided for in the Truth or Consequences Police Department Purchasing Guidelines.
B. The Chief of Police will assign a member of the department to maintain a current list of inventories and will be responsible for the completion of a yearly inventory of departmental assets.
C. In order to maintain current and accurate fiscal records, the Lieutenant is the central inventory agent for the Truth or Consequences Police Department.
D. Any purchases made from the Truth or Consequences Police Department

budget will be routed through the requestor's Chain of Command to the Chief of Police.

E. Any inventory/shipments received by the Truth or Consequences Police Department budget, with the exception of those noted above, will be routed through the Lieutenant who will then distribute them accordingly.

F. When a newly acquired piece of equipment is received; Lieutenant or designee will make an addition. It will be issued an inventory number, which aids in keeping complete and accurate records.

G. In order to assist in keeping complete and accurate inventory records, any time a member of the Truth or Consequences Police Department participates in an inter-departmental or inter-city exchange of equipment or property, they will submit a written request through the chain of command to the Lieutenant who will then complete a Fixed Assets Transfer/Delete Form which is forwarded to the Chief of Police for final approval and then channeled to city hall for final disposition/transfer.

H. The Inventory Data Sheet must be filled out completely with all requested information. If a "Property of City of Truth or Consequences" sticker is attached, the number is to be documented.

I. Nothing shall be moved to storage without completing the appropriate paperwork and following the listed procedures:

1. The Inventory Data Sheet is filled out with all obtainable information about the item, including the five-digit city inventory number. Contact the Inventory Officer if you are unable to locate this number. Refer to subsection H above.
2. The completed Fix Assets Records Form must be submitted through the chain of command for approval. From there it will be forwarded to the Inventory Officer.

No city property can be given away or thrown away, even if broken and unusable, without the proper authorization which must be received through the chain of command to the City Inventory Officer.

Policy Name: PROPERTY AND EVIDENCE CONTROL **Policy#-TCPD 17A** **NMMLEPSC Standard ADM.17.01-17.06**	
Effective Date: 01/25/2023 *Approved by the City Commission on this date*	**Reviewed Date: 01/13/2023** **Revision Date: 12/02/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

All items of an evidentiary nature, lost/found, safekeeping, recovered property, contraband or any other property controlled by the Department which is not agency owned are placed in the Evidence Room. Accountability is established for all property received by the Department. This order provides procedures for the management of property held by the Department Evidence/Property Section.

II. GOALS AND OBJECTIVES

It is the duty and obligation of all employees involved in the property and evidence handling to care for, control and correctly process all property and evidence coming into their possession, and to properly enter into ENCODE all such items. In order to meet these goals, access to the Evidence/Property Section is strictly controlled by an Evidence Custodian(s), as designated by the Chief. Only authorized personnel shall have access to secured storage areas and anyone entering the secure areas of the Evidence/Property Section will be required to sign in and out and state their purpose.

III. EVIDENCE/PROPERTY/FOUND ITEM ACCOUNTABILITY

A. Officers or Detectives collecting evidence, property, or found items are responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Evidence Custodian.
B. Officers/Detectives will ensure that all items have been properly marked prior to being placed into evidence.
C. No evidence or property will be left unattended, unsecured or turned into anyone other than the Evidence/Property Section. If an officer collects evidence which needs to be processed, the evidence should first be placed into Evidence, the processing Detective may then check it out.
D. All evidence or property shall be placed into evidence prior to end of the officer's tour of duty.

E. For evidence/property which is oversized, has an inordinately high value or which can/should not be placed in a temporary storage locker, will require that an Evidence Custodian be contacted.
F. All evidence will be properly "red tape" sealed prior to submission to the lockers or vaults.
G. The Evidence Custodian is responsible for the preservation, safeguarding and disposition of all property once it is in the custody of evidence. The Evidence Custodian is not responsible for any evidence/property which is not placed into the Evidence/Property Section or which is returned to the owner/victim or another agency without correct paperwork.
H. No one other than the Evidence Custodians will schedule appointments for citizens for the purpose of releasing or viewing items. Citizens should be told to contact the Property Section during the normal scheduled hours to make arrangements concerning property.
I. The duties of the Evidence Custodian are:

    1. Maintaining all evidence and property in a secure location designated as the property room.
    2. Ensuring all evidence is correctly marked and packaged prior to placement in storage.
    3. Recording all submitted evidence and property as soon as possible.
    4. Regularly inspecting and emptying the temporary storage lockers.
    5. Maintaining a sign-in log at the entrance to the secured storage areas and be responsible for obtaining a signature for any/all persons entering the secure area.
    6. Disposing of all property in accordance with standard operating procedures, all applicable laws and ordinances.
    7. Ensuring that the Property Management Record System is updated.
    8. Maintaining a computerized log of all items submitted for evidence or safekeeping. The log shall be maintained in accordance with the Property Section Standard Operating Procedures and shall contain the information documented by the submitting officer on the evidence sheet. The logs will be available at any time for the purpose of an audit/inspection.

J. The combinations or keys for the temporary storage lockers are kept in the office of the Evidence Custodians.
K. The Lieutenant shall inspect the property room and files, at least quarterly, to ensure that all procedures are being followed, and to ensure that proper accountability procedures are being maintained. If this inspection is unsatisfactory and cannot be corrected, the Commander may require the Evidence Section to be closed while a complete inventory is done.
L. An annual audit will be conducted by a supervisor who is designated by the Chief of Police. The Chief of Police may authorize an unannounced inspection at any time.

M. In conjunction with the annual audit, the release and/or disposal of evidence/property will be pursued in accordance with all municipal ordinances, state statutes and court requirements.
N. If anyone assigned as an evidence custodian leaves that position there will be an inventory of all property being held in evidence. This inventory will be performed by the newly designated evidence custodian and a designee of the Chief of Police.
O. There will be unannounced inspections of property storage areas. This inspection will be conducted at the discretion of the Chief of Police.

IV. CHAIN OF CUSTODY

A. The necessary documentary information found on the property form shall be completed prior to the submission of property or evidence into the temporary storage lockers or the Property/Evidence Room.
B. All property and evidence are labeled with:

1. Case number
2. Time/date
3. Offense/place of occurrence
4. Owner/Victim with known information
5. Offender/arrested with known information
6. Article with complete description (when applicable)
7. Type of property (Evidence/Found Property/Other)
8. Officer's signature and badge number

C. If any illegible or improperly marked items are left for the Evidence Custodian, the officer will be notified to correct the deficiency and resubmit the evidence in a timely manner. If the deficiency is not corrected in a timely manner, the Lieutenant will be contacted by the Evidence Custodian.

V. PROCEDURES

All Property/Evidence shall be properly packaged in an approved container prior to storage. Certain items require specific packaging to provide for storage needs in special storage areas.

A. Approved containers are:

1. Evidence bags,
2. Manila envelopes,
3. Standard brown paper bags,
4. Syringe/blade container,
5. Cardboard boxes.
6. Each package shall have a bar code attached,
7. All lines will be appropriately filled in,

8. Each piece of property shall have a completed property form either directly attached to the property, or firmly attached to the storage container.

B. The property form should be completed as follows.

1. Date: MM/DD/YY
2. Time: The actual time the item(s) were taken.
3. Case Number: When an item is placed into property for any reason, a case number must be generated. A computer-generated call number is not sufficient.
4. Offense: Write out the appropriate title for the type of report made. (i.e., Auto/Residential Burglary, Assault/Battery, Suicide, etc.)
5. Place of Occurrence: The physical address from where the item(s) were taken. When applicable, this should include the exact location at that address. (i.e., 406 E. Texas. -NE bedroom closet.)
6. Owner/Victim, D.O.B., Address, Telephone: When a final case disposition has been received, item(s) placed into property may be released to the owner. The owner may also be the suspect and should be listed as the owner when applicable. When the owner cannot be identified, these blanks should be marked "UNKNOWN."
7. Arrested, D.O.B., Address, File #: If the suspect/arrested is also the owner mark this blank "SAME." If the suspect's identity is not known, mark this blank "UNKNOWN."
8. Description of Property: This area will normally be used for single item entries with the exception of small items being logged together if it meets criteria for packaging of specific items. When more than one item is tagged and packaged together, each item will be listed on the evidence form. (Single entries ex.: Car Stereo, TV, VCR, Cash, Alcohol, Guns, etc.)
9. Article: The common name of the item should be entered here.
10. Brand: ex. Smith & Wesson Sears, etc.
11. Model #: ex. MD23357I
12. Serial #: If not available, enter NONE; if unreadable, so state; otherwise; enter the complete serial number whenever possible.
13. Color:
14. Size: ex. 20" bike, 10 speed, 357 mag., 22 cal.
15. Other Property Description: Any descriptive information that aids in identifying item(s) listed on card. (i.e., Owner applied identification, SOC.)
16. Item Number: Leave this area blank, it is used by the Evidence Custodian only.
17. Evidence/Found Property/Other: Check the box that best describes the type of property that you are logging in. If you check other, then write a brief explanation. (i.e., Safekeeping, Return to Owner.)
18. Officer's Signature/ID #: Sign your name legibly and your badge number.
19. Final Disposition: This is where the disposition will be entered when known, also when property is released, the person receiving the property should sign here.

20. Evidence Form:

    a. Case Number: Put your case number at the top right-hand corner of the form.
    b. Chain of Custody: Is located on the back of the evidence turn in form. This area is utilized to document when the property is removed from the custody of the Evidence Custodian. (i.e., court, sent to Crime Lab, photo copies, etc.)
    c. Evidence #: should be left blank, this is for the Evidence Custodian.

21. The Chain of Custody will be filled out as follows. ex. DATE/TIME, FROM/TO/PURPOSE

    a. Disposition/Court/Date: This is documented through the Evidence Custodian via the Evidence Manager Program.

22. When the evidence is checked out for court and later returned, the disposition for that day, the information will be updated in the Evidence Manager Program by the Evidence Custodian.

23. Property taken for safekeeping from a crash scene

    a. Evidence sheet properly filled out and a barcode will be attached to all items.

VI. PACKAGING

A. Plastic Bags

1. These may be used when appropriate; however, nothing wet, bloody or sharp shall be put in plastic bags.
2. Items in need of processing by lab shall not be placed in plastic due to preservation issues.
3. The property form shall be firmly and securely attached to the package.

B. Paper Bags

1. These may be used when otherwise appropriate, but shall be used for all bloody or damp clothing after it has been dried.
2. The property form shall be stapled to the top of the paper bag once it has been red tape sealed using a single staple.

C. Cardboard Boxes

1. Cardboard boxes are not readily available, however when cardboard boxes are used the most appropriate size box shall be used.

2. The property form will be taped to the box.

D. Manila Envelopes

1. These shall be used for what the envelope information specifies.
2. The property form shall be attached to the back of the manila envelope.

E. Syringe/blade containers

1. This is a small plastic tube, which is designed for syringes/blades.
2. The Evidence/Property Section has a supply available for use with syringes and blades.
3. The property form shall be firmly and securely attached to the package.

VII. TEMPORARY STORAGE

Since the Evidence/Property Section is only available during specified hours, temporary storage areas have been designated to allow an officer to secure property when needed.

Temporary storage lockers are located in the sally port area of the Truth or Consequences Police Department.

All items which are too large to be stored in temporary lockers shall be stored in an area designated by the Evidence Custodian

VIII. STORAGE PROCEDURES

A. Firearms

Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:

1. All firearms will be unloaded outside the police building. If an officer is unsure of safe unloading procedures for a particular weapon, a firearms instructor or a supervisor shall be contacted for assistance.
2. If a weapon is seized and will need to be processed for prints, it shall be packaged in the proper manner and have a notation on the outside of the package in large\bold lettering “Do Not Touch Needs to be processed.”
3. If there is dried blood on a handgun, it should be placed in an appropriate gun evidence box with “bio-hazard” placed on it.
4. Cartridge casings and unfired ammunition removed from the firearms including magazines will be secured in an appropriate and separate evidence package.
5. Firearms being placed into evidence must have the action open and clear and secured with plastic ties.

B. Knives/Needles/Razors:

Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.

1. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
2. Knives with exposed blades will be placed in an appropriate knife evidence box.
3. Caution should be used when handling bloody knives. Protective rubber gloves shall be worn as protective measures.
4. Needles and Razors must be securely packaged to avoid accidental exposure or punctures. Needles should be placed in plastic tubes with lids. Razors should be secured with cardboard or paper and tape or placed in a syringe/blade container. The syringe tubes can be obtained from the Evidence Custodian.

C. Clothing

1. When it is necessary to dry evidence, which is wet with body fluids prior to being packaged, the following procedures will be followed:

    a. The evidence will be placed in paper containers, as they are collected. Any paper bag or container used to package wet or bloody items will be saved and used to repackage those items when they are fully dried.
    b. Any wet or bloody items will be handled by the Evidence Custodian who will ensure proper drying procedures and biohazard precautions are adhered to.
    c. Once placed in the locker, it will be locked and only the Evidence Custodians will have access to it. The locker log will be started.
    d. An evidence sheet will be completed and placed into locker. The chain of custody on the back of the sheet shall be completed to indicate the location of the item(s). This ensures the Evidence Custodians are aware the evidence is in custody. A copy of the sheet will be placed on the door of the appropriate bio-hazard locker.

2. Each item will be packaged separately so that no cross contamination occurs or physical evidence is destroyed. Each package should display the red bio-hazard label.
3. Once any evidence has been removed and appropriately packaged, the locker will be cleaned with an acceptable disinfectant. No locker shall be reused until this occurs. The locker log will also be completed
4. No bloody clothing should be left in any temporary storage except these specially designed lockers. Once the locker log page is filled, it will be

maintained in a folder by the Evidence Custodian until all evidence pertaining to any listed case has been disposed of.

D. Items of Exceptional Value

These items include but are not limited to money, jewelry, and furs.

1. Money

a. All money shall be counted and inventoried using the 'two-person rule' to ensure the integrity of both the officers and the Property Section.
b. Once the determination has been made to take money into custody, the officer shall count the money in front of the person from whom it is being taken, if possible.
c. The submitting officer will count the money again in the presence of a second officer or Department employee. At that time the money will be placed in a TCPD currency envelope with the following information written on the outside of the envelope:

i. Offense/Incident number;
ii. Date;
iii. Dollar amount;
iv. Signature of the submitting officer;
v. Signature of the witnessing officer or employee;

d. The envelope shall have a property sheet attached to it and placed in a temporary, storage locker or turned over directly to an Evidence Custodian. Money should always be tagged and logged in separately from any other evidence. The envelope will then be red tape sealed by the submitting personnel.
e. When money in excess of $500 is being placed into evidence, an Evidence Custodian will be contacted to take immediate possession of it, bypassing the temporary storage.
f. Once all verification has been made of the total amount, the money will then be logged into the ledger book and the envelope containing the money will be secured in a secure container.
g. If there is a discrepancy in the money, it will be returned to a temporary storage locker. The officers will be contacted so the discrepancy can be resolved.
h. No money will be released for forfeiture without a District Court Order. The Evidence Custodian must have written verification before a release will be executed. Upon verification, Evidence Custodians will deposit the money at the City Clerk's Office, maintaining the original receipt in Evidence and a copy being sent to the Chief's Office.

2. Jewelry

a. Jewelry shall be packaged in manila envelopes when appropriate and always separate from all other property.
b. Stones should never be referred to as a diamond, sapphire, etc. but as clear stone, blue stone, etc.
c. Metal jewelry should never be referred to as gold, silver, etc. but as gold-colored, silver-colored, etc.

3. Furs

a. Since furs require careful storage, which the Department is not equipped to handle, this type of item will be handled on a case-by case basis.
b. When tagging for submission to evidence, furs should be placed in a paper bag and the property tag attached to the bag.

E. Alcoholic Beverages

1. Each container shall be packaged and appropriately identified. This description will include Brand, Size, full/empty, and a total count.
2. If the container is not open it may be logged into evidence full. Any open container, which cannot be secured from spillage, will be completely emptied before packaging.
3. Always attach the evidence sheet to the outside of the container.
4. If the item is not needed as evidence or will not be returned as property, it may be photographed and destroyed as perishable.

F. Narcotics, Drugs, Paraphernalia

1. All Narcotics shall be bagged separately from all other property, including paraphernalia.
2. When possible, narcotics should be sealed in an appropriate TCPD narcotics envelope. If the amount is too large for an envelope, it should be sealed in a paper sack. If the amount seized is of considerable size, an on-call detective should be contacted and will assist in packaging.
3. TCPD narcotics envelopes containing narcotics shall be red tape sealed completely. The officer will then attach the property tag to the bag.
4. On the front of the TCPD narcotics envelope, the form shall be filled in completely prior to evidence submission. The officers shall write the Offense/Incident number, Date, Defendants name and officer's name and all pertinent information.
5. Paraphernalia shall be packaged securely so that small items do not fall through openings.
6. All needles should be packaged in syringe/blade containers. These tubes can be obtained from the Evidence Custodian. Razors shall be placed in tubes or secured in something that they cannot cut through.
7. Any officer who conducts a field test on a drug investigation shall document the results of the field test in their police report and on the evidence sheet. The

officer shall initial, time and date on the original evidence container if possible.

G. Bicycles

1. Each bicycle shall have a separate property sheet and barcode. The description shall be as thorough as possible, including Make, Model, Serial number, Color, Style, Size and any other description.
2. Bicycles shall be placed in temporary area.
3. Officers will affix the barcode label to the back of a, properly filled out, blue property tag which will be attached to the bicycle.
4. The property sheet will be placed in the Evidence Custodians door box.
5. The property sheet shall NOT be attached to the bicycle when it is placed in the bike compound, but will be maintained with the Evidence Custodian.

H. Flammable and Hazardous Materials

1. Flammable liquids shall be placed in appropriate containers. All flammable materials are tagged separately and identified as such. This may include items with gasoline powered engines, etc.
2. Flammable materials shall not be stored in the Property Section. These items are stored in an outside storage area.
3. When the handling of any property presents a direct or potential safety hazard, officers shall contact a supervisor to determine what form of special assistance is needed.
4. Hazardous/caustic materials, i.e., Acids and acetones shall not be placed in the temporary storage lockers. An Evidence Custodian shall be called out to take custody of any of these types of materials.
5. Any Bio-Hazardous material that is not flammable shall be packaged properly and may be placed in one of the bottom temporary storage lockers.

I. Evidentiary Photographs/checks/misc. papers

1. Photographs and paperwork are placed in an appropriate manila envelope. The envelope is completed properly. Each envelope shall have an evidence sheet and barcode attached.
2. These items are stored by Evidence Custodian in sequential order in a secured area.

J. Perishables and Blood

1. Perishables include fresh blood, meat, produce, candy, cookies, plants (other than contraband), dairy products or any other item subject to rapid deterioration, which has a limited shelf life or should be refrigerated.

2. All perishables not necessary for evidence shall be immediately photographed and released. All photographs and copies shall then be entered into evidence according to procedures listed above.
3. Any perishables which require forensic testing, shall as immediately as possible be transported to a certified lab.

K. Video Recordings

1. If only one case is associated to the tape, it should be cued to the beginning of a particular traffic stop or incident. If multiple cases are on the tape, it should be cued to the first incident. This is the responsibility of the officer.
2. Video Recordings, whether standard VHS, digital, or 8mm, will be packaged the same. Each officer will maintain tapes for court purposes and reuse tapes as needed.
3. These items are stored in a designated, secure area.
4. Duplication may be done at the request of the assigned investigating officer/detective. Any requests by officers for duplication should be made in advance.
5. If a defense attorney needs a copy of the incident from the tape, they must provide a blank tape for duplication. They must also provide a copy of the Order of Appearance to ensure that they are the attorney of record.

IX. COMPUTER EQUIPMENT

A. Computer equipment can be severely damaged or data lost due to improper shutdown procedures. The following guidelines should be used when seizing computer equipment as evidence:

1. If the computer is in operation at the time of seizure, steps will be taken to ensure the computer is shut-down properly. If the officer is unsure, he/she should contact one of the designated Detectives or the City computer specialist.
2. During transport of the computer and/or equipment, steps should be taken to ensure it is not dropped, turned upside down or on its side.
3. Any computer equipment should be placed into plastic bags to protect it from dust, etc. and tagged accordingly.
4. Due to potential for damage to the printer, the printer cartridge should be removed and stored in a separate plastic bag, if the removal does not hamper an on-going investigation. This removal should be done by the investigating detective.
5. Video tapes and floppy disks should be stored in an area which has a controlled environment, as extreme temperature changes could damage the disk. Disk(s) will be placed into a small manila envelope and tagged accordingly. This requires that they are packaged separately from other evidence.

6. Scanners should be treated carefully and prior to transport determine if there is a locking mechanism to engage. All computer equipment should be examined by a person skilled in computer operation, prior to start up.

X. Sexual Assault Evidence Kits

A. Sexual Assault Evidence Kits (SAEKs) contain biological evidence and require special handling. The following procedure will be followed:

1. Evidence technicians will ensure the SAEK is sealed appropriately and that the following information is documented:
   a. Patient/Victim Name
   b. Date of birth
   c. Name of examiner
   d. Date of examination
   e. Chain of custody is filled out

2. Ensure the NM State Laboratories DPS Forensic Lab Evidence Receipt is completed with required DNA authorization

3. Store the SAEK in a cool, dry place

4. Deliver in person or by priority mail the SAEK to the DPS Scientific Lab within 30 days or receipt

5. Maintain a record of the following dates in a central location:
   a. Date entered into evidence
   b. Date the SAEK was sent to the lab for testing
   c. Date the report from the Forensic Lab was received
   d. Date the SAEK was returned to department evidence
   e. Date the SAEK was destroyed (if applicable)

6. SAEKs can be destroyed only when a court order is provided

B. Drug-Facilitated Sexual Assault (DFSA) Samples

DFSA samples may be in addition to SAEKs depending on how the crime is reported to have been committed. These samples should be transferred to the State Laboratory Division (SLD) of the Department of Health as soon as possible due to drugs in blood and urine samples metabolizing after they are obtained. If there was a delay in submission, drugs may not be traceable. The following procedure will apply to DFSA samples:

1. Samples will not be packaged or stored with SAEKs

2. Samples will be refrigerated if held for more than 48 hours prior to

transfer to SLD.

3. Samples will be sent to SLD the same day they are received by evidence or the next business day. They will be delivered by person or priority mail.

4. Samples should be tracked the same as SAEKs

XI. TEMPORARY RELEASE

A. Authorized Release

1. Property/Evidence may be temporarily checked out of the Property Section by employees when authorized. This authorization may be for court, processing or identification purposes.
2. Property may be checked out when necessary for court appearance, transportation to a crime analysis lab or by an investigating officer.
3. If the officer assigned to the case has left the employment of the Department, for whatever reason, and no other officers were assigned to the case, the Evidence Custodian will be required to produce the evidence in court.

B. Check Out Procedures

1. The requesting officer furnishes the case number 24 hours in advance for the property in question. The Evidence Custodian then retrieves the property from the storage bin.
2. The appropriate chain-of-custody information is completed on the evidence sheet.
3. A periodic check on the status of the property is completed. If the property has been checked out for more than one week, the Evidence Custodian determines its location and assures that its continued check out is necessary.

C. Property Return

1. Checked out property shall be returned by the employee who signed it out. This may be accomplished by either turning it over directly to the Evidence Custodian or placing it in a temporary storage locker. Evidence that has been checked out and opened, shall be resealed, signed and dated by the sealer.
2. If there is a discrepancy, the Evidence Custodian will not continue to process. An attempt will be made to correct the discrepancy, if none can be made; the Evidence Custodian will note the discrepancy on the evidence tag, notify the officer's immediate supervisor and complete a supplemental report.
3. The property will be returned to the originally assigned bin or storage location by the Evidence Custodian.

D. Court Retention of Property

1. If the property is retained by the court, the employee shall notify the Evidence Custodian in a timely manner.
2. If the court retains only a portion of the property the employee shall return the remainder of the property and notify the Evidence Custodian of exactly which items were held.
3. The Evidence Custodian makes a notation on the property tag and the computer property list of any such retention.

E. Laboratory Submission

1. When an item needs to be submitted for analysis, the officer will indicate this in the "remarks field" of the Evidence Manager System. To include type of analysis. i.e. Latent prints, Narcotics, DNA.
2. When packaged for laboratory submittal, the packaging must conform to transport courier and crime lab guidelines or safety considerations for personal transfer. In order to maintain the chain-of-custody, any evidence which is shipped will be done so as registered. If the package is not able to be shipped, the Evidence Custodian or designee will hand deliver the evidence to the lab along with the laboratory submittal form which is signed by the agent who receives the evidence.
3. The determination of the method of transfer will be made jointly by the investigator and the Evidence Custodian.
4. Property returned from a laboratory is handled in the same way as other property being returned with the exception that a complete inventory may not be possible because any evidence seals will not be tampered with. The property shall have the original case number and evidence sheet attached and is returned to its original location in the Property/Evidence Room.

XII. DISPOSITION OF PROPERTY

All items will be released to the rightful owner or will be disposed of by the Evidence Custodian in accordance with municipal ordinances, state statutes, or court order. Property unclaimed by the owner, that is no longer required for evidentiary purposes, is not needed for any public purpose, or has been left in the possession of the Department for more than 90 days shall be sent to storage for auction, reverted to City use, or destroyed. Cash money is receipted at City Hall and deposited into the General Fund.

A. Evidence

1. Once property is seized, it automatically becomes the property of the Truth or Consequences Police Department, until a disposition is received and/or an authorization to release it by the seizing officer or the assigned detective.

B. Found Property

1. Prior to placing any found property into evidence, officers will attempt to identify the owner and return the property. If contact with the owner cannot be made during an officer's tour of duty, the item will be tagged into Evidence as found property.
2. Officers shall obtain pertinent information from the finding party including name, address, and phone number. Information concerning the finding party should be reflected on the evidence tag. If contact is made after the item has been tagged into Evidence, the owner will be provided the case number to assist in the return of the property.
3. Whenever any found property has remained unclaimed for more than 90 days, Evidence Custodians will destroy or send to storage for auction any property not claimed by the person who originally turned it in as found.

C. Safekeeping Property

1. Property may be tagged into the Evidence Unit for safekeeping when:

    a. the officer has exhausted all other possibilities of disposing of the property,
    b. The submitting officer will notify the owner that the property is being held by the Property Section and must be picked up within 30 days.
    c. The date, time, and method of notification will be noted on the evidence sheet.
    d. The officer should notify the owner of the operational hours of the Property Section.
    e. If the property is not claimed by the owner or an authorized representative within 30 days, it will be disposed of in accordance with state law.
    f. No contraband will be accepted for safekeeping.
    g. Objects or articles of a non-evidentiary nature should be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property that is taken into police custody shall be tagged and logged into the Property Section for safekeeping. This property shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the Property Section supervisor.
    h. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures and all state and/or federal laws regarding prescription drugs and proper disposal.

D. Homicides/Sexual Assaults

1. Evidence from any Homicide case will be maintained as long as determined by the District Attorney's Office or court order.

2. Sexual Assault Kits from any Sexual Assault case will be maintained as long as determined by the District Attorney's Office or court order.

XIII. DELINQUENT NOTICE

A. If an item has been authorized for release and the owner has been notified, but has not taken possession of the item within a reasonable time, the Evidence Custodian, shall send a delinquent notice by certified mail with a received signature required to the owner to remind the owner to take possession of the item(s)
B. The owner will have 10 working days to pick up the property. After this time, if the property has not been picked up by the owner, it will be destroyed or sent to storage for auction.
C. The Evidence Custodian shall make every possible effort to contact the owner of the property.

XIV. EVIDENCE SUBMITTED TO OUTSIDE AGENCIES

A. Evidence that is transferred from a scene or an officer's custody directly to an outside facility, bypassing the Department's Property Section, must still be cataloged by the Evidence Custodian. This will be done from a completed evidence sheet that shows the full chain-of-custody on it.

    1. An inventory list or a receipt for evidence submitted to a facility other than the Department's Property Section should be submitted to the Evidence Custodian.
    2. The information will be entered into the property control computer so that the location and status of the evidence can be tracked.

B. If this Department recovers stolen property for another agency, that agency must provide the purported owner's identity and proof of ownership prior to the release of any property.

XV. STATEMENT OF PURPOSE

All stored agency property will be in a state of operational readiness at all times.

A. PATROL

The following property assigned to the Lieutenant:

1. Excess patrol equipment

    a. Extra portable radios
    b. Spare flashlights
    c. Extra OC
    d. Extra batteries
    e. ASP Batons

f. Extra Cameras
g. Extra firearms
h. Extra restraint devices
i. Tire deflation devices
j. Ammunition

B. ADMINISTRATION

1. Maintenance of fleet vehicle files
2. Maintenance of computer system (ENCODE)
3. Maintenance of police communication equipment.

XVI. CRIMINAL INVESTIGATIONS

A. Crime Scene Van

1. This vehicle will be used for crime scene processing
2. Detective assigned as "on-call" will maintain this vehicle

a. Refueling after use
b. Placing maintenance requests (as needed)
c. Report of damage

3. Crime scene equipment

a. After use of equipment, it will be immediately replaced

B. Surveillance equipment

1. This equipment will be maintained by CID personnel

XVII. SPECIAL REPONSE (SRT/NEGOTIATIONS)

A. Special Response Team (SRT) commander will be responsible for:

1. Firearms:

a. Rifles/sub-guns
b. 37 MM and associated ammo

c. Breaching Shotgun and associated ammo
d. Shotgun (less than lethal) and associated ammo

2. Protection devices:

a. Helmets
b. Gas masks
c. Uniforms
d. Tactical vests
e. Ballistic shields
f. Armored response van

3. Special items:

a. Breaching tools
b. Distraction devices
c. Gas dispersant devices

4. MRAP

a. Personnel will be trained in the safe operation of this vehicle.

B. Negotiators

1. Van

a. Lap-top computer
b. Throw Phone and attached devices
c. Generator

C. **INVENTORY CONTROL**

D. Inventory controls are set by the City of Truth or Consequences and provided for in the Truth or Consequences Police Department Purchasing Guidelines.
E. The Lieutenant is responsible for the completion of a yearly inventory of departmental assets.
F. In order to maintain current and accurate fiscal records, the Lieutenant is the central purchasing agent for the Truth or Consequences Police Department.
G. Any shipments received from the Truth or Consequences Police Department budget, with the exception of those noted above, will be routed through the Lieutenant who will then distribute them accordingly.
H. When a newly acquired piece of equipment is received; Lieutenant

will make an addition to the inventory. It is issued an inventory number, which aids in keeping complete and accurate records.

G. In order to assist in keeping complete and accurate inventory records, any time a member of the Truth or Consequences Police Department participates in an inter-departmental or inter-city exchange of equipment or property, they will complete an Inventory Data Sheet which is routed through their chain of command. The forms are maintained by the Purchasing and Supply Clerk.
H. The Inventory Data Sheet must be filled out completely with all requested information. If a 'Property of City of Truth or Consequences' sticker is attached, the number is to be written on the Item # line. If the five-digit number cannot be located, contact Inventory Officer who will assist in a physical search of the inventory list. There must be an item number on the Inventory Data Sheet before it can be approved.
I. No city property can be given away or thrown away, even if broken and unusable, without the proper authorization which must be received through the chain of command to the Inventory Officer.
J. No officer of this department will be authorized to transfer, exchange, or otherwise dispose of any City of Deming property without written approval of the Chief of Police, Lieutenant, and/or Lieutenant.
K. Vehicles maintenance will be completed by work order for maintenance and repair to the employee's immediate supervisor for approval and then to the City Service Center for implementation.

	Policy Name:	**CONTRACT SERVICES** **POLICY #: TCPD18A** **NMMLEPSC Standard ADM18.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

Special events may include, but are not limited to sporting events, parades, gatherings, marches, concerts, and political conventions.

A. Procedures

1. The Lieutenant or his designee is responsible for coordinating the number of officers present at the function and their duties.
2. It is the responsibility of the individual coordinating the event to develop a written plan that establishes at a minimum:

    a. use of special operations personnel, if needed;
    b. necessary equipment available;
    c. designation of a single person or position as supervisor and coordinator for the coverage of a given event;
    d. written estimate of traffic, crowd control and crime problems expected for any given event;
    e. logistical requirements;
    f. coordination inside and outside the agency; and
    g. a contingency plan for traffic direction and control, which should include, if applicable:

        1) entry and exit of vehicular and pedestrian traffic;
        2) adequate parking facilities;
        3) spectator control;
        4) public transportation;
        5) relief of officer assigned to point traffic control;
        6) emergency vehicle access;
        7) alternate routes for through traffic;
        8) use of temporary traffic control devices;
        9) news media access;

10) ensure all permits, to include proof of insurance, are acquired and a copy of the plan should be distributed in the following manner:

    i. A copy will be posted in the briefing room.
    ii. A copy will be submitted through the chain of command with provisions for each staff member to acknowledge the information was received.

B. After-event report

1. The supervisor coordinating the event will complete an after-event report. When requested the report will detail any problems encountered during the event and resolutions or changes that should be considered before the next event.
2. A copy of the after-event report should be forwarded through the chain of command.
3. Officers will submit an overtime sheet to the coordinating supervisor, after approval from supervisor.
4. A copy of the approved overtime sheet will be forwarded to the Lieutenant for necessary billing and reimbursement procedures. The original approved overtime sheet will be submitted with all-time records at the end of the corresponding pay period.

All officers will be paid at their overtime rate.

	Policy Name:	**INSPECTIONAL SERVICES** **POLICY #: TCPD20A** **NMMLEPSC Standard ADM20.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The purpose of this policy is to establish guidelines for maintaining organizational control within the Department through line inspections. Each supervisory level within the Department is required to exercise supervisory control through frequent and routine inspections.

II. DEFINITION

Line inspection is defined as an objective and purposeful observation and evaluation of activity, event, equipment or personnel within the direct chain of command of the inspecting supervisor.

III. RESPONSIBILITY

A. The Lieutenants shall:
   1. make personal inspections of personnel and areas under their command at unspecified intervals;
   2. ensure that briefings are held, if applicable, and that orders and necessary information are communicated;
   3. encourage supervisory punctuality and professional appearance of subordinate personnel;

B. Sergeants shall:

   1. make, at a minimum, quarterly documented inspections of their subordinates to insure they are properly uniformed, equipped and fit for duty;
   2. conduct monthly inspections of property, equipment, activities and personnel;
   3. monitor the activities of subordinates to determine if duties, services to the public, orders and instructions are being properly, efficiently and effectively performed;

C. Training Officers shall conduct daily, documented inspections of recruits whom they are training to ensure the recruits are being properly instructed in the use, care and maintenance of equipment and uniforms.

IV. PROCEDURE

A. Routine line inspections are used to ascertain compliance with department policy regulating dress code, weapons, ammunition, equipment and vehicles.
B. Supervisory personnel shall use the appropriate approved forms when conducting a line inspection. The following forms are approved for line inspections:

1. Personnel Inspection
2. Recruit Daily Observation Report
3. Vehicle Inspection/Inventory
4. Computer equipment

C. Deficiencies that cannot be immediately corrected are subject to re-inspection within seven (7) days. Upon re-inspection, if the deficiencies still exist, the inspecting supervisor shall submit a memorandum to his/her immediate supervisor.

V. STAFF INSPECTIONS

The purpose of this policy is to establish guidelines for coordination of staff inspections. Staff inspections are conducted to ensure an objective review of office facilities, property, equipment, personnel, and administrative and operational activities outside the normal supervisory and line inspection procedures and assure compliance with applicable accreditation standards and Rules and Regulations. Staff inspections may be both formal and informal. Staff inspections are not an inspection of the staff members themselves, but an inspection of areas under their control and provided as a management tool.

VI. AUTHORITY

A. Personnel are assigned by the Chief of Police and have full authority to discharge the duties necessary to conduct staff inspections.
B. Officers assigned to conduct staff inspections shall be given access, for the purpose of inspection, to appropriate Department facilities, equipment and records.
C. Personnel shall cooperate with and assist officers assigned to conduct staff inspections, recognizing that staff inspections are conducted under the authority of the Chief of Police.
D. The Chief of Police may assign a specialist or an advisor to assist in the inspection, when its scope is technical in nature.

VII. FUNCTIONS AND PURPOSE OF STAFF INSPECTIONS

A. The primary focus of staff inspections is upon policies and procedures and only incidentally on persons.

    1. Primary concern is to determine whether established policies/procedures are being followed and compliance with applicable accreditation standards is being maintained. The primary focus is not whether a particular person may be performing improperly, although that topic may be the subject of a different inquiry.
    2. Training, direction and discipline are the responsibility of the appropriate Division Commander.

B. Staff inspections are conducted through the Department on a routine basis or as directed by the Chief of Police.
C. The Chief of Police may request inspections and studies of the various areas of operation within the Department for the following purposes:

    1. to provide a primary means of exercising administrative control over delegated actions or activities through observations and determining if orders and instructions have been carried out in an effective and satisfactory manner;
    2. to ensure that policies and procedures of the Department are understood and adhered to, and that policies and procedures are adequate and effective in achieving organizational goals and objectives;
    3. to provide information concerning the quality of service delivered and the effectiveness of the service;
    4. to provide observation and evaluation of the conduct, appearance and proficiency of Department personnel;
    5. to inform the Chief of Police if resources are being used properly and to the fullest extent;
    6. to provide determinations of whether resources are adequate for achieving the goals and objectives of the Department;
    7. to inform the Chief of Police of deficiencies in personnel, integrity, training, morale, supervision or policy;
    8. To reveal the existence of a specific need or requirement for change.

VIII. FREQUENCY OF REQUIRED INSPECTIONS

A. A staff inspection is conducted within each Division at least once a year. This inspection will include an analysis of workload and distribution of personnel.
B. An annual inventory of found, recovered, evidentiary, and agency-owned property is conducted to ensure the integrity of the property control system.
C. An annual staff inspection of formal grievances is conducted to serve as a management tool in determining office problems which must be addressed.
D. An annual staff inspection of the written performance evaluation system is conducted.
E. An unannounced semi-annual inspection of evidence and property storage areas is conducted.
F. Quarterly, random inspections of impounded narcotics are conducted to ensure

seals are in place and do not show signs of tampering.

G. An annual review of specialized assignments to determine whether they should be continued. This review will include a list of specialized assignments, a statement of purpose for each assignment, and an evaluation of the initial problem/condition which required the implementation of the specialized assignment.

IX. INSPECTION PROCEDURE

A. Origination

1. Inspections are justified to, and approved by, the Chief of Police.
2. An inspection may be suggested or requested by any member of the Department upon submission of a memorandum via the chain of command to the Chief of Police, briefly stating the reasons for the requested inspection(s).

B. Pre-Inspection Notification

1. A written notice of a formal inspection shall be provided to the affected supervisor not less than five (5) days prior to the inspection.
2. The memorandum indicates the nature of the inspection and may include a specific request for desired action, questions to be answered, and documents to be produced, or other action necessary to complete the inspection.

C. Spot Check Inspection

1. Spot check inspections are conducted continuously on an unscheduled basis, requiring no advance notification.
2. A spot check inspection reveals the need for a more comprehensive inspection; the pre-inspection notification shall be initiated prior to a formal inspection.

D. Post Inspection Activity

1. The officers conducting a formal staff inspection are responsible for the completion of a constructive report at the conclusion.
2. Credit or recognition should be given to the inspected division or organizational component and its personnel when found to be exemplary.
3. Recommendations for improvement may be made to the component's commanding officer in cases where it is within the authority of the commanding officer to effect the change.
4. When possible, reports should be discussed with the affected Division Commander prior to finalization.
5. The completed report is submitted to the Chief of Police and other distribution is at the discretion of the Chief.

E. Follow-Up Inspections

At intervals following the initial inspection, inspectors may be directed by the

Chief of Police to conduct follow-up inspections and report on the progress of the

implementation of recommended changes.

F. Types of inspections which may be conducted

1. Personnel

   a. Appearance
   b. Job performance

2. Operations

   a. Facilities and equipment condition
   b. Investigative techniques
   c. Communications discipline
   d. Incident response time
   e. Quality of service
   f. Report preparation and records
   g. Briefings
   h. Supervision and command
   i. Court appearance and presentation
   j. Selectivity of enforcement
   k. Manpower scheduling and deployment

3. Administration

   a. Cooperation with other components or agencies
   b. Manpower utilization
   c. Control of overtime
   d. Compliance with established procedures, accreditation standards, and law.

4. The Chief of Police may order other inspections and/or officers assigned to conduct staff inspections may conduct spot check inspections of an organizational component, procedure or condition which does not appear to be functioning properly.

X. RESPONSE TO INSPECTION FINDINGS

A. Staff Inspection Reports are thoroughly reviewed and appraised by the Chief of Police as a matter of policy.
B. The report is forwarded through the concerned Division Commander to the affected Lieutenant for review and response.
C. The Lieutenant of the affected division prepares a response to each of the recommendations contained in the report.

1. The response is completed and returned to the Chief within 30 days of receipt of the report.

2. The Lieutenant preparing the report ensures that copies of the response are provided to the affected Division Commanders.

D. Contested issues regarding inspection findings or recommendations should be resolved by the affected Division Commander and the Lieutenant. Issues that cannot be resolved shall be resolved by the Chief of Police.
E. The Lieutenant is responsible for ensuring implementation of approved recommendations.
F. The completed inspection report, including the response and any follow-up reports are maintained on file in the Accreditation Office.

	Policy Name:	**INTERNAL AFFAIRS** **POLICY #: TCPD19A** **NMMLEPSC Standard ADM19.01-19.09**
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☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The Truth or Consequences Police Department takes all complaints against its members seriously. The public has a right to expect and demand fair and impartial law enforcement services. In providing these services, the Department employee must be free to exercise his/her best judgment and to initiate action in a reasonable, lawful and impartial manner, without fear of reprisal. While the mutual rights of the public and the police officer are normally respected, situations may arise when these rights are reported to be violated. To protect the rights of the public and the Department employee, it is necessary that allegations of misconduct be thoroughly investigated. The goal of all internal investigations is to ensure Department integrity is maintained through a fair and impartial system. While there are certain situations, which require an Internal Affairs investigation, there are others, which can be easily and effectively resolved through supervisory investigations. The Chief shall maintain a process for conducting departmental internal investigations of alleged acts of misconduct, or complaints made against staff of the Truth or Consequences Police Department, in order to maintain the integrity of the Department.

II. DEFINITIONS

A. Complaint: Grievance against a department employee where he/she is alleged to have violated a policy of the Truth or Consequences Police Department Rules and Regulations, City of Truth or Consequences Personnel Manual, City Ordinance, State Statue, or Civil Rights Act.
B. Supervisory Investigation: This category of investigations can be initiated and investigated by any supervisor. These investigations can include, but are not limited to violations of policy or statute. Investigations can be conducted in the absence of a complaint.
C. Internal Affairs Investigation: An investigation conducted at the direction of the Chief of Police, performed in an effort to determine if any of the Department's Rules and Regulations or rules set out in the City of Truth or Consequences Personnel Manual have been violated.

D. The outcomes (findings) per allegation of departmental directive violation and criminal violation will be classified as:

1. Exonerated--that the behavior in question was proper in all terms of the requirements of applicable law and departmental directive.
2. Not Sustained—insufficient evidence either to prove or disprove the allegation(s).
3. Unfounded—that the allegation, upon investigation, is determined to be without basis in fact.
4. Dismissed (NOT INVESTIGATED) --that for administrative reasons, the complaint is administratively inactivated prior to investigation, or after investigation has begun.
5. Sustained—the allegation is supported by sufficient evidence, and\or acts of misconduct were discovered during the investigation which were not alleged in the complaint.

III. CITIZEN COMPLAINTS

A. The receiving supervisor should handle complaints as promptly as possible.
B. When a complaint is received, it is the responsibility of the receiving supervisor to determine the merit of the complaint.
C. Complaining parties wishing to lodge a complaint on an employee should be advised of the procedure for filing the complaint. The complainant shall have the definitions of “formal” and “informal” complaint given and explained to them. This information is available in written form.
D. At their request, the complaining party will be given a Complaint Form to complete.
E. After completing the form, the complainant should be asked to sign it. The receiving supervisor will witness signature. If the complainant refuses to sign the complaint it should be noted on the form “Refused to Sign” and initialed by the receiving supervisor.
F. The complainant will be given a copy of the form, and the original shall be maintained by the Department.
G. The complaint will be forwarded to the employees’ supervisor within 24 hours after the complaint is received.
H. Upon receipt of the complaint, the supervisor may notify the involved officer of the complaint. The officer may be requested to submit a memorandum to the investigating supervisor detailing the incident.
I. Any statements taken by the investigating supervisor should be taped.
J. At the conclusion of the investigation, the investigating supervisor should submit a report within 30 days and the report should include the following:

1. Summary of allegation;
2. Statements of parties involved and witnesses;
3. Findings—if specific violation in policy or statue has been violated these will be listed;
4. Corrective Action/Disciplinary Recommendation (if applicable);

5. The taped statement (tape)
6. Transcription (if applicable)
7. Any associated reports, activity logs, dispatch records or other documents pertaining to the investigation.

K. The original copy of the complaint and the investigative report will be forwarded to the Division Commander.
L. The investigating supervisor shall keep the complainant informed concerning the status of the complaint.
M. An Internal Affairs Investigation can be conducted at the discretion of the Chief of Police.

IV. UNSIGNED AND ANONYMOUS COMPLAINTS

Unsigned and anonymous complaints should be investigated if these complaints meet the criteria as set forth in the definition of a complaint.

A. If a citizen calls the police department or comes to the station to complain on an employee, the complaint should be documented even if the citizen does not want to complete a Citizen Complaint.
B. The receiving supervisor will complete an Administrative Investigation Form and forward the information to the Division Commander.

V. ACTIONS TAKEN ON COMPLAINTS

The Department encourages the resolution of complaints. In order to facilitate this goal, the following methods may be used:

A. Mediation: A meeting between the accused officer and the officer's supervisor.
B. Corrective Action/Disciplinary recommendation: Following Department policy, the investigating supervisor may make a recommendation.

VI. MAINTENANCE/YEARLY SUMMARY

The Chief of Police will maintain all completed Citizen Complaint Investigations and investigative reports. These records will be secured and maintained separate from other department records. These records will be maintained for a period of 1 calendar year. Prior to destroying the complaint files, the Lieutenant will review the complaints and prepare a summary of the complaints for the Chief of Police. This summary can include:

A. the number of complaints received in a calendar year;
B. the types of complaints received;
C. names of officers involved in the complaints;
D. The findings of the complaints.

VII. STATEMENT OF EMPLOYEE'S RIGHTS

In the event an employee becomes the subject of a complaint of a serious nature, procedures have been developed to guard an employee's rights. This order addresses an employee's rights when making statements .and in disciplinary actions.

VIII. STATEMENTS

In the event an employee is the subject of an investigation which could result in administrative sanctions, the following guidelines will be followed:

A. Any investigations will follow requirements as set forth in Chapter 29-Article 14, NMSA 1978 Peace Officer's Employer-Employee Relations.
B. Any internal investigations will follow requirements as set forth in the City of Truth or Consequences Personnel Policy, Truth or Consequences Police Department Policy, and prevailing common law such as Garrity, and Loudermill.
C. The interview may be postponed for a reasonable time from the time the officer is informed of the interview and the general subject matter thereof.
D. This section shall not apply to questions from a supervisor in the course of performing normal day- to-day supervisory duties or a request for the preparation of detailed reports.

IX. DISCIPLINARY ACTIONS

When an employee is required to appear before a supervisor for disciplinary action, the employee shall have the following rights:

A. When two or more supervisors are involved in administering a disciplinary action to an employee, either may request that a tape recording be made of the proceedings.
B. In all cases of disciplinary action, it shall be the responsibility of the ranking supervisor administering the disciplinary action to refer the employee to the Grievance procedures and the City Personnel Manual for appeal procedures.

X. CONSTITUTIONAL RIGHTS

When an employee is the subject of a complaint which is criminal in nature, the employee shall be afforded all rights entitled by the Constitution. The Truth or Consequences Police Department takes all complaints against its members seriously. The public has a right to expect and demand fair and impartial law enforcement services. To protect the rights of the public and the Department employee, it is necessary that allegations of misconduct be thoroughly investigated. The goal of all investigations is to ensure Department integrity is maintained through a fair and impartial system. This policy applies equally to sworn and non-sworn personnel.

XI. DEFINITIONS

A. Complaint: For the purpose of this policy, a complaint alleging misconduct on the part of any employee, regardless of the source, will be referred to simply as a complaint. Citizen Complaints are those generated when a citizen makes an allegation against an employee, regardless of the nature. Administrative investigations are initiated internally concerning an employee.

B. The Criminal Investigative Division: This office is responsible for the investigation of and/or to provide review and monitoring of all complaints. C.I.D. personnel report directly to the Chief of Police and have direct access to the Chief of Police. The Criminal Investigations Detective is designated to assist and serve as alternates in the event the Lieutenant is unavailable.

C. In the event that CID is not able to investigate a complaint, the Lieutenant will have that responsibility placed on him/her. In the event that CID or a Lieutenant cannot conduct the internal investigation, the Chief of Police shall designate an investigator with equal or higher rank than the accused member. The Truth or Consequences Police Department reserves the right to use an independent agency to conduct internal investigations should the Chief of Police determine it is in the best interest of the Department.

D. The following disposition will be used at the conclusion of any investigation:

1. Exonerated—incident occurred but was lawful and did not violate policy.
2. Not sustained—insufficient evidence either to prove or disprove the allegation(s)
3. Sustained—evidence sufficient to prove allegations.
4. Unfounded—allegation is false or not factual or the employee was not involved.
5. Policy and Procedure - The investigation revealed that the complaint in effect dealt solely with an objection or criticism against an agency policy or procedure and not against an individual officer.

XII. RESPONSIBILITY

A. Supervisors

1. The primary responsibility for maintaining and reinforcing employee conformity with the standards of conduct shall be with department supervisors.
2. Supervisors shall familiarize themselves with the employees within their span of control. They should closely observe their general conduct and appearance on a daily basis.
3. Supervisors should remain alert for indications of behavioral problems or changes which may affect an employee's normal job performance. When a supervisor perceives an employee may be having or causing problems, the supervisor should assess the situation and take the most appropriate action.
4. Supervisors may recommend additional training to refresh and reinforce an employee's skills.
5. Informal intervention may be used by supervisors as follows:

a. To determine the extent of any personal or job problems which may be affecting performance, and to offer assistance and guidance.
b. To discuss minor and infrequent rule violations and to discuss the substance and importance of the rules with the employee.

6. Supervisors shall document all counseling or additional training used to modify an employee's behavior.
7. The supervisor on duty at the time of the initial complaint from a citizen is responsible for attempting to resolve the area of conflict to the satisfaction of the complainant, if possible. If the area of conflict or misunderstanding cannot be resolved at the time of the complaint, it shall be incumbent upon the supervisor to obtain sufficient information necessary to initiate an investigation.
8. All complaints with merit shall be forwarded directly to the Division Commander and the Chief of Police. If the complaint has been resolved by the supervisor at the time of the complaint, it will be forwarded to the Office of the Chief of Police on the appropriate form indicating it has been resolved. The Lieutenant will follow-up to ensure the complaint has been satisfactorily resolved.

B. Employees

1. Any employee who receives a complaint shall immediately notify an on-duty supervisor who is responsible for receiving the initial complaint.
2. All Truth or Consequences Police Department employees are required to report misconduct by other employees through the reporting employee's chain of command or directly to the Lieutenant if conflict exists between the employee and immediate supervisor(s).
3. Employees who have reason to believe they have contributed to a situation that may result in a citizen's complaint shall make a reasonable attempt to resolve the area of misunderstanding at the time of occurrence. Whether or not the employee is able to resolve the complaint, it will be the employee's responsibility to report the details of the incident to his/her supervisor, who may then require the officer to document the incident.

XIII. COMPLAINT PROCEDURE

A. Authorized Forms

1. Citizen Complaint Form:
2. Administrative Investigation Form:
3. Internal Investigation Notice form:

B. Initiation

1. Any person may file a complaint with the department 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 such a complaint.
2. Complaints may be given in person, via mail, telephone, facsimile or email. A complainant will be allowed to file an anonymous, verbal or written complaint. The department will also accept and investigate complaints filed by individuals other than the alleged victim of misconduct, based on merit (third-party complaints). Complaints will be filed as formal or informal depending on the severity and/or evidentiary information. Complainants shall be cautioned about false reporting and shall be made aware of the consequences of the possibility of criminal charges for such reporting.
3. All complaints shall be documented on the appropriate departmental form.
4. All complaints shall be forwarded directly to the Lieutenant who will notify the Chief of Police. If the complaint has been resolved by the supervisor at the time of the complaint, it will be forwarded to the Lieutenant on the appropriate form indicating it has been resolved. The Lieutenant will follow-up to ensure the complaint has been satisfactorily resolved.
5. Supervisory investigations may be conducted by a Lieutenant, Sergeant or Detective within an employee's chain of command. These may be authorized if, after preliminary review, the Lieutenant determines the complaint is minor in nature (i.e., officers unsafe or illegal driving, conducting him/herself in a rude manner or abuse of scheduled meal breaks). Whenever such a referral is made, the Lieutenant shall log this referral and once the investigation is completed and approved, the complainant shall receive a written response from the Chief of Police.

C. Conducting the Investigation Regardless of the nature or the source, all complaints are investigated following the same procedure.

1. A thorough investigation shall be conducted on every complaint against the department or any of its personnel.
2. When possible, the investigation shall include statements taken from all available complainants, witnesses and employees, including the involved employee(s).
3. If complainants or witnesses are reluctant to come to the police department, or are unavailable to be interviewed during business hours, they may be interviewed at alternate sites, including at residences or places of business, and during reasonable weekend or after- business hours. All such interviews will be arranged and conducted so as not to unnecessarily embarrass persons interviewed or result in unnecessary disclosure of confidential information to others, such as employer's, coworkers, clients, customers, family, friends, or

neighbors. The investigator will also provide reasonable notice before all complainants and citizen witness interviews.

4. All interviews of complainants, involved employees and witnesses will be tape recorded. These tapes will be kept as a permanent part of the investigative file. If a complainant or witness refuses to be tape recorded, the investigating officer will accept a written narrative of the statement and request that it be signed by the complainant or witness.
5. Group interviews will not be conducted and no written statement or 'special report' will be accepted in lieu of an interview. The investigating officer has the authority to question all involved persons and to challenge their version of the facts.
6. All employees are obligated to appear for interviews and to answer questions. Failure to do so will lead to discipline up to, and including, termination. Employees are compelled to answer questions during an internal investigation, however are protected by Miranda in a criminal investigation. Truthfulness and candor are required during these interviews. Employees who are the subject of an IA investigation will be informed of their rights and obligations under Garrity v. New Jersey, 385 U.S. 493 (1967), and applicable laws. Investigations and interviews will be conducted in accordance with Chapter 29, Article 14, (NMSA 1978) and Loudermill.
7. Supervisors on the scene of incidents that result in an investigation will also be interviewed. Supervisors are required to detail their handling of the situation during and after the alleged incident and their observations of the complainant (if any) and officer(s).
8. The investigating officer will canvass the scene of an incident for witnesses as soon as possible after receiving a complaint of misconduct or any other referral. Where possible, a canvass will be completed at the same time of day and/or day of the week on which the incident was alleged to have occurred.
9. The investigating officer will collect all appropriate evidence (except that which cannot be obtained from an uncooperative complainant or other witness) to document each incident of potential misconduct, or any injury of a complainant, including but not limited to photographs of injuries and medical records (by requesting a medical record release and/or the assistance of the injured person to obtain the medical records.)
10. The investigating officer will assess the propriety of all officer conduct during an incident that is investigated. If, during the course of an investigation, there is reason to believe that misconduct other than that alleged by a complainant (or indicated by a triggering report) has occurred, the conduct will be investigated and findings with respect to such misconduct will be made.
11. All complaints will be investigated in a timely manner. Under normal conditions, the investigation will be completed within 30 days of receipt, except in the case of an especially complex or time-consuming investigation, where the particulars are explained in detail.

D. Examinations

1. As deemed appropriate by the Chief of Police the employee may be requested to submit to further examination.
2. These may include a medical examination, the use of the employee in either in a line-up or photo array, the submission to a polygraph or the submission of financial disclosure statements.
3. Any examinations of this nature are utilized only after all other alternatives have been exercised.

E. Closing the investigation

1. The investigating officer will not close any investigation without rendering a disposition as noted under Definitions. The investigating officer will investigate such complaints to the fullest extent possible to reasonably determine whether the complaint can be corroborated.
2. There is no automatic preference of an officer's statement over a complainant's Statement. In making credibility determinations, the investigating officer should consider the officer's history (including those with dispositions other than 'sustained'), disciplinary records, and the complainant's criminal history for crimes involving untruthfulness. Any credibility determinations should be explained fully in writing.
3. At the conclusion of any investigation, the investigating officer will issue a report describing the alleged misconduct, other misconduct identified during the course of the investigation, a summary of all evidence gathered during the investigation (including an explanation for any absence of evidence), documentation of all credibility determinations, the accused employee's complaint history, the findings with respect to all potential misconduct, and the analysis supporting the findings along with the disposition.
4. At the completion of any Supervisory investigation, the original copy of the complaint and the final investigative report will be forwarded to the Lieutenant for review. This step ensures that all investigations are completed in a consistent manner. If the Lieutenant determines any changes are necessary, it will be returned to the investigating supervisor for amendments. Once the changes are made, it will be forwarded back to the Lieutenant.
5. If no changes are required, the report will then be forwarded to the Chief of Police.
6. Those investigations which are Administrative in nature will be forwarded to the Chief of Police through the appropriate Division Commander, who will evaluate the investigation, recommend additional investigative steps, or approve the investigation.
7. If the Chief, or any senior staff with whom he consults, do not agree with the disposition, they will not attempt to influence the findings of the investigator, but will detail his or her rationale, in writing, and the Chief will render express findings and a final disposition.
8. Upon completion of any recommended discipline, the report and documentation of discipline will be forwarded back to the Chief of Police for filing.

XIV. DISCIPLINE

A. At the conclusion of an investigation, and after the disposition has been made, appropriate discipline will be recommended using the department Discipline policy.
B. In deciding the appropriate discipline for an employee who is the subject of a 'sustained' disposition, the need for non-punitive steps will be evaluated by the Chief of Police. These may include, but not be limited to, remedial training, assignment to a field training officer, transfer or reassignment. The punitive steps will follow the City of Truth or Consequences disciplinary policy. The City Administrator shall be notified of any action taken by the Police Department.

XV. INVESTIGATIONS BY OTHER AGENCIES

In the event that the Police Department cannot or should not perform the Internal Investigation, the Chief may request the assistance of an independent agency keeping the best interest of the Department and City of Truth or Consequences in mind.

A. All Department 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 their immediate supervisor before making any statements to representatives of the outside agency as soon as possible.
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 a tape recorder present during the interview.

	Policy Name: COMMUNITY RELATIONS/CRIME PREVENTION **POLICY #: TCPD21A** **NMMLEPSC Standard ADM21.01-21.03/22.01-22.02**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*	**Reviewed Date: 12/19/2022** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

Community involvement is essential to the operation of any police department. The citizens are the eyes and ears of the police. Without the assistance and acceptance of the community, a police force cannot function effectively. All avenues must be utilized in promoting the respect and cooperation of the public with the police.
It is the policy of the Truth or Consequences Police Department to involve all Department personnel in a City-wide community relations effort. This includes working to establish an attitude that the police are an integral part of the community. Citizen participation and interaction with the police is necessary to achieve a condition within the community where the normal application of law enforcement may prevail. It is the policy of the Department that community relations and community education is a shared effort of every employee.
The Truth or Consequences Police Department is committed to the prevention of crime through education.

II. GOALS AND OBJECTIVES

A. To create and maintain liaison with community groups and organizations.

1. This includes exchanging information, identifying police service needs of the community, promoting police/citizen contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
2. Information obtained in these meetings may be used to provide direction in development or modification of Department policies, procedures, and programs.

B. To educate citizens about the functions and operations of the department.
C. The Department strives to provide, through established programs and the media crime awareness information and crime prevention procedures. The intent is to assist the public in reducing its victimization rate and its fear of crime.
D. To inform the public that crime prevention is a cooperative effort between the

Department and the citizens of Truth or Consequences.

E. To assist in organizing crime prevention groups in residential areas through the Neighborhood Watch Program.

    1. Initial organizing efforts may be made by the Police Department, or by concerned citizens.
    2. Through group development, the citizens should become better educated on how his or her involvement is vital to community crime prevention.

F. To present crime prevention programs and maintain liaison with diverse Community groups including, but not limited to:

    1. The business community.
    2. Local Citizens groups.
    3. Local civic associations.
    4. Church groups.
    5. Schools.
    6. Concerned Citizens.

G. To participate in social service and criminal justice diversion programs through a variety of crime prevention programs. In addition, the Department works with the Mental Health Resources by placing into protective custody those persons who meet established criteria.

III. RESPONSIBILITIES

A. Department Personnel

    1. No one can do more to foster good police community relations than the employee who is in contact with the public on a day-to-day basis. Each employee is encouraged to cultivate the respect and cooperation of the public in these day-to-day contacts. Employees must realize that every contact with a citizen has an impact on police community relations.
    2. It is the responsibility of all Department personnel to promote good community relations by recognizing that their actions and demeanor in dealing with the general public has a significant effect on the image of the Department. This ultimately influences the Department's overall effectiveness and level of acceptance within the city.
    3. The Department is committed to correcting actions, practices, and attitudes which may contribute to community tensions and grievances.
    4. It is the responsibility of all officers of the Department to provide basic crime awareness and prevention information to citizens when answering calls for service or through informational contact.

B. Community Relations/Crime Prevention

    1. All employees are responsible for Community Relations/Crime Prevention.

C. Reporting Requirements:

1. When a member of this Department makes a presentation to a community organization, that member will submit a brief report to their supervisor. This report will include, at a minimum, the following:

    a. Program/presentation topic.
    b. Number of participants.
    c. Any concerns expressed by participants; and
    d. Potential problems which have a bearing on law enforcement activities within the community.
2. In order to provide the best continuing community education, at the end of each community presentation, the member will make available to participants, a survey designed to determine the effectiveness of the program. These surveys will be attached to the above report.

IV. PROGRAMS

A. Crime Prevention Programs include, but are not limited to:

1. Neighborhood Watch Program
2. Home and Business Security Surveys
3. Programs of interest to business owners (ex. Shoplifting Awareness, Worthless Check procedure, Fraud information, etc.)
4. Drug and Alcohol Information
5. Elementary School programs

    a. Stranger Danger
    b. Pedestrian Safety
    c. Drug and alcohol abuse
    d. Vandalism
    e. Bicycle Safety
    f. Emergencies
    g. Seat belts
    h. Personal character (ex. Self-discipline, Respect for Authority, stealing, etc.)
    i. Other programs requested and deemed appropriate.

B. Crime Prevention Programs may be presented by any officer in the Department having expertise in the area of concern. If a member not assigned to the Support Services Division assists the officer, it will be the responsibility of that member to notify their supervisor to ensure that no scheduling conflicts occur.
C. The officer may also utilize individuals from the community to assist in presentation of programs.

	Policy Name:	**ANIMAL CONTROL** **POLICY #: TCPD22** **Standard ADM22.01-22.05**
Effective Date: 01/22/2024		**Reviewed Date:** **Revision Date: 01/22/2024**
☑ Sworn Personnel ☑ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

It is the responsibility of the Truth or Consequences Police Department's Animal Control Division to encourage responsible pet care and pet ownership while enforcing the laws for the protection and control of animals and the protection of the public.

II. POLICY

Animal Control Officers (ACOs) must always be prepared to act whenever circumstances indicate their services are required. Animal Control Officers will respond without delay to all calls for assistance from citizens, police officers, City employees, and entities outside City jurisdiction, contingent upon having an active Mutual Aid Agreement with said entity. No Animal Control Officer may refuse to answer a call unless unusual circumstances exist, and only with the approval of the Chief of Police.

Truth or Consequences Animal Control Officers shall take appropriate actions to:

a. Protect the health and safety of the Public
b. Protect the health and safety of all animals
c. Enforce all State and local laws and ordinances concerning animals and animal-related issues
d. When asked to assist, enforce local ordinances concerning CODE enforcement issues.
e. Familiarize themselves with active Mutual Aid Agreements, and operate under stipulations of agreements.
f. Properly document their actions and/or enforcement actions taken at calls for service utilizing the department's report management system (RMS) and/or iWorqs program.

Duty hours will be assigned and approved by the Chief of Police. Officers are expected to work their regular duty hours unless arrangements have been approved by the supervisor and follow the rules for employees outlined in the City of Truth or Consequences personnel policies and procedures manual. Supervisors have the authority to call any officer back to duty, regardless of the regular hours assigned.

While on duty, officers are expected to devote their entire time and attention to the business of the department and refrain from excessive personal phone calls, visits from friends or family (except while on break or lunch periods), and personal correspondence.

ACOs shall refrain from using obscene, indecent profane, harsh, or inappropriate language in the presence of, or on the phone with, any citizen regardless of any provocation that might occur.

ACOs shall maintain a calm, businesslike atmosphere in all government offices at all times, and must keep in mind that others may be working or meeting nearby. Unnecessary boisterous behavior, speech, and laughter will not be tolerated. Nor will emotional outbursts of any kind.

Disputes or disagreements between employees of any level should be taken behind closed doors, with a supervisor present if the situation warrants.

III. ON-DUTY CONDUCT

Animal Control Officers are expected to conduct themselves as professionals at all times when dealing with the public.

A. No ACOs shall engage in any personal conduct that could result in justified unfavorable criticism of the officer, fellow officers, or the Department.
B. ACOs shall treat superiors, subordinates, and colleagues with respect at all times.
C. ACOs shall not publicly criticize or ridicule the Department, its policies, or any other officer or employee by speech, writing, or other expressions where such speech, writing, or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the Department, interferes with maintenance or discipline, or is made with reckless disregard for truth or falsity.
D. No ACO shall ridicule, mock deride, taunt, or belittle any person. Neither shall he/she willfully embarrass, humiliate, or shame any person.
E. Proper judgment, demeanor, courtesy, and discretion in minority relations are mandatory, both within this department and when dealing with the public.
F. No employee shall abuse or cruelly treat any animal whether in his/her charge or not.

IV. PUBLIC APPEARANCES

Animal Control Officers shall not address public gatherings, appear on the radio or television, release any articles or information for publication, act as correspondents to a newspaper or periodical, and release or divulge investigative information, or represent the department in such matters without the sole consent and approval of the Chief of Police.

ACOs may be called upon and may volunteer for public appearances to speak on animal control issues and other related topics from time to time, but no such engagements shall be attended without the prior approval of the Chief of Police.

ANIMAL CONTROL VEHICLES

V. VEHICLE OPERATION

Animal Control Officers shall, under normal conditions, operate City vehicles in the same manner as required of the public. Violations of the traffic code or careless, abusive use of vehicles will result in disciplinary action. Vehicles shall be operated on roadways only; with the following exceptions:

a. During a routine patrol of unpaved streets or alleys adjacent to residences, pastures where livestock is kept and business establishments.
b. In pursuit of an animal for quarantine.
c. In pursuit of an animal during an attempted remote chemical immobilization capture.
d. ACOs shall always exercise care in the operation of vehicles to prevent personal injury and/or property damage.
e. Animal Control Officers shall obey all traffic laws at all times.
f. All passengers in the animal control vehicles shall wear seat belts at all times while the vehicles are in motion.
g. During routine calls animal control officers should not block citizen's driveways or park vehicles in such a manner to be a traffic hazard.
h. Courtesy should be extended to the public and to other drivers at all times.

VI. VEHICLE SECURITY

City vehicles placed out of service at any location shall have the windows secured and doors locked. Officers should remove ignition keys and secure doors and windows when leaving a vehicle unattended and out of sight, and for an extended time, during a tour of duty.

VII. VEHICLE MAINTENANCE

ACOs should ensure all vehicles are cleaned and maintained as needed

a. Wash the exterior of vehicles as often as necessary.
b. Wash the interior cage area as often as needed. Follow with light spraying of diluted bleach to sanitize. This should be done anytime an animal soils a cage in any manner or if any animal is suspected of having a transmittable disease.
c. Keep the cab area clean and uncluttered.
d. Any employee approved to operate a city vehicle should check for proper tire inflation and fluid levels daily, at the beginning of the shift. Note such checks on your daily log.
e. Damage to, or failure of a vehicle, shall be reported immediately to the supervisor. Damage to any vehicle will be considered an accident and shall be reported under city policies.
f. Animal Control Vehicles shall not be used to tow or push any other vehicle at any time without permission of the supervisor.

VIII. USE OF DEPARTMENT EQUIPMENT

Equipment, vehicles, and facilities may be used only by city employees authorized to operate said equipment and when acting in their official capacity in the performance of their duties. Equipment, vehicles, and facilities may be loaned to other departments or agencies only with the approval of the City Manager.

Keys to all vehicles and facilities shall be accessible to staff at all times. The Shelter Personnel shall maintain extra keys to the facilities to be used in case of emergency.

ACOs assigned to be on-call after hours shall be allowed a take-home vehicle. Take-home vehicles shall be used only for official business and not personal use. An ACO assigned a take-home vehicle may stop for brief personal business while enroot to or from a call or normal work hours. After-hours on-call officers should limit their visits

to unauthorized locations as much as possible, but if required to be away from home while on call, they shall keep the city vehicle with them to respond to an emergency in the most expeditious manner possible.

No employee shall take home a city vehicle unless on call or in possession of written authorization from the director.

CALLS FOR SERVICE

IX. OBJECTIVE

To establish guidelines for response to all calls for service and telephone messages received by the Office of Animal Control from the citizens of Truth or Consequences.

X. PURPOSE

To establish a uniform method of response whereby the citizens can expect certain procedures and be assured that their calls do not go unanswered.

Telephone:

A. All calls requesting Animal Control services **shall** go through SCRDA (Dispatch). Dispatch will then generate a CAD number, and dispatch an animal control officer on duty at the time the call is received. If the officer is unable to take the call immediately, dispatch will document the caller's name, address, and phone numbers, as well as the nature of the call, which will be recorded and forwarded to the officer at the earliest convenience. The officer will attempt to the call as promptly as is practical.
B. If the ACOs are not in the office at the time of the call, the person taking the call will record the information on a duplicate message pad. The person taking the call will try to determine from the information received if the call is:

    a. An emergency requiring immediate action.
    b. Urgent, immediate follow-up requested.
    c. Non-emergency, follow-up as time allows

C. If the call is an emergency the ACO should be notified immediately in person by phone or by radio. If no answer other ACOs should be paged immediately and followed up to ensure the message is received.
D. If the call is urgent the ACO should be notified by whatever means necessary so that the call can be returned as soon as possible.

E. All other calls should be written on a calling card and placed in a central location, and the officer notified that he/she has calls waiting.

Telephone Messages:

A. All telephone calls will be returned as soon as possible and practical.
B. The officer should note the date and time that the call was returned.
C. If the return call cannot be completed, note the date and times of all attempts and results. (Left message with another person, left a message on a machine, no answer, etc.)
D. After three attempts have resulted in no contact, the message should be disregarded, but a record of the attempts should be kept in case of further complaint.

Call Priorities:

SCRDA (Dispatch) will assign all calls for service in the field with a priority and will be responded to as soon as possible, according to the priority assigned to it, not the order received.

A. Priority One (1)

1. These are top-level emergency calls and shall receive immediate response when imminent dangers exist, the calls are in progress or a delay in response could endanger the health, safety, or welfare of a person or persons or another animal.
2. All Priority One calls for service **shall** be documented utilizing the Police Department's report management system (RMS) and/or iWorqs program.
3. Examples are:
    a. Dog bites
    b. Dog attacking a person (in progress)
    c. Dog attacking livestock or any other animal (in progress)
    d. Dangerously vicious or diseased wildlife posing an immediate threat to persons or pets.

B. Priority Two (2)

1. These calls are to be responded to as soon as possible but are not considered emergencies.
2. They are responded to in order of geographic location or the order in which they were received whichever is most convenient for the officer.
3. Consideration should be given to documenting the actions taken by the ACO, depending on the call for service.
4. Examples are:
    a. Deceased small animal

b. Strays or dogs running at large
c. Animals suspected of illness or injury.
d. Stray animals in the area, causing damage to property

C. **Priority Three (3)**

1. These calls are the lowest priority and do not require immediate response, although courtesy dictates that the complainant should receive a phone call, or personal contact, to advise them of the status of the situation.
2. Responded to on a time-available basis.
3. Examples are:
   a. Continuing problems with barking dogs.
   b. Complaints of continuing stray dogs or trespassing cats
   c. Persons requesting the use of a humane trap.
   d. Person requesting information on laws, ordinances, etc. without an immediate related problem.
   e. Any other requests for information, procedures, or complaints.

XI. EMERGENCY CALL-OUT

Approved after-hours emergency callouts:

1. Any animal bite to a human being.
2. Dog attacking a person (in progress)
3. Dog attacking livestock (in progress)
4. Pick-up Safekeep for the following reasons:
   a. Lawful arrest by a law enforcement agency in which we have an active MOU (contingent upon supervisor approval).
   b. Upon law enforcement request in the event of a death, from an agency in which we have an active MOU (contingent upon supervisor approval).
   c. Upon law enforcement request in the event of an owner's hospitalization, from an agency in which we have an active MOU (contingent upon supervisor approval).

Any other after-hour calls may be responded to upon supervisor approval and dependent upon the circumstances of the call out. Animal Control Officers may use their discretion without supervisor approval, but may not be compensated for the call time if it is determined that the call could have waited.

XII. UNIFORMS

A. Personal Protective Equipment/Uniforms for ACOs (Field Operations) will consist of the following accouterments:

3 – Pairs of BDU/cargo-type pants (or approved by the Chief of Police).
2 – Short sleeve polo shirt/2 – Long sleeve polo shirt.
1 – Nylon Duty/utility belt.
1 - Pair of duty boots.
1 – Body Armor (approved by the Chief of Police).
1 – Expandable baton with holder (must be certified to use before carrying).
1 – O.C. spray with holder (must be certified to use before carrying).
1 – Hand-held portable radio with holder.
1 – Body Worn Camera.
1 -ACO Badge.
1 – Department-issued cellular phone.
1 – Winter Jacket.
1 – Nameplate/tag.
1 – Department baseball style hat.

All issued equipment will be receipted upon issue and filed and maintained by the applicable supervisor. Upon termination of employment, such equipment will be inventoried by the applicable supervisor, placed in the Department's Quartermaster Supply Room, and processed for the exit interview with Human Resources. For health reasons tactical boots will not be reused by the department and may be discarded or retained by the departing employee.

	Policy Name:	**PUBLIC INFORMATION** **POLICY #: TCPD23** **NMMLEPSC Standard ADM23.01-23.03**
Effective Date: 01/23/2023 *Approved by the City Commission on this date*		**Reviewed Date: 01/13/2023** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☑ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

Positive press relations are an integral part of the operation of any public service agency; the Truth or Consequences Police Department is no exception. Most citizens have little contact with law enforcement officers and their opinion of the police is often formed by the mass media's portrayal of its functions. The maintenance of good press relations is therefore a crucial element of public relations. Officers and employees must maintain good rapport with the media and deal with them in a courteous and impartial manner. It must be remembered that the media has a legitimate function in our society and the public trust of the police can be enhanced through proper dealings with the media.

II. PUBLIC INFORMATION OFFICER

A. The designated Public Information Officer for the Department is the Chief of Police or his/her designee.
B. The Public Information Officer is responsible for:

1. coordinating and authorizing the release of information.
2. being available for on-call responses to the media.
3. preparing and distributing department news releases.
4. responding to requests for scheduled news conferences and interviews.
5. assisting in crisis situations within the agency.

C. In the absence of the Public Information Officer, the responsibility will fall to a Lieutenant or his/her designee.

III. NEWS MEDIA REQUIREMENTS AND PRIVILEGES

A. Members of the media may not resist, obstruct, or otherwise interfere with an officer in the lawful execution of his duty. The mere presence of a member of the

media, the taking of pictures or the asking of questions does not constitute interference.

B. Officers shall not restrict the movement of members of the media unless their actions clearly and directly interfere with police functions or investigations.

    1. Still photographs or film footage may be taken in or from any area which media members have been given access. Officers may restrict the use of flash, strobe, or high intensity lighting when such illumination might hinder a police operation.

C. Department personnel shall not compel prisoners to pose for photographs or film footage. However, officers are not to interfere with photographers or cameramen photographing or filming prisoners from public access areas.
D. Members of the media are not exempt from any federal law, state law, or any local ordinance. They are dealt with in the same manner as any other violator if arrested.
E. No member of the media shall have any property confiscated, nor be threatened with confiscation, without due process of law. This includes camera, film, notes, etc.
F. Because most of the media maintain a police scanner and are aware of our calls, they shall be allowed to call the Communications Dispatch Center and calls will be transferred to the Administrative Secretary during normal business hours. After normal business hours the calls will be transferred to the Public Information Officer's voice mail.

    1. The Department will not initiate calls to the media except official news releases.
    2. If media persons arrive on a scene which is being actively worked, it will be the responsibility of the Incident Commander to provide a central and safe location for media personnel. The public information officer (PIO) will deliver pertinent and accurate information when able.

G. Any employee who experiences difficulties in dealing with individual member of the media at the scenes of incidents or during telephone contact should report such by memorandum to the Public Information Officer or the Chief of Police.

IV. CRIME SCENE

The fact that a person is a member of the media does not give them special privileges when responding to, or reporting from, a crime scene. (Traffic violations and or walk through of scenes, etc.)

V. PURPOSE

To provide guidelines for the release of information under the provisions of the Freedom of Information Act (FOIA) and/or the Inspection of Public Records Act (IPRA).

VI. DEFINITIONS:

RECORDS: Any paper, documents, electronically stored information or documents, audio or video information, or photographs.

VII. POLICY:

It is the policy of the Police Department to fully comply with the provisions of the Freedom of Information Act (FOIA) and the Inspection of Public Records Act (IPRA).

VIII. PROCEDURE:

A. REQUEST FOR RECORDS:

When requests for records are received by a designated custodian of records maintained by the Truth or Consequences Police Department, the provisions of the Freedom of Information Act and/or the Inspection of Public Records Act are to be complied with in determining the release of such records.

B. RELEASE OF RECORDS:

In determining whether the release of information contained in criminal justice record is contrary to the public interest, the custodian will weigh the legitimate privacy interest of any individual named in such record against the public's right to know and in accordance with New Mexico's Inspection of Public Records Act (IPRA) 14-2-1 NMSA. In deciding this issue, the custodian will consider the following:

1. Whether disclosure of the information would unduly interfere with the individual's privacy interest.
2. Whether there is a compelling public interest to access the information.
3. Where the public interest compels disclosure of otherwise protected information, how the disclosure may occur in a manner least intrusive with respect to the individual's privacy interest.

C. NON-RELEASABLE RECORDS:

When it is determined that some or all the requested record(s) cannot be released for any reason, the custodian will document the reason(s) and provide the documentation to the Chief of Police. The Chief will make the final determination on whether the record(s) will be withheld from release. The Chief or his designee will maintain documentation on any record(s) that is withheld from release.

IX. RELEASE OF INFORMATION

A. In cases of a death, the name of the deceased shall not be released by department personnel until next of kin has been notified.
B. Release of information will be following the Inspection and Release of Public Information Act (IPRA) 14-2-1 NMSA.
C. All employees shall familiarize themselves with the Inspection and Release of Public Information Act to ensure any release of information meets those guidelines.
D. If any questions arise concerning the release of certain information, the Chief of Police shall be contacted.

X. MUTUAL OPERATIONS

A. Any request for information on incidents involving actions initiated by another agency is referred to that agency.
B. Incidents initiated by the Department with assistance from another agency are handled under the provisions of this policy.

XI. CHANGES IN NEWS MEDIA POLICY

The Public Information Officer meets periodically with members of the news media to discuss any changes and to request input.

XII. FEE SCHEDULE (Records)

A. Fees established by the City of Truth or Consequences for the release of reports:

    1. $1.00 per page Accident and Incident Reports.
    2. $1.00 per page Faxed or Mailed Reports
    3. $1.00 Immigration Reports and Criminal History Background

B. Other limits may apply. Officers should not release reports or accept money. Records department will handle these releases.
C. These reports will be released officer hours:

    1. Monday-Friday (excluding holidays)
    2. 0800 a.m.-0500 p.m.
    3. Accident reports will have 5-day processing.

	Policy Name:	**VICTIM/WITNESS SERVICES** **POLICY #: TCPD24A** **NMMLEPSC Standard ADM24.01-24.04**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

Victims deserve support and fair treatment and since the officer may be the initial source of protection for a victim, the manner in which they are treated affects their willingness to assist in prosecution and their immediate and long-term ability to cope with crime.

Because we are dependent upon the aid of victims and witnesses to hold the criminal accountable, we must ensure that they receive professional handling consistent with their important role.

II. ANNUAL ANALYSIS

A. The Truth or Consequences Police Department shall have on hand the Human Resources Networking Guide. This is a listing of available services in Sierra County which may meet the needs of victims/witnesses with whom we come into contact.
B. On an annual basis, the Police Department will be responsible for conducting a survey to determine whether additional services have been added and whether the Truth or Consequences Police Department should provide any additional services.

III. TRAINING

A. It is the responsibility of the Training Officer to ensure that newly hired employees receive training to include the specific rights of victims, as well as our response to them.
B. Additional, on-going training shall be provided to first responders. This training may cover existing laws with annual updates and information included in the Human Resources Networking Guide.

IV. VICTIMS RIGHTS

A. It will be the responsibility of the assigned officer to re-contact the victim/witnesses (as defined in the Victims of Crime Act) to schedule line-ups and interviews at the convenience of the victim/witness when applicable.
B. It will also be the responsibility of the assigned officer to determine whether any property taken is needed for evidentiary purposes so that it may be returned to the victim/witness as soon as practical.
C. In the event an arrest is made in a case (as defined in the Victims of Crime Act), the assigned officer will be responsible for contacting the victim to notify them an arrest has been made.
D. The Truth or Consequences Police Department realizes that a victim's willingness to cooperate may be thwarted by threats and intimidation. The Truth or Consequences Police Department will provide appropriate assistance based on available resources to victims/witnesses whom have been threatened or intimidated, including filing of additional charges, if applicable, against the offending party.

V. VICTIM-WITNESS INFORMATION

A. As part of a preliminary investigation, members of the Truth or Consequences Police Department will provide information regarding applicable services and advising the victim on the procedure to follow if they are threatened or intimidated.
B. The officer is required to provide victims/witnesses with a card which contains officer's name, call number and follow-up phone numbers.
C. The officer will provide victims/witnesses information on obtaining emergency protective orders if necessary. The emergency protective order is valid for 72 hours. The officer must obtain a written statement from victim and prepare a police report before contacting the Judge. The officer will contact the District Court Judge or his Administrative Assistance. Both the officer and the victim will be required under oath to disclose information in both the police report and the victim's statement. At this time, the District Court Judge will make a ruling as to whether the emergency protective order is issued. The emergency protective order is designed to protect human life.
D. Officers who are responding to victims/witnesses will make arrangements for victims/witnesses to go to safe places and/or medical facilities.

VI. POLICE VICTIM ASSISTANCE

A. Safety and Security

1. Officers are responsible for security of the crime or incident scene to protect lives and ensure safety.
2. Officers shall render emergency aid to individuals who have suffered physical injuries, and shall, as soon as possible, summon any necessary medical assistance.
3. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required.

4. In order to reduce fright and promote victim communication, victims should be informed as soon as appropriate that they are no longer in immediate danger.
5. Recognizing that victims often suffer physical and/or emotional shock, officers shall assist them in making decisions and keep them informed of law enforcement actions and requirements.
6. Whenever possible, law enforcement officers should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, or family or departmental clergyman join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.

B. Providing Emotional Support

1. In order to calm and assist the victim in regaining composure, officers shall:

   a. Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.
   b. Express empathy for the victim and recognition and understanding for emotional reactions.
   c. Provide reassurance that the victim's feeling is normal and understandable.
   d. Not be overtly judgmental of the victim's feelings and emotions or the apparent lack thereof, or of victim judgments or actions related to the incident.
   e. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator; and
   f. Emphasize your commitment and that of the department to assist and work with the victim.

C. Information and Referral

1. Before leaving the scene, it is important that officers take the steps necessary to meet victim's needs for support and information. These include:

   a. Providing a brief overview of what actions will be taken shortly thereafter, and answering such questions as, "Will a criminal investigator contact the victim?", "Will evidence technicians be used at the scene?", "Will lineups or show ups be held?", and "What other law enforcement actions will be taken?"
   b. Providing information on victim service agencies available in the community; and
   c. Leaving names and telephone numbers where the victim can reach the officer or the criminal investigator at the department, and encouraging the victim to use the number to report additional information about the incident or to request information or assistance.

D. Follow-up

1. Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victims' survivors. Therefore, officers assigned to criminal investigations shall make routine victim call-backs in order to determine whether the victim has new information concerning the case, to ascertain whether the victim is in need of assistance from outside sources or the department, and to relay information relating to such matters as

    a. the status of stolen, recovered or removed property;
    b. the arrest and detention of suspects, and their pretrial release status;
    c. the victim's possible eligibility for victim compensation;
    d. court restraining orders;
    e. court proceedings and schedules; and
    f. the operations of the department and the criminal justice system.

VII. CARE BEARS

If a member comes into contact with a child victim/witness (normally under the age of 13) whom has been involved in a traumatic incident, the member may give the child a "Care Bear" stuffed toy.
A supply of "Care Bears" will be maintained in the patrol room.

A. At the discretion of the officers, a "Care Bear" may be kept in their unit.

VIII. DEATH/INJURY TO A MEMBER OF THE DEPARTMENT

The Truth or Consequences Police Department believes it is their responsibility to provide liaison assistance to the immediate survivors of a member who dies in the line-of-duty, whether feloniously or accidentally, while an active member of the department and to family members of those who are injured while in the line-of-duty. This includes prompt notification, the clarification and comprehensive study of survivor benefits, and to provide tangible and intangible emotional support during this traumatic period of readjustment for the surviving family.

A. Notification

1. The name of the deceased or injured officer should not be released to the media before immediate survivors living in the area are notified.
2. Notification shall be made in person by the Chief of Police or his designee along with the police chaplain.
3. **The survivors should then be transported via police vehicle to the hospital.**

4. If young children are known to live at home, arrangements should be made for their care by the informing officer.
5. A ranking officer should be present the entire time the family is at the hospital.

B. Data Sheets

1. In order to assist members of this department with notifications, each member will complete a new Data Sheet in conjunction with their Performance Evaluation.

    a. This form allows officers to provide information which may be essential in the event of a line-of-duty death or serious injury.
    b. The form will be reviewed by the officer in conjunction with the Annual Performance Evaluation and any revisions made. It may be updated at any other time as deemed necessary by the officer.
    c. If an officer leaves the employment of the Department, the form shall be returned to them at their request.

A. Liaison

1. At the earliest possible time, the Division Commander of the deceased member shall appoint a liaison from the department.
2. The liaison is not a decision-making position, but a facilitator between the family and the Department.
3. This liaison's responsibilities will include the following:

    a. ensure that the needs of the family come before the wishes of the department;
    b. the needs of the family are met;
    c. assist with handling funeral arrangements and any available benefits;
    d. be provided with updates regarding any investigations to provide information to the family and be available to the family throughout this time. This information shall be provided prior to any press releases.

4. The liaison is responsible for keeping the family informed of all new developments if a criminal investigation surrounds the death, prior to any news release.

B. Debriefing

1. A Critical Incident Debriefing shall be held after the death.
2. One debriefing will be held for those individuals who may have been directly involved in the incident.
3. A second debriefing shall be held for those members of the department who wish to participate.

C. Media Relations

1. Under no circumstances should the family be placed in the position of responding to questions from the media.
2. Questions from the media will be handled by the Department's Public Information Officer or other designee.
3. In the event that the family should decide to accept an interview, the Public Information Officer should attend and 'screen' all questions presented to the family so as to not jeopardize upcoming legal proceedings.

IX. CHAPLAIN TO THE DEPARTMENT

A. The Department has found it helpful to have trained local clergy designated as volunteer chaplains to the Department. This service is not only for members of the Department and their families, but also to be used, when appropriate, to assist employees in their duties.
B. The Department has designed the program to provide tremendous flexibility to officers to meet the needs of victims as occasions arise and community needs change. However, the duties of the chaplain may include, but not be limited to, the following:

C. Death notification;

1. Serious injury to a Department employee/family member;
2. Counseling;
3. Consultations
4. Educational Resource.

D. Chaplains to the Department are not commissioned, sworn officers but must be **fully credentialed members of the clergy serving in a local congregation.**
E. It will be the responsibility of the officer investigating an incident to request the assistance of the chaplain when appropriate. The Communications Center will have the telephone numbers of the chaplains available.
F. The Department will provide funding for appropriate training and updating for the anticipated duties which may be provided through governmental or denominational entities. In addition, training through ride-a-longs is encouraged.
G. The Chaplain program will be evaluated every two years, in conjunction with the analysis of victim's needs and/or services which are available.

	Policy Name:	**COMMUNICATIONS** **POLICY #: TCPD25A** **NMMLEPSC Standard ADM25.01-25.10**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

Effective communication in the operation of the Department is a vital element of law enforcement and plays an important role in officer safety. All radio transmissions are recorded, and improper radio usage is grounds for disciplinary action. It is imperative that all employees conduct themselves as professionals while utilizing the communications system. This order is intended to ensure that every step is conducted in an effective, proper, and professional manner.

II. RADIO COMMUNICATION RESPONSIBILITY:

Central Dispatch will be responsible for the daily communication function for the Truth or Consequences Police Department.

A. The Central Dispatch supervisor will be responsible for:

1. Radio communication
2. Teletype and automated data communication
3. Alarm monitoring
4. 911 operation center
5. 24-hour service

B. Record of Calls (ASYST)

1. Control number
2. Date and time of request
3. Name and address of complainant (if possible)
4. Type of incident reported
5. Location of incident reported
6. Identification of officer(s) assigned as primary
7. Time of dispatch
8. Time of officer arrival

9. Time of officer return to service
10. Disposition or status of reported incident
11. Obtain vehicle and suspect information

III. RADIO OPERATIONS

A. Any radio operations conducted by members of the Department will be done in accordance with Federal Communications Commission (FCC) procedures and requirements.
B. All members of the Department, with a need, have a unique number assigned for radio communications and will utilize this number when calling dispatch. Units should not continue transmission until acknowledged by the dispatcher.
C. Each member of the Department shall notify communications personnel when their status changes (i.e., traffic stops, arrival at a scene, completion of assignment, etc.). When doing so, plain text will be used and the information brief. If the need arises for extended information a telephone will be used.
D. When checking out at a business, always give a street address if possible.
E. Officers investigating incidents who find that the location or nature of the call is different from that originally dispatched are to notify the dispatcher of the correct information.
F. Officers should listen to make sure the frequency is clear before transmitting.
G. Communications with outside agencies will be done in plain text.
H. The on-duty patrol supervisor may assign the number of officers to respond to an incident and will determine later if fewer or more officers are needed.
I. On-duty supervisor will respond to any major incident for the purpose of assuming command.
J. Officers shall not engage in debates or argue with the dispatcher concerning an assignment. Conflicts of this nature are routed to the employees' immediate supervisor who clarifies the issue to the best of their ability.
K. All officers will maintain a professional attitude and language.
L. The Communications Center can communicate on an Inter-city channel and relaying information to local units and vice-versa.

IV. EMERGENCY SITUATIONS

A. Transmissions regarding emergency situations, pursuits, and serious crimes in progress shall be given priority over all other transmissions. Units not involved in the emergency shall stay off the radio until the situation has been resolved.
B. Units not involved in the emergency will limit radio communications to emergency use only and may be advised to change to another channel.

V. EMERGENCY MESSAGES

Messages are accepted for delivery if it is determined that the caller has exhausted all reasonable means to contact the person.

A. Emergency messages may include:

1. Death notification
2. Serious illness or injury
3. Other messages of an emergency nature
4. Checking the personal welfare of citizens
5. Messages from other law enforcement agencies or public agencies.
6. Separated or overdue motorists

B. Non-emergency messages are not accepted for delivery unless approved by the on-duty supervisor.
C. Officers shall take all necessary steps to deliver emergency messages to the appropriate person. In the event personal contact is not made, the officer will leave a note detailing the appropriate information for the person to be contacted. The note contains:

1. The officer's name
2. The time and date of delivery
3. TCPD Call Number
4. The person's name the message is for
5. The phone number, name, and address of the person to be contacted.
6. A short message, if appropriate.

D. The officer shall notify the Dispatcher of the actions taken to deliver the message.

VI. RECORDED TELEPHONE AND RADIO TRANSMISSIONS

A. Retention of audio records are maintained for five (5) yrs.
B. The audio records will be secured, handled, and maintained by the Communications Supervisor.
C. Access to secure recordings is limited to law enforcement officers, District Attorney's Office and available only through the Chief of Police.

VII. TELECOMMUNICATIONS OFFICER RESPONSIBILITY

The Telecommunication Officer will be employed as a member of Central Dispatch and is monitored by the appropriate board. The person selected is an employee of Sierra County Regional Dispatch Authority (SCRDA), as are all communication personnel.

A. Communication personnel will have immediate access, supplied by the Truth or Consequences Police Dept. to the following:

1. Officer in charge
2. Duty roster of all personnel
3. Phone number of all department personnel
4. Visual maps detailing the service area, i.e., County and city

5. Notification book for emergency contacts numbers
6. Tactical Dispatching Plans

B. Security for Communications Center

1. The Communication Officer and the appropriate board will establish and be responsible for the following:

    a. Protecting Communication equipment
    b. Alternate Power Source

	Policy Name:	**RECORDS** **POLICY #: TCPD26A** **NMMLEPSC Standard ADM26.01-26.12**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/19/2022** **Revision Date: 12/05/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the Records Section of the Truth or Consequences Police Department as part of normal department operations.

II. DEFINITIONS

A record is defined as any report, paperwork, associated document or file generated by members of the Truth or Consequences Police Department during the course of their duties and normally maintained in or by the Records Section, or documents generated by other criminal justice agencies when the original of such documents is maintained physically in or by the Truth or Consequences Police Records Section, including, but not limited to:

A. Case File: A file maintained in numerical sequence and consisting of a Criminal Incident Report, an Intelligence Report or a Crash Report.
B. Confidential Record: A record which has been reviewed by a supervisor and determined to contain information that reveals confidential sources, methods or information, (as described in State Law) and has been marked Confidential by that supervisor.
C. Criminal Incident Report: A report prepared when a prima facie showing of a violation of State or Municipal law occurring within the jurisdiction of the Truth or Consequences Police Department is presented.
D. Intelligence Report: A report prepared when the circumstances of an event:

1. constitute a violation of criminal law occurring outside the jurisdiction of the Truth or Consequences Police Department;
2. violation of Federal Law;
3. any other event requiring more documentation than is provided by a Record of Call (Call sheet list); and
4. any other event where this type of report is specified by policy or directive.

E. Arrest Report (AR): A report prepared when a person is arrested for a violation of criminal law or pursuant to a valid arrest warrant.
F. Arrest Record/File: The numerical file assigned to an individual upon their first arrest, containing, as a minimum, the original Arrest Report (or intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
G. Protective Custody 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)
H. Supplement: A report prepared subsequent to, or in addition to, the original report (by the same officer or other officers) that presents data not contained in the original report or case status updates.
I. Crash Reports: State mandated reports documenting the collision or other involvement of motor vehicles as required by law.
J. Traffic Citations (UTC for moving violations, DI for DWI violations): A document issued to motorists for the violation of a traffic or related law.
K. Criminal Citation: A document issued in lieu of physical arrest for violations of certain petty misdemeanor criminal laws, as provided by law.
L. Field Interview Card (FI): A report prepared to document officer/citizen contact that does not warrant another type of report.
M. Warrants: Court issued documents authorizing the physical arrest of particular persons for specific violations.
N. Adjunct Records: Reports and records generated internally by the Police Department, but under the control of the Communication Center, including, but not limited to: logs of radio, teletype and telephone transactions maintained for varying periods of time (includes audio tapes). NOTE: Requests for copies, review or other disclosure are governed under Subsection XIV.
O. Citizens of Truth or Consequences have a right and a responsibility to report crimes to the Truth or Consequences Police Department. Citizens have a right to file a formal complaint against officers who fail to handle citizens' concerns.
P. An officer will respond to all calls for service and take proper action or investigate all leads to ensure whether a crime has been committed. (Officers will not refuse a call for service.) All calls will be answered in a timely manner.

III. TYLER/ENCODERECORDS SYSTEM

A. The TYLER/ENCODE records system is compatible with the New Mexico Department of Public Safety criminal records system for Uniform Crime Reports.
B. Officers have 24-hour access to the Truth or Consequences Police Department Records system
C. The Truth or Consequences Police Department records system automatically flags juvenile arrest reports so they are not filed with adult offenders.
D. TYLER/ENCODE maintains an alphabetical master name index which cross references all documents in which a person has been named.
E. TYLER/ENCODE will maintain the following:

    1. Incidents by type

2. Incidents by location
3. Stolen, found, recovered and evidentiary property files
4. Record of call file
5. Arrest files
6. Addresses/locations
7. Crashes
8. Citations
9. Personnel data sheets
10. Numbering system for incident files

IV. FIELD REPORTING REQUIREMENTS

A. Officers are required to submit the following reports

1. Offense reports
2. Supplemental
3. Traffic crash
4. Arrests
5. Evidence forms
6. Intelligence reports/Protective Custody
7. Animal bite reports/ ACO enforcement reports
8. Towed vehicle

B. All field reports will be typed into Truth or Consequences Police Department records management system and will be approved by a supervisor and submitted as a record.
C. All traffic crash reports will be written on the NM Crash Report utilizing either Traffic and Criminal Software (TraCS) or TYLER/ENCODE cover sheet, which will be submitted to a supervisor for approval within 72 hours. The Records Section will submit a typed copy of the crash report to Santa Fe and maintain the original.

V. RECORDING ARREST INFORMATION

A. Each arrest will be submitted into TYLER/ENCODE under the appropriate case number.
B. Each person will be photographed on all felonies, misdemeanor and on all warrants where the original charge is a felony or misdemeanor.

VI. MAINTAINING A WARRANT AND WANTED PERSONS FILE

A. Warrants are obtained from the following:

1. Federal Court
2. District Court
3. Magistrate Court

4. Municipal Court

B. Communications Operator will stamp the warrant with "Received" stamp and fill in with date and name of person receiving warrant.
C. Communications Operator will fill out Warrant NCIC Entry Form/Cancellation form
D. Communications Operator will enter the warrant into NCIC.
E. Communications Operator will obtain a Triple I.
F. All warrants which do not fall under the NCIC guidelines will be placed on a local warrant list.
G. The warrants and the above information will be placed in a file folder and filed alphabetically in Communications Center.
H. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant, a faxed copy will be received from originating jurisdiction.
I. The notification/cancellation form will be signed by the arresting officer or communication officer. The communications operator will remove the warrant from NCIC, and file the notification/cancellation form.
J. When the Communications Operator receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.
K. Officers have 24 hours access to the warrant list, NCIC information, and NMCIC Information.

VII. RECORDS RETENTION SCHEDULE

The Truth or Consequences Police Department will follow the legal requirements for the State of New Mexico.

VIII. RECORDS CONSIDERED PUBLIC RECORDS, GENERALLY:

A. All records contained in case files maintained by the Records Section 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". Arrest records/files are covered later in a specific section. Records defined as "ADJUNCT RECORDS" will be screened by the Chief of Police or his designee prior to release to ensure that legally defined confidential material is not included in the release.

IX. RECORDS CLOSED TO THE PUBLIC

Laws of the State of New Mexico provide that certain records are closed to public access and review. Records will be made available to the public in accordance with State Statue 14-2-1 NMSA.

X. SEALED RECORDS POLICY

It is the intent of this policy to establish procedures for the court ordered sealing of records on current or prior offenders which are maintained by the Records Section of the Truth or Consequences Police Department.

A. Definitions

1. Arrest Records/Files: The numerical file assigned to an individual upon their first arrest, containing at a minimum, the original Arrest Report (or the intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
2. Sealing of Records: Action taken by the Truth or Consequences Police Department Records personnel to prevent the inadvertent or intentional disclosure of criminal information ordered sealed by a court. Sealing does not mean the expungement or destruction of such information.
3. Expungement: The physical destruction of any said records. Truth or Consequences Police Department records that are sealed are not destroyed.

B. Procedure

1. The individual requesting a record/file be sealed must have the case evaluated by District Court or other court having jurisdiction.
2. Once a copy of the original District Court order has been received the following steps will be taken:

    a. All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
    b. The criminal incident report associated to the arrest being sealed is stamped “confidential” and a copy of the District Court Order is placed in the criminal incident report folder.
    c. A notation is marked in the computer indicating the record/file has been sealed. The original arrest charge(s) is replaced to reflect the charge(s) “Sealed by District Court Order”. The original statute number(s) is replaced to reflect 88-88-88, indicating sealed.
    d. Truth or Consequences Police Department Records will send a letter to District Court within thirty (30) days stating all records/files have been sealed in compliance with the court order. A copy of the letter is sealed in the manila envelope along with the original records.
    e. The original Truth or Consequences Police Department Records that was ordered sealed, along with the compliance letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the records clerk sealing the record/file will be written over the taped seal.
    f. A notation will be made on the outside of the manila envelope “DO NOT OPEN PER COURT ORDER”.

g. The copy of the court order is taped to the front of the manila envelope containing the sealed documents.
h. The sealed record/file is maintained by the Records Section, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor.

C. The same procedures are followed for Adult and Juvenile records/files. The record/file is only sealed by an order for a District Court or other court having jurisdiction.
D. Sealing the fingerprints and criminal histories:

1. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (Triple I/rap sheet).
2. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.

E. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.

XI. OPENING "CONFIDENTIAL" RECORDS

The Truth or Consequences Police Department recognizes that certain "confidential" records may lose their statutory protection as the record ages or other events occur.

A. If a file marked "confidential" is requested, the person receiving the request shall have the report reviewed by the Division Commander of the division originating the report.

XII. ACCESS TO RECORDS BY OTHER AGENCIES

A. Records Available to Certain Agencies for Criminal Justice Purposes
B. Records maintained by the Records Section of the Truth or Consequences Police Department shall be provided, upon request or by policy, to other law enforcement agencies, criminal justice agencies or other lawfully authorized agencies for criminal justice purposes. 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 Administrator or by teletype. Note: Children, Youth and Families is not considered Law Enforcement

C. Telephone and Fax Requests Telephone requests by other agencies will be honored only if the Records Section Employee is certain the call originates from that agency. If this is not known for certain, the request will be refused and the requestor asked to submit the request through the law enforcement teletype or radio systems for verification of the agency identity. FAX requests on letterhead stationery of the agency will also be honored.

XIII. RECORDS SECURITY

A. Statement of Policy

The Truth or Consequences Police Department declares that an orderly system for the release of records requires that employees release record information only in accordance with specific policy. Information contained in records maintained in the Records Section shall only be released to persons outside this department in accordance with the specific provisions of this policy. Therefore, no employee shall divulge the contents of any police record except as herein provided. EXCEPTION: Records Section personnel may release information contained on the Record of Calls to the news media. Requests for more information than what is contained in the Record of Calls shall be directed to the Chief of Police or designated Public Information Officer.

B. Removal of Original Records from the Records Section

The original of all records shall remain in the custody of the Records Section. When personnel need reports for court or other purposes, copies will be provided by Records Personnel through the authorized procedure. Records released to the public under these sections will similarly be done by copy. Specific approval of the Custodian of Records must be obtained before originals may be removed from the Records Section (Records Section supervisors are authorized to check out case files for officers' use in court when the case file is lengthy and would require extensive copying).

C. In order to maintain the integrity of the computerized records, only authorized employees have access through the use of user names issued by Computer Operations. An annual audit of the central records system is completed by Computer Operations for verification of passwords, access codes or access violations.

XIV. INSPECTION OF/OBTAINING COPIES OF PUBLIC RECORDS

A. Public Records Open

All records designated as "Public Records" are open for inspection by the public during posted business hours of the Records Section. Copies of "Public Records" may be purchased by the public pursuant to the posted fee schedule. Prior to

records being inspected or copies being purchased, a "Request to Inspect" form will be completed. After completion of the form, it will be placed in the report folder.

B. Inspection Process

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 Clerk or by purchasing copies.

C. Purchase of Copies of Public Records

Copies of Public Records may be purchased from the Records Section during posted business hours.

D. Copies to be Stamped

All copies of records released pursuant to this policy shall be stamped with one of three Stamps maintained in the Records Section: all arrest record reports shall be stamped with the stamp designated for that purpose (see RELEASE OF ARREST RECORD INFORMATION section for exceptions); and all other copies of reports shall be stamped with the stamp reading:

"This is a copy of a document maintained by The Records Section of The Truth or Consequences Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws."

XV. RELEASE OF ARREST RECORD INFORMATION

A. Statement of Policy & Content, Arrest Record Information

Arrest Records Files maintained by the Truth or Consequences Police Department Records Section are the original record of all arrests made by Truth or Consequences Police Personnel, and certain other agencies. Copies of records from other agencies (dispositions from courts, reports from other agencies, etc.) are often obtained and included in Arrest Records Files. The original of those documents are retained by the originating agency. Therefore, the Truth or Consequences Police Department makes no certification of the accuracy of the information contained in any document in any file that is not originated by the Truth or Consequences Police Department. Such copies should be considered as "informational" only and questions concerning them should be directed to the originating agency.

B. Written Request/Authorization Required

A standard form for requesting arrest record information will be maintained in the Records Section and will be available to persons requesting such information. Requests on forms other than TCPD forms will be honored as long as they meet the

content requirements set forth elsewhere in this section. 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. Release of Arrest Record Information

Arrest record/file information contained in the Truth or Consequences Police Department Arrest files may be released under the following conditions:

a. Criminal Justice Agencies:

Arrest record information may be provided 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". Public and private defenders are not authorized, except as indicated below and should be directed to contact the District Attorney to obtain the records, Children, Youth and Families is not considered a law enforcement agency.

b. Individuals:

Arrest records may be examined and copies obtained by the person named in the particular record, or by their counselor or their agent, provided:

i. the person produces verification of identity by one or more of the following:

1. government issued picture I.D.;
2. comparison of arrest file identifiers with the person (fingerprints, handwriting, photos, identifying marks, etc.);
3. 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; or
4. personal knowledge of the person by Records Section or other police personnel.

ii. provides to their counselor agent a written and 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.); or

iii. by mail, provided the requestor submits notarized proof of identity as specified in (1) and/or notarized authorization for release to attorney/agent as specified in (2).

D. Information Supplied on Request

Persons submitting valid requests for arrest record information will be provided with arrest information contained in Truth or Consequences Police Department arrest files concerning arrests where they were arrested by the Truth or Consequences Police Department and our Records Section maintains the original

reports of the event. No NCIC Interstate Identification Index (III) or other records provided to anyone not employed by a legitimate criminal justice agency and under the provisions of preceding sections.

E. Official Copies to be Stamped

All copies of arrest records or any other document containing arrest record information, other than the standard request form that is provided by the police departments, shall be marked with a stamp containing information on the ARREST RECORDS INFORMATION ACT (this information is incorporated on the standard request form). Copies of Arrest Records or printouts that do not have the Arrest Records Information Act Stamp affixed or statement included are declared to be illegal copies obtained outside the provisions of this policy.

a. Psychological and Detoxification Records Handled Separately

Mental Evaluation detentions and Detoxification detentions will not be included with Arrest Record reports. Persons wishing to obtain records of these types of detentions must apply specifically, in writing to the Records Administrator, for these records and must meet all of the above identification requirements.

b. Computer Records Used

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 TCPD records) will be given to the person requesting. If copies are requested, the standard copy charge will apply.

c. Challenges to Contents of Arrest Records/Files

Persons believing their arrest record contains incomplete or inaccurate information shall be directed to contact the Records Administrator to initiate a challenge to the content of the record as provided by law (29-10-8, NMSA 1978)

XVI. NCIC AND OTHER TELETYPE CRIMINAL HISTORIES (Refer to NCIC Policy also)

1. Dissemination Limited

The dissemination of NCIC Interstate Identification Index (Triple I) records is limited to criminal justice agencies by law. All transfers of NCIC III returns will be done by printed copy and the receiver must sign the NCIC III log.

2. Non-NCIC Criminal History Checks

Criminal history checks obtained from other sources (commonly called IQ, FQ & AQ) via teletype shall be handled in the same manner as for NCIC III information, except that the receiver does not have to sign for the printed copy.

XVII. OTHER TELETYPE RECORDS CONFIDENTIAL: (Refer to NCIC Policy also)

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 Commander or higher (excludes all NCIC, which is covered above). For the purposes of this section, teletype records include, but are not limited to: vehicle registration checks, driver's license checks, informational teletypes, etc.

XVIII. ACCESS TO ADJUNCT RECORDS (as defined in Subsection IIP)

These records are an indispensable source for criminal and internal investigations and training. Audio recordings of radio and telephone transmissions are maintained per the adopted retention schedule and maintained in the Communications Center. Only Communications Personnel will access these recordings.

1. Requests from an outside agency or entity must be submitted in writing for specific adjunct records. This request will be forwarded to the Communications Supervisor.

a. Any requests should specify the date, approximate time and location, incident or personnel involved.
b. A copy of the request will be placed in the case file, if applicable, with the original request being forwarded to the Communications Supervisor.

2. Requests from Department personnel must be submitted in writing for specific adjunct records. This request may be forwarded directly to the Communications Supervisor for retrieval.

a. These requests should be limited to that information needed for legitimate business use, including internal or criminal investigations and training.
b. A copy of the request will be placed in the case file, if applicable, with the original request being forwarded to the Communications Supervisor.

XIX. ACCESS TO POLICE RECORDS POLICY REFERENCES

1. New Mexico Statutes, Annotated, 1978 Comp.

a. **Inspection of Public Records Act, 14-2-1 TO 14-2-12.** (1993 Revision)
b. **Arrest Record Information Act, 29-10-1 TO 29-10-8.**
c. **Mental Health Act. 43-1-19.**

2. **National Crime Information Center** (NCIC)
   Operating Manual
   a. "System Security", Intro., Section 1.6
   b. "Interstate Identification Index", Part 10
   c. "Who May Access System", Section 2, Para. III.

3. **New Mexico Law Enforcement Telecommunications System (NMLETS) Operating Manual "System Security" Section.**

	Policy Name:	**SEX OFFENDER REGISTRATION** **POLICY #: TCPD27A** **NMMLEPSC Standard ADM27.01**
Effective Date: 01/25/2023 *Approved by the City Commission on this date*		**Reviewed Date: 12/20/2022** **Revision Date: 12/05/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The Truth or Consequences Police Department holds the safety of each citizen as our standard for the conduct of our agency. To provide the most effective and efficient service in regards to the Registry and Notification of sex offenders within the City limits, we establish the following policy and procedures.

II. POLICY AND PROCEDURE

State statute (29-11A5.1. A-C) regulates the following criteria for the Municipality Chief Law Enforcement Officer:

A. The Chief Law Enforcement Officer of a municipality in which a sex offender resides will:

1. Receive, from the Sheriff, the registration information for said sex offender.
2. Shall provide, within seven days, that information to any person requesting registration information.

    a. This will exclude the Social Security Number and DNA information of the registered person.

B. The personnel of the Truth or Consequences Police Department will make every attempt to comply; however, to benefit the efficiency of the program. Our initial response to such requests will be to formally inform the requestor that the Sierra County Sheriff's Department is the Local Register and maintain more inclusive records. Also available, for public view is the New Mexico Department of Public Safety web site which is the Central Registry. Therefore, it may be more viable to utilize these resources.

1. If for any reason the requestor is unable to utilize these resources, the Truth or Consequences Police Department **will** obtain the appropriate information and provide this to the requestor.

Policy Name: SOCIAL MEDIA/SOCIAL NETWORKING POLICY **Policy#-TCPD 28A** **NMMLESPSC Standard: Not Applicable at this time**	
Effective Date: 01/25/2023 *Approved by the City Commission on this date*	**Reviewed Date: 12/20/2022** **Revision Date: 12/05/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

The purpose of this policy is to outline expectations of officers with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of this department.

II. POLICY

Officers shall not use any form of social media or social networking, including: Facebook, Twitter, Snap Chat, Instagram, My Space, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, Usenet groups, online forums, message boards or bulletin boards, blogs and other similarly developed formats, in any way so as to tarnish the department's reputation. As officers of this department, you are embodiments of our mission. It is vital that each officer accept their role as ambassadors of the department, striving to maintain public trust and confidence, not only in their professional actions, but also in their personal and online actions. Any online activity that has the effect of diminishing the public trust and/or confidence in this department will hinder the efforts of the department to fulfill our mission. By virtue of your position of peace officer, you are held to a higher standard than general members of the public, and your online activities should reflect such professional expectations and standards. Any online actions taken that detract from the mission of the department or reflect negatively on your position as a peace officer, will be viewed as a direct violation of this policy.

III. DEFINITIONS

For the purpose of this policy, the following definitions apply:

A. Social Media: a variety of online sources that allow people to communicate, share information, share photos, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform.
B. Social Networking: using such Internet or mobile formats as Facebook, Twitter, Snap Chat, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, Usenet groups, online forums, message boards or bulletin boards, blogs and other

similarly developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skill, occupation, ideology, beliefs, etc.

C. Mobile Social Networking: social networking using a mobile phone or other cellular based device.
D. Internet: a computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange
E. World Wide Web: computer network consisting of a collection of Internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol.
F. Blog: a series of entries, written by either one person or a group of people, in an Online journal, usually posted in chronological order, like a diary. Blogs can allow comment on entries or not.
G. Blogging: to read, write or edit a shared Online journal. Blogging can also encompass the act of commenting-and engaging with other commenter-on any blog, including one operated by a third party.
H. Post: an item inserted to a blog or an entry to any type of computerized bulletin board or forum.
I. Posting: the act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
J. Forum: An Online discussion site.
K. Comments: responses to a blog post, news article, social media entry or other social networking post.
L. Commenting: the act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
M. Avatar: a computer user's representation of himself/herself, or an alter ego.
N. Identity: An Online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.
O. Handle: the name of one's Online identity that is used most frequently. It can also be the name of one's Twitter identity.
P. User Name: the name provided by the participant during the registration process associated with a Web site that will be displayed publicly on the site.

IV. RULES AND REGULATIONS

A. Officers are prohibited from using department computers or cell phones/devices for any unauthorized purpose, including participation in social media or social networking.
B. Officers are prohibited from using any social media or social networking platform while on duty, unless permission is granted for investigative or public information purposes.
C. Unless granted explicit permission, officers of this department are prohibited from posting any of the following on any social networking platform, either on them

own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

1. Any text, photograph, audio, video, or any other multimedia file related to any investigation, both current and past, of this department.
2. Any text, photograph, audio, video, or any other multimedia file related to any past of current action of this department.
3. Logos, badges, seals, uniforms, vehicles, equipment or any item or symbol that is affiliated with this department.
4. Any item, symbol, wording, number, likeness or material that is identifiable to this department.
5. Any text, photograph, audio, video, or any other multimedia file that is related to any occurrence within the department.

D. Officers who choose to maintain or participate in social media or social networking platforms while off duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the department or its mission. In the course of operating that will not reflect negatively upon the department or its mission. In the course of operating or participation in such venues, the following rules shall apply:

1. Unless explicitly granted permission by the department, officers shall not identify themselves, in any way as an employee of this department.
2. Officers shall not use any reference to infer they are employees of this department during social media or social networking participation or maintenance.
3. Officers will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that identifies the officer as an employee of the department.
4. Officers will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the department.
5. Sexually graphic or explicit material of any kind shall not be posted by the officer on any form of social media or social networking site.
6. Sexually graphic or explicit material posted by others to the officer's social media or social networking sites shall be immediately removed by the officer.
7. Weaponry, owned by this department and/or owned personally or privately, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote or glorify violence.
8. Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the officer's views on the public shall not be detrimental to

the department's mission, nor shall it in any way undermine the public's trust or confidence in this department.

9. Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the officer's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence in this department.
10. Any posting that detracts from the department's mission will be considered a direct violation of this policy.

E. Unless serving as an explicitly permitted tool of public information or community outreach, no officer shall use their rank and/or title in any social media or social networking activity, including inclusion of said rank and /or tile into the officer's online identity or avatar.
F. Officers who are brought under administrative or internal investigation related to their performance, functionality or duties as a peace officer may be ordered to provide the department, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain within the limits allowed by law.
G. Officers who are brought under administrative or internal investigation related to the department's operation, productivity, efficiency morale or reputation, may be ordered to provide the department, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain within the limits allowed by law.
H. If requested, any officer shall complete an affidavit attesting to all the social media and social networking platforms in which they participate or maintain.
I. Any candidate seeking employment with this department shall complete an affidavit attesting to all the social media and social networking platforms in which they participate or maintain. The candidate shall be required to provide the designated background investigator with access to the social networking platforms in which they participate or maintain.

OPERATIONS POLICIES

	Policy Name:	**PATROL** **POLICY #: TCPD 1B** **NMMLEPSC Standard OPR01.01-01.10**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

It is the purpose of the City of Truth or Consequences to provide a professional, effective, and proficient police agency for service to the community. Police provide many different services to the community and it is the responsibility of the personnel here to carry out the expectations of the citizens within lawful reason.

II. PATROL OFFICERS

Personnel within the Truth or Consequences Police Department will be expected to act with the utmost professionalism and efficiency and to do so with minimal supervision.

III. PATROL VEHICLES

The Department's vehicles are essential to an effective police operation. Carefully selected and maintained vehicles have a positive effect on police operations in general and individual officer performance in particular. Emphasis is placed on preventative maintenance, prompt mechanical repair, application of safety standards and obtaining maximum utilization of the available fleet.

Each patrol unit is conspicuously marked and equipped with items to assist in routine daily occurrences. This may include, but not be limited to,

A. a first-aid kit/CPR mask
B. roll-a-tape
C. hand tools
D. fire extinguisher
E. radar
F. video/still camera
G. evidence collection materials
H. sirens

J. emergency lights
K. radio
L. traffic vests
M. flashlights

Unmarked units will be used for traffic enforcement in the event that unusual circumstances arise. All unmarked vehicles which could be used for traffic enforcement will be equipped with siren, radio, and emergency lights.

E. Animal Control and Code Enforcement Officers assigned vehicles will follow the same guidelines and policies as police officers assigned department vehicles.

IV. OPERATION OF POLICE VEHICLES

A. When leaving a department 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. The security of police equipment and confidential material in vehicles will be the responsibility of each individual officer.
B. Regardless of weather conditions, officers shall roll up all windows in police units at the end of their tour of duty.
C. An employee should secure his/her police vehicle while the engine is running. The only exceptions will be if the employee has to exit the vehicle in an emergency situation or on normal traffic violations.
D. In the event an officer moves equipment from one vehicle to another, it is his/her responsibility to replace the equipment or notify his/her supervisor of the change and reason.
E. Only authorized personnel are permitted to operate police vehicles. Authorized personnel consist of police department employees and maintenance personnel while making necessary tests and repairs.
F. Officers operating police vehicles will not utilize electronic devices which may distract the driver, other than the MDT (Mobile Data Terminal) or the radio.

V. USE OF SEAT BELTS

While operating a police vehicle, members of this department will use the installed seat belts. Circumstances may, however, occur in which officer safety issues may outweigh the use of the seat belt (i.e., removing the seat belt just prior to arriving at the scene of an emergency call).

VI. INSPECTIONS

A. Officers will be responsible for inspecting the interior of their assigned patrol units for contraband and weapons during the course of their shift. The vehicle will be inspected as follows:

1. Immediately after transporting person(s) or prisoner(s);

B. Any contraband or weapon(s) found during the inspection prior to starting the shift will be reported to the inspecting officer's supervisor as soon as possible.
C. Shift Supervisors may conduct inspections every month of vehicles utilized by their subordinates to ensure the above procedures are being adhered to.
D. Any officer using another officer's assigned vehicle should return the vehicle back to the assigned officer in a well-maintained condition and all assigned equipment remains in place upon return.

VII. MAINTENANCE

A. Police Department employees assigned a police unit will be responsible for the following:

1. Cleanliness of the interior and exterior of the vehicle
2. Ensuring routine maintenance on his/her assigned department vehicle.

B. Members of this department will be restricted from:

1. Making anything but minor adjustments on any vehicle;
2. Altering the body, general design or appearance of any vehicle;
3. Any equipment or addition shall require written permission from the Chief of Police;
4. Making any repairs or having any repairs made to the vehicle other than at the Service Center, unless emergency circumstances exist;
5. Using fuel, oil, lubricant, or other liquid additives in the vehicles other than those issued at, or authorized by, the Service Center.

C. Willful acts or negligence on the part of employees in the care or operation of vehicles or failure to follow the established policies governing the use of vehicles will be cause for disciplinary action.
D. Problems with the operation or function of the vehicle or vehicle equipment should be reported to the officer's immediate supervisor.

1. When a department vehicle is in need of service or repair, the requesting employee will complete a Work Order with detailed information describing what deficiency was observed or what service is required.
2. The work requested will be authorized by a supervisor.
3. The work order will be left on the dashboard of the vehicle.
4. The vehicle will be parked at the service center on the "repair line."
5. The officer will then request a spare vehicle assignment through the Lieutenant. Keys to this vehicle will only be issued by the Lieutenant along with a Vehicle Inspection Sheet for inventory control purposes. The inspection sheet must be completed and returned to the Lieutenant with the keys to the vehicle once the spare vehicle is no

longer needed. In the event a gas card is required, the gas card will also be assigned to the officer and must be returned with the keys.

E. The Vehicle Maintenance history will be kept by the Service Center. If any questions arise as to the maintenance history of any fleet vehicle, computerized records can be retrieved through the Lieutenant.

VIII. PATROL SHIFT ASSIGNMENTS

A. The Truth or Consequences Police Department will provide continuous patrol coverage during shift changes.

1. Grave shift reports for duty at 1800 hours to 0600 hours
2. Day shift reports for duty at 0600 hours to 1800 hours
3. Swing shift reports for duty at 1200 hours to 0000 hours

B. Shift assignments are at the discretion of the Lieutenant and the Chief of Police. Daily schedules are at the discretion of the Sergeant.

C. Shift supervisors will assign patrol officers to districts on a case-by-case basis, based on criminal activity in a particular district. Under normal patrol functions no districts will be assigned.

IX. VEHICLE ASSIGNMENTS

A. Assigned Police Vehicles

The Department assigns POLICE vehicles to each individual.

1. Increase the number of police vehicles available for response to urgent calls for assistance.
2. Increase the visibility of the police, thereby enhancing the Department's efforts to prevent crime and demonstrating the Department's ability to respond to the needs of the public.
3. Enhance the Department's ability to summon off-duty officers in cases of emergency and have them report directly to sites where needed.
4. Provide improved maintenance of vehicles by placing that responsibility on individual officers.

B. Individual Vehicle Assignments

1. The Department has established a policy of assigning take-home police vehicles to the following positions:

a. All officers will be assigned a take-home unit
b. Officers must reside within 75 miles of the city limits
c. Officers can be assigned any vehicle in the fleet at the discretion of the Chief of Police.

X. USE OF ASSIGNED POLICE VEHICLES

A. On Duty Usage

1. The assigned police vehicle may be kept at the assigned officer's primary residence. The vehicle should be parked in a location to minimize the possibility of damage to the vehicle, yet provide maximum visibility to the public.
2. Assigned police vehicles may be driven for any duty assignment. They may also be driven off duty to attend court, department-sponsored training, department meetings or while conducting any legitimate department business, or during off-duty usage as described below.
3. In the event of a shortage of police vehicles, for on-duty use, the supervisor has the discretion to obtain needed vehicles from officers who are off duty and in possession of an assigned police vehicle. The supervisor will attempt to make arrangements with the officer(s) prior to obtaining the vehicle.
4. A police vehicle may be assigned to one officer and a spare key shall be maintained in the key box in the event of an emergency.
5. On-duty officers, unless otherwise authorized, must wear the uniform required by that duty and have all required equipment available in the vehicle. This includes but is not limited to badge, body armor, cuffs, gun.
6. Police vehicles will not run idle unless the vehicle's overhead lights are on.
7. The vehicle should be left secured at all times.

B. Off Duty Usage

Officers are allowed the off-duty usage of assigned units while following the below-listed parameters:

1. Department vehicles can only be utilized for work-related functions, such as court, training, maintenance/cleaning of the vehicle, and for working out. Department vehicles shall not be used off duty for personal business, i.e., errands, visiting others, etc.
2. Off-duty officers must be attired in functional clothing of good taste in the event they are required to perform the duties of a police officer. Off-duty officers must possess a badge, commission card, department-approved handgun, and handcuffs. These items must be carried on the officer's person when exiting the vehicle to perform a police function. Off duty, officers are encouraged to have departmental-issued body armor and portable radios available in the vehicle.
3. Officers are not allowed to transport members of their family unless previously authorized by the Chief of Police.
4. An off-duty officer, operating a police vehicle, may be subject to the requirements of police service.
5. Off-duty officers may respond to the scene of a felony in progress when

close enough to significantly enhance the department's ability to protect life and/or property, or when requested by a supervisor.

6. Off-duty officers may be confronted with other situations wherein police action is warranted. Off-duty officers are encouraged to use discretion when dealing with situations. Officers are expected to follow the law and act within the Rules and Regulations of the Department. In most cases, an on-duty officer should be called to handle the situation.
7. The off-duty usage of the City of Truth or Consequences Police Department unit is a voluntary benefit. Officers are aware that the usage of the unit does not carry monetary compensation unless the officers act in an official capacity.

C. Out-of-Jurisdiction Usage

1. In the event that an officer is traveling out of his jurisdiction and is a witness to an accident the officer is expected to act accordingly in a manner to reduce further risk to the citizens in the area.
2. In regards to witnessing a violation whether it is traffic-related or felonious it is this Department's view that the agency with jurisdiction will be contacted and the officer become a professional witness.

    a. Observing actions.
    b. Deliver accurate descriptions of events and suspects.
    c. The officer will not become involved in arrest actions unless specifically requested by the agency with jurisdiction.

XI. CRASHES INVOLVING POLICE VEHICLES

A. Duties of Employees

Any member of the department who becomes involved in a collision while operating a police vehicle is responsible for making sure the following steps are completed (unless physically incapacitated; it then becomes the duty of the first officer to arrive on the scene).

1. Notify communications of the location of the collision so the Shift Supervisor can be informed;
2. Check all involved parties for injuries and request appropriate medical attention, if necessary.
3. Request that Central Dispatch notify a supervisor as soon as possible.
4. Make no statement or accusations concerning the cause of the collision or guilt of any part to anyone other than the on-duty Shift Supervisor(s) or the officer conducting the investigation.
5. Make sure none of the vehicles involved are moved prior to the arrival of the investigating officer unless public safety mandates they be moved.

B. Duties of Shift Supervisor

1. Upon notification shall confirm that a preliminary response by a Supervisor is being made to protect and preserve the scene and ensure treatment of the injured.
2. Notify the New Mexico State Police or an outside agency if the State Police cannot respond to conduct the investigation.
3. As soon as practical, notify the Lieutenant of the involved employee.
4. Ensure that the Safety Director has been notified of the collision.
5. Respond to the scene and secure the scene until an outside agency arrives.
6. Determine what injuries were sustained (if any) and what treatment was obtained, including information in reports submitted to the Chief.
7. Perform whatever notifications of family are required in the event of a serious injury to the involved police officer; make sure the notifications of family members of any civilians involved are made, if necessary.
8. Responsible for transporting the officer involved to the appropriate facility for a urinalysis.

9. Ensure that all administrative reports are completed in a timely and accurate manner. This may include charge sheets for a towing service on the police vehicle and a "Notice of Accident."

C. Investigations

1. All motor vehicle crashes involving a police vehicle whether on or off-duty will be investigated by an outside agency.
2. All crashes involving police vehicles whether on or off-duty will require a written report to be generated by the outside agency.
3. An officer of the Department will be required to take photographs of the crash scene for Department use only.
4. In accordance with city policy, the crash will be reviewed by the Safety Committee. The Safety Committee will review safety and equipment concerns. The Safety Committee will also review any training needed to assist the officer in achieving a reduction in fleet crashes. The Safety Committee will make a recommendation concerning safety, equipment, and training to the Chief of Police. The City Manager will have the final say as to what action will be taken.

D. Citations for Officer Involved in Collision

1. When a member of the Department receives a summons on a citation resulting from an investigation covered under this section, they will appear in the appropriate court at the time required on the summons or citation. Members of the Department involved in collisions covered in this section may be subject to disciplinary action in addition to any court enforcement action.

E. Damaged Police Vehicles

1. Any police vehicle extensively damaged will be towed or driven to a

location determined by the on-duty supervisor and stored at that location pending repairs.
2. Vehicles incurring minor damage will be parked at the Department and not be used except in an emergency unless otherwise specified by a supervisor.
3. All bids and repairs will be handled by the Chief of Police or his designee.

XII. USE OF PERSONAL VEHICLES ON POLICE ASSIGNMENTS

A. Only upon written approval of the Chief of Police will a personal vehicle be used on a police assignment.
B. In such cases where a personal vehicle is used without written approval, the department assumes no responsibility for the vehicle or contents within.
C. If written approval has been granted, and during the time of vehicle utilization in a police assignment, the owner of the vehicle must show proof of insurance.
D. In no case will the department take responsibility for reimbursement for personal items or valuables stolen from such vehicle.
E. This section covers only the use of police personnel's personal vehicles.

XIII. VALID NEW MEXICO DRIVERS LICENSE

A. All members of the Department who operate a Department vehicle shall have in their possession at all times a valid New Mexico Driver's License.
B. If a member has their driving privileges revoked or suspended, they are responsible for contacting their immediate supervisor.
C. To ensure compliance with insurance standards, each employee who operates a department vehicle is subjected to a DMV record check at any time.

XIV. CODE I RESPONSE

A. When responding to a non-emergency call, operation of the vehicle will have no emergency lights or sirens in operation and within the posted speed limits.
B. Unless assigned, dispatched, or requested to respond to a call, all patrol units will remain on patrol in their assigned area. This is not to discourage the response of additional units for backup, if necessary, with appropriate information given to dispatch.
C. Supervisors may respond to any call at any time.
D. Unless exigent circumstances exist, any other member of this department operating a police vehicle shall abide by the state statutes and city traffic ordinances.

XV. CODE II RESPONSE

A. Certain conditions may exist where officers need to only utilize emergency lights, Code II operation.

B. Officers may operate their vehicle Code II:

1. While conducting a funeral escort; or
2. While conducting a traffic stop;
3. While stopped in the street for any reason, such as investigating a crash, assisting a stalled vehicle conducting traffic control; or
4. When the officer reasonably believes that the use of Code II is justified.

XVI. CODE III RESPONSE

A. The purpose of emergency equipment on police 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.

B. When driving under emergency conditions, officers of this department will conform to the rules of safe driving and maintain control of the emergency vehicle at all times.

C. In emergency conditions, when the posted speed limit must be exceeded. Officers **will** utilize emergency lights and sirens, Code III operation. The posted speed limit may be exceeded within reason, keeping in mind the inherent dangers.

D. Officers may operate their vehicle Code III:

1. Upon a call for 'officer needs assistance;
2. When human life is believed to be in danger (such as a crash with injuries, structure fire;) or
3. Violent felony in progress

E. An officer may be the subject of disciplinary action if it is determined that he/she failed to use reasonableness and disregarded established traffic laws or public safety.

XVII. PURSUIT POLICY

A. Definitions
The following definitions apply for the purpose expressed in this policy:

1. Pursuit: An active attempt by one or more police officers 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 officer's signal to stop.
2. Serious Felony: A felony that involves an actual or threatened attack that the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated battery, armed robbery, and murder).

3. Deterrent: Any method of restriction, or show of force which would likely discourage further vehicular pursuit. Allowing a passage of escape.
4. Roadblock: Any method or obstruction utilized or intended for the purpose of preventing the free passage of motor vehicles on a roadway in order to affect the apprehension of an actual or suspected violator in a motor vehicle. This should be utilized only in extreme situations when deadly force is warranted.
5. Primary Pursuing Unit: The police unit that initiates a pursuit, or any unit that assumes control of the pursuit.

B. Policy

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible and visual (emergency lights) emergency warning equipment when engaged in pursuit.

All personnel operating departmental 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. There are no tasks in the Department of such importance that they justify the reckless disregard for the safety of innocent persons. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

C. Procedures

1. Pursuit is justified only when:

   a. The officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists and/or pedestrians. The officer must have knowledge of an immediate threat to the safety of others that is ongoing and that existed **prior** to the high-speed pursuit.
   b. has committed or is attempting to commit a serious felony;
   c. when the necessity of immediate apprehension outweighs the level of danger created by the pursuit, as in the case of a serious traffic violation such as DWI.

2. Initiating/Primary Unit Responsibilities

   a. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify Central Dispatch as soon as reasonably possible that a pursuit is underway and provide the following information, if known:

1) Police 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.

b. Failure to provide the above information may be cause for the patrol supervisor to order termination of the pursuit.
c. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
d. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the patrol supervisor.
e. 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.
f. The decision to abandon pursuit may be the most prudent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:

1) If, in the opinion of the pursuing officer or the patrol supervisor there is a clear and unreasonable danger to the officer 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) The pursued vehicle's location is no longer known.
5) The pursuing officer knows or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense does not constitute an immediate threat to life and the safety factors involved are obviously greater than a juvenile can cope with.
6) The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

3. Assisting Unit Responsibility

a. Assistance will be coordinated by the Communications Center under the direction of the patrol supervisor. The patrol 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) The primary unit
    2) One 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 officer;
    4) other clear and articulated facts that would warrant the increased hazard.

d. Only the patrol supervisor or their designee 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 the Communications Center of his/her identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, 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 patrol supervisor.

4. Communications Center Responsibilities

    a. Receive and record all incoming information on the pursuit and the pursued vehicle.
    b. Immediately notify the patrol supervisor when a pursuit is initiated. (Notify the Lieutenant as soon as practical)
    c. Clear radio channel of any unnecessary traffic.
    d. Perform relevant record and motor vehicle checks.
    e. Control all radio communications during the pursuit.
    f. Coordinate assistance under the direction of the patrol supervisor.
    g. Continue to monitor the pursuit until it has been terminated.

5. Supervisor Responsibilities

    a. Upon being notified of the pursuit, the patrol supervisor shall verify

the following:

1) No more than the required or necessary units are involved in the pursuit (2).
2) Proper radio frequency is being utilized
3) Affected allied agencies are being notified.

b. The patrol supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of spike system, deterrent or a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the patrol supervisor may order termination of the pursuit.

1) Emergency Vehicle Operation and Tactics

a) Offensive Tactics

In the course of pursuit, officers may **NOT** use their vehicles to bump or ram suspect vehicle, to force a vehicle off the road or in a ditch. Department policy on the Use of Deadly Force shall be adhered to during the pursuit.
The officers have spike systems, deterrent and roadblock capabilities.
Reckless or hazardous driving maneuvers shall **NOT** be duplicated by any pursuing vehicle.

b) Caravanning

There shall **be no** caravanning by field units not directly involved in the immediate pursuit.

c) Passing

There shall be **NO** attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the patrol supervisor.

d) Spacing

All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

e) Unmarked Police Vehicles

Officers 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 life or property. 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.

f) Controlled Access Roadways

Officer shall **NOT** pursue suspects the wrong way on divided roadways unless specifically authorized by the patrol supervisor.

g) Roadblocks

i. The use of a roadblock must be authorized by the patrol supervisor.
ii. Generally, a roadblock will be employed only as a last resort.
iii. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
iv. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.

h) Traffic Control Devices

Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

2) Inter-jurisdictional Pursuits

a) The Communications Center, with the approval of the patrol supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction.
b) Officers **SHALL NOT** become involved in another agency's pursuit unless specifically authorized by the patrol 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 departmental pursuit policies are in effect.

3) Overtaking/Pursuit of violators

The responsibility for the decision to overtake rests with the individual officer. In arriving at this decision, he/she 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, officers intending to stop a vehicle should, when practical, be within a close proximity to

the vehicle prior to activating the emergency lights and siren. During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

D. Crashes during pursuits

1. Generally, if an officer is involved in a traffic crash during the course of a pursuit, the officer will terminate his/her part in the pursuit.
2. The patrol supervisor will make the determination, as to whether the pursuit is terminated or continued with the backup officer moving up to primary officer.
3. The patrol supervisor will ensure that the crash involving the primary unit is investigated.

E. Aggravated Fleeing a Law Enforcement Officer

1. Aggravated fleeing a law enforcement officer consists of a person willfully and carelessly driving his vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed law enforcement officer in an appropriately marked law enforcement vehicle in pursuit in accordance with the provisions of the Law Enforcement Safe Pursuit Act.

F. Pursuits outside City limits

1. No pursuit shall be continued outside the city limits unless authorized by the patrol supervisor.
2. If an officer of the Department is in pursuit and the pursuit crosses a state line, the officer will have Central Dispatch notify those authorities. Once those responding authorities join the pursuit, the pursuit will be handled by them. Department officers will only assist if needed, abiding by our guidelines.
3. Outside authorities may arrest the felon, based on probable cause supplied by the Truth or Consequences Officer, and hold the felon for twenty-four (24) hours pending issuance of a warrant from New Mexico. Once the warrant has been issued, formal extradition proceeding can begin.
4. Under no circumstances will a Truth or Consequences Police Officer transport any person apprehended in another state back across the state line without the proper extradition proceedings being completed.

G. Follow-up Requirements

1. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit. The supervisor shall prepare a

summary report which includes:

a) the names of participating officers;
b) a narrative description of where the pursuit began and under what circumstances, where it ended and under what circumstances, and the duration of the pursuit;
c) a description of the tactics used to stop the suspect's vehicle and an evaluation of their effectiveness;
d) any observations on the behavior or actions of the fleeing driver that may support additional criminal charges;
e) a description of how the suspect was apprehended, and the force-measures employed;
f) a description of property damaged or an account of injuries sustained during the pursuit or death, or the use of deadly force is initiated, all involved officers will submit applicable reports to the Chief of Police through the chain of command;
g) the offenses for which the suspect was charged; and
h) A review of any pursuit will be conducted by the division commander as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine any additional or supplemental training needs or policy review.

XVIII. BIAS BASED PROFILING

A. PURPOSE/POLICY

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement is totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they take into account the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Truth or Consequences Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, age, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

This policy is intended to assist officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police. It is the policy of this department to patrol in a proactive manner, to actively investigate suspicious persons and circumstances and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

B. DEFINITIONS

1. Racial profiling: The detention, interdiction, or other disparate treatment of any person on the sole basis of their racial, color, national origin, language, gender, sexual orientation, political affiliation, religion, or ethnic status or characteristics.
2. Reasonable suspicion: Absent probable cause for arrest, an officer must have a specific and articulable basis in fact for suspecting criminal activity has occurred or is about to take place. The intrusion must be reasonable when viewed objectively in light of the circumstances, and the scope and character of the intrusion must be reasonably related to its purpose.

C. REPORTING/COMPLAINTS

1. The receiving supervisor should handle complaints as promptly as possible.
2. When a complaint is received, it is the responsibility of the receiving supervisor to determine the merit of the complaint.
3. Complaining parties wishing to lodge a complaint on an employee should be advised of the procedure for filing the complaint. The complainant shall have the definitions of “formal” and “informal” complaint given and explained to them. This information is available in written form.
4. At their request the complaining party will be given a Complaint Form to complete.
5. After completing the form, the complainant should be asked to sign it. The receiving supervisor will witness signature. If the complainant refuses to sign the complaint it should be noted on the form “Refused to Sign” and initialed by the receiving supervisor.

6. The complainant will be given a copy of the form and the original shall be maintained by the Department.
7. The complaint will be forwarded to the employees' supervisor within 24 hours after the complaint is received.
8. Upon receipt of the complaint, the supervisor may notify the involved officer of the complaint. The officer may be requested to submit a memorandum to the investigating supervisor detailing the incident.
9. Any statements taken by the investigating supervisor should be taped.
10. At the conclusion of the investigation the investigating supervisor should submit a report within 30 days and the report should include the following:

    a. Summary of allegation;
    b. Statements of parties involved and witnesses;
    c. Findings—if specific violation in policy or statue has been violated these will be listed;
    d. Corrective Action/Disciplinary Recommendation (if applicable);
    e. The taped statement (tape)
    f. Transcription (if applicable)
    g. Any associated reports, activity logs, dispatch records or other documents pertaining to the investigation.

11. The original copy of the complaint and the investigative report will be forwarded to the Division Commander.
12. The investigating supervisor shall keep the complainant informed concerning the status of the complaint.
13. An Internal Affairs Investigation can be conducted at the discretion of the Chief of Police.

C. Sexual Harassment and Other Discrimination

Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) may result in disciplinary action up to and including termination.

XIX. SEXUAL ASSUALT

Due to extended training within the Truth or Consequences Police Department and resources available in regards to cases of sexual assault whether adult or juvenile please review policy TCPD02.B.XXI.B.

	Policy Name:	**CRIMINAL INVESTIGATIONS** **POLICY #: TCPD02B** **NMMLEPSC Standard OPR02.01-02.06**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 12/05/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The Criminal Investigation Division's goal is to thoroughly investigate reported criminal offenses and arrest persons responsible for the commission of these crimes. Officers assigned to the Criminal Investigation Division are non-uniformed personnel who investigate, case reports, arrest warrants, search warrants, make arrests of defendants, and prepare other documents which are required for completion of assignments and presentation to the proper prosecuting authority.

II. PRELIMINARY/FOLLOW-UP INVESTIGATIONS:

A. During an investigation the officer should observe all conditions, events, and remarks as well as locate and identify suspects, victims, and witnesses, identify and protect crime scenes, and arrange for collection of evidence.
B. The investigator will gather facts and evidence at the scene by the use of department equipment through interviews and interrogations in an effort to establish the circumstances and perpetrator of the crime.
C. Investigators will interview witnesses, complainants, suspects, victims, and others who could have knowledge of a crime. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
D. Once a crime has been reported to the Truth or Consequences Police Department a preliminary investigation will begin. A preliminary investigation is the initial report of an offense.

1. Most preliminary investigations are conducted by Patrol Officers unless conditions exist to warrant the involvement of Criminal Investigation Division personnel in the initial investigation.
2. During the investigation, the officer should observe all conditions, events, and remarks, as well as locate and identify any witnesses and any potential evidence related to the crime being investigated.
3. Investigations and information obtained will follow guidelines set forth in New Mexico State statutes and/or the City of Truth or Consequences

Municipal Code dealing with criminal law, criminal procedure, and accessibility to various records-keeping systems. Case laws established by New Mexico and Federal courts apply to all investigations.

4. When questions arise on legal procedures, investigators should consult with supervisors and the District Attorney's Office for appropriate guidance.

III. CASE SCREENING

A. Cases, except those closed by the original investigating officer, are classified as "pending further investigation." Cases pending investigation remain in this status until such time that an alternate classification has been assigned.

B. The designated supervisor, who is assigned responsibility to screen cases, shall issue cases to investigators based upon solvability factors.

1. A decision shall be made by the supervisor whether to assign a case for investigation or change the status to "not assigned." This decision is generally based on minimum solvability factors.
2. Solvability factors should assist supervisors in maximizing available resources in the investigation of potentially solvable cases and cases of a more serious nature.

C. Solvability factors

Solvability factors are considered based on the following criteria:

1. Complainant does not wish to prosecute.
2. Suspect arrested.
3. Suspect named/identified/location known.
4. Suspect vehicle information known/described.
5. Persons or major crime(s) against person/property having substantial loss.
6. Traceable property taken.
7. Witness to the offense.
8. Evaluation of evidence.

IV. ON-SCENE INVESTIGATIONS

Once an investigator has been called to the location for a preliminary investigation, he/she is responsible for the following:

A. The investigator will take responsibility for the scene when asked to respond to a location. The first arriving investigator will take into consideration their safety and the safety of others when arriving at a crime scene. Once established that there is no danger to themselves or others, the scene may be secured with no additional officers, investigators, or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. A log, started by the initial officer, will be kept on record of personnel entering the crime scene.

B. The investigator will gather facts and evidence at the scene by use of department equipment and interview or interrogation, in an effort to establish the circumstances and perpetrator of the crime.
C. All evidence collected will be properly tagged and placed into evidence before completion of duty that day. If an arrest is made, the primary officer or the investigator will file an affidavit and/or criminal complaint to be attached to all arrest reports of the defendant. Supplemental reports will be completed and turned in for review.
D. The investigator will review and analyze all reports and complaints prepared by other officers involved in the investigation of the case during the preliminary investigation.

V. FOLLOW UP INVESTIGATIONS

Follow-up investigations are those that go beyond the scope of preliminary and usually apply to those cases that are assigned. Included are following-up information that may lead to the identification and arrest of a suspect, property recovery, and/or clearance of a reported offense. In most cases, follow-up investigations are conducted by an investigator. These investigations should be conducted in accordance with applicable department procedures:

A. Cases will be assigned to the investigator by the Lieutenant responsible for distribution. This distribution will be made as equitably as possible.
B. Once assigned a case, the investigator will analyze all reports prepared in the preliminary investigation.
C. The investigator will seek additional information by contacting uniformed officers, re-contacting victims, witnesses, complainants, or informants, and preparing case files.
D. The investigator may complete a neighborhood canvass if one was not done during the preliminary investigation. The canvass may be done in person or by telephone and completed as soon as possible.
E. Conduct additional interviews and interrogations.
F. Review applicable department records:

    1. Arrest records/criminal history of suspects.
    2. Jail logs.
    3. Field interrogation cards.
    4. Pawn shop tickets.
    5. Computer records.
    6. Intelligence information.

G. Submit evidence for laboratory analysis and review the results upon completion. Submit fingerprint comparisons on suspects.
H. Plan, organize, and conduct necessary searches.
I. Collect and submit for processing any additional physical evidence.
J. Identify suspects, have composite pictures made, and provide photographic and/or

physical lineups for victims and witnesses.

K. Disseminate suspect information to proper department personnel and other appropriate agencies.
L. Prepare warrants.
M. Locate arrest and question suspects. Attempt to determine the suspect's involvement in other crimes.
N. Prepare the case report for presentation to the District Attorney's Office or other appropriate authority. Present all related documentation and physical evidence in court proceedings.
O. Assist the prosecuting attorney as needed. It shall be the responsibility of the assigned investigator to properly channel all pertinent case information when required to proper personnel and/or agencies.

VI. MAJOR CRIME SCENE

At a major crime scene, the following steps should, when possible, be completed to document the crime scene.

A. Photograph the scene;
B. Video the scene;
C. Mark the evidence;
D. Diagram the scene;
E. Collect the evidence.
F. Conduct preliminary interviews as needed.

VII. PHOTOGRAPHS/VIDEOGRAPHY

A. At a major crime scene, a search will not commence until it has been photographed. The Detective shall photograph the crime scene in a manner that produces a clear, undistorted photo that does not misrepresent or visually alter the scene in any way.
B. When appropriate, the following photographs should be taken:

    1. Overview -These photographs show the scene of the crime and its surroundings and may be used to orient the court to the scene in question.
    2. Medium view - These photographs show specific objects and contain sufficient detail to associate them with the nature of the crime.
    3. Close-up view - These photographs are of individual items, the victim, results of the crime, or evidence created by the criminal.

C. Photographic procedures for each crime scene differ based on the conditions present at the scene. The following procedures are basic and should be addressed whenever photographs are taken.

    1. Exterior Crime Scene

a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;
b. medium distance photographs to record the relative positions of closely related items of evidence;
c. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).

2. Interior Crime Scene

a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;
b. Photograph rooms and other interior areas from typical observation points to show the relative positions of all items and furnishings within the area.
c. Take medium-view photographs to show relative positions of closely related items of evidence;
d. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).

D. Videotapes may be used to supplement still photographs. When used, the audio will be muted.
E. Upon completion of the crime scene investigation, the photographs will be processed according to Department procedure, tagged, and placed into evidence.
F. Upon completion of the crime scene investigation, the video recording should be secured to ensure the integrity of the evidence. It should be packaged according to Department procedure, tagged, and placed into evidence.

VIII. DIAGRAM

A. Crime scene diagrams should be preceded by crime scene photographs.
B. The diagram should include:

1. Dimensions;
2. Relation of the crime scene to other buildings, geographical features and/or roads;
3. Address;
4. Location of significant features of the scene, including the victim;
5. Date and time of preparation;
6. Name of the person preparing the diagram;
7. Direction of north;
8. Locations of items recovered as physical evidence;
9. If not to scale, so state;
10. Sufficient information so that a final drawing to scale can be completed if necessary.

IX. FINGERPRINTING

A. The lifting or preserving of latent fingerprints is the responsibility of the assigned patrol officer or Detective.
B. Items containing suspected fingerprints that are not processed at the scene are packed in a protective manner and taken to the Truth or Consequences Police Department for processing. This decision rests with the patrol officer or Detective.
C. Prior to being lifted fingerprints may also be photographed at the discretion of the patrol officer or Detective.
D. The following information should be documented on the back of the latent print card:

    1. report number;
    2. Date of recovery;
    3. Initial or name of recovering patrol officer or Detective;
    4. Location of recovery.

E. When fingerprints are being obtained from a suspect who has no criminal history, two cards will be completed. They shall be treated as evidence, tagged, and packaged accordingly. One card shall then be sent to the laboratory along with a latent for comparison with one card being maintained in evidence.
F. Fingerprint cards on suspects who have a criminal history may be obtained through the Records Section. When possible, the original card should be sent to the laboratory along with a latent for comparison. Upon return, if the comparison was negative, the card should be returned to the Records Section. If it was positive, the card should be treated as evidence, tagged, and packaged accordingly.
G. Once a latent print has been positively identified, the information should be documented in a supplemental report and the latent print returned to evidence.

X. EVIDENCE COLLECTION

A. Procedures

    1. It is important to use crime scene search methods that:

        a. preserve the condition of evidence in the process of collection;
        b. prevent the introduction of foreign materials into the physical evidence;
        c. ensure as complete a sample as possible and practical.

    2. Collection of evidence is done in a systematic, organized, and recorded manner. When practical, evidence found at the crime scene is processed (photographed, dusted for prints, etc.) before being moved.
    3. The following evidence collection procedures are used whenever possible:

        a. Evidence is properly tagged and identified with the required information. Each article of evidence is stored in a separate container to avoid contamination.

b. Collection of known or suspected hazardous materials or explosives requires the knowledge and skill of technicians specifically trained in handling hazardous materials or explosives.

    1) Upon the discovery of known or suspected hazardous materials or explosives, a field supervisor should be summoned by the investigating officer.
    2) The hazardous material or explosive response guidelines should be implemented.
    3) The supervisor will determine if additional resources are necessary to safely collect and preserve such materials.

4. The Detective assigned to crime scene collection ensures the proper handling of the evidence and shipment to the appropriate laboratory in a timely manner.
5. The Detective assigned to the case is responsible for

    a. requests for laboratory processing;
    b. proper handling and packaging of evidence;
    c. prompt release of evidence to the owner, if appropriate.

6. Any evidence shipped to the N.M.D.P.S. laboratory will have a completed inventory sheet.

B. Biological Evidence

1. Biological evidence is not processed in the field. It is collected and submitted to a laboratory for analysis in a timely manner, using current and accepted procedures as required by the investigating laboratory.
2. Biological evidence requiring refrigeration is collected and transported to the proper storage area as soon as possible.
3. Items of evidence containing wet blood are air-dried and packaged separately to avoid cross-contamination. These items are packaged according to Evidence packaging guidelines.
4. Evidence from a known source is collected for comparison purposes along with crime scene collected evidence.
5. Comparison materials should be properly stored and submitted along with evidence from the known source.
6. If evidence is not accepted by the lab, the assigned Detective indicates the reason in a supplemental report.

C. Known Standards

1. Anytime a patrol officer or Detective collects an unidentified item or substance or an item or substance believed to be foreign to the scene, all available comparable substances and materials from known sources are collected for identification and/or elimination purposes.

2. It is possible that evidence in the form of trace materials and substances may have been transferred to the suspect during the commission of an offense and taken from the scene. Such evidence may be recovered at a later date; therefore, known standard samples of such materials and substances should be collected from crime scenes.
3. The location from which known standard samples are taken can be critical, especially in cases where fracturing or tearing has occurred.
4. The report filed by the patrol officer or Detective should explain in detail what known standard samples were collected and the location from which they were obtained, including the date and time of collection.

XI. DEVELOPMENT OF INFORMATION

During a criminal investigation information should be developed through a variety of accepted methods.

A. Witnesses, victims, and others who could have knowledge of a crime can be interviewed. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
B. Photographic or physical line-ups may be arranged for victims/witnesses in order to identify a suspect.
C. Criminal history, intelligence, background investigations, and informational records maintained by the Department may be reviewed to obtain information on suspects and offenses.
D. Records and files maintained outside the Department may be accessed to obtain information on suspects, victims, or other persons involved in a case. These sources may include:

    1. Pawn shop files.
    2. Driver's license files.
    3. Vehicle registration files.
    4. Outside law enforcement agency files.
    5. Social Service/probation service files.
    6. Public utility files.
    7. Crime Stoppers programs.
    8. Suspects or arrested persons in reference to an offense.

E. Surveillance may be conducted on suspects or at potential offense sites.
F. Undercover officers may be utilized to gain information from suspects. Sting operations and reversals may also be used to gain information.
G. Interviews with inmates may be conducted to gain information.

XII. CASE FILE MANAGEMENT

A. Each investigator will maintain working files. All working files from January to December of that year and cases that have low or zero solvability factors will be removed from active status and turned into the records division.

B. Cases that have a possibility to be solved will remain in the investigative section. Each investigator will be required to store all case files assigned in a secure location within the division. A case status log will be maintained by the Lieutenant.
C. The Lieutenant is the coordinator on each case assigned to the investigation division. He is responsible for assigning cases to the appropriate investigator.
D. All police reports which are generated by the Detective Division will be maintained either in investigations or by the records division and will be destroyed according to retention schedule guidelines. Purging of all inactive files will be the responsibility of the Lieutenant and they will comply with the public records retention schedule.

XIII. CASE ASSIGNMENT

A. The Truth or Consequences Police Department assigns all felony reports and misdemeanor reports that appear to have the potential of becoming felony offenses or are extremely unusual in nature and with a high solvability factor for follow-up investigation.
B. Cases assigned for investigation will be made by the Investigations Detective unless otherwise directed.
C. Cases that are assigned are noted in the logbook. The information contained therein is listed numerically with the victim's name, date, assigned to, status cleared or closed, and UCR classification.
D. The investigator will be responsible for coordinating the investigation and seeing that all information is compiled and properly channeled.

XIV. SCHEDULING

Investigators working within the Criminal Investigation Division will be assigned a day shift. The number of personnel and hours worked will be designated according to necessity as seen by the division commander.

A. CID personnel are generally classified as non-essential. As such, they do not ordinarily work on holidays. The Chief of Police may approve personnel to work on holidays.

    1. When scheduling days off and approving leave requests, seniority within the division is applied in determining priority.

B. Investigators will be encouraged to periodically attend patrol briefings. This should enhance relationships and provide a method for the exchange of information.
C. Non-duty hours call-outs will be on rotating bases unless otherwise assigned by the Lieutenant.

XV. INFORMANT

A. A person providing information in good faith who provides confidential information about another person who is suspected of violating some criminal statute.
B. A person who habitually associates with suspected criminals and provides information to a law enforcement officer for compensation, some other consideration or personal motivation; or
C. A person who sometimes obtains information at the direction of a police officer as an agent of that officer.

XVI. WITNESS

A. A person whose testimony is desired in any proceeding or investigation by a grand jury prosecution or proceeding.

XVII. CONFIDENTIAL INFORMANT FILE

A. A master file on all informants is maintained by a designated investigator. This investigator is responsible for the security of and restricted access to, these files.
B. A file on each confidential informant includes the following:

    1. File labeled by Confidential Informant code number only.
    2. A signed informant agreement
    3. Photograph of the informant.
    4. Personal history information sheet.
    5. Criminal history information sheet.
    6. Records of payments to the informant.
    7. Data concerning the informant's operational involvement.
    8. Information received from the informant.

C. Files of informants who have been inactive for a period of one year are removed and placed in a separate inactive file.

XVIII. INFORMANT IDENTIFICATION

A. An informant code number is assigned for use in investigative reports in lieu of the informant's true name. The code numbers are constructed as follows:

    1. TCPD: Truth or Consequences Police Department
    2. Month of first contact
    3. Day
    4. Year of first contact with an informant (example 091706)

B. A master file is maintained containing the identification of informants corresponding to their code number. All informant files will be maintained and secured by the Lieutenant or as assigned by the Chief of Police.
C. The officer who has a registered informant will protect the identity of that informant by all possible means.

XIX. CRITERIA FOR PAYING INFORMANTS

A. Payments made to confidential informants must be commensurate with the value of the information and/or assistance provided.
B. All payments to informants are documented and signed by both the informant and the officer. These records are reflected in the informant's file as well as on the 'contingency fund expenditure report.'
C. When possible, all payments should be witnessed by an additional officer.
D. Patrol officers will use the same procedures as investigators in all aspects concerning informants.

XX. JUVENILE INFORMANTS

Juvenile: A person under the age of eighteen (18) will not be utilized as an informant.

XXI. INFORMANT RELATIONSHIPS

A. Relationships with confidential informants are professional and should be maintained only as long as it is determined to be in the best interest of the Department to do so.
B. Officers shall use accepted practices when meeting with informants in order to protect the anonymity of the informant and the integrity of the officer. Informants should never be promised their anonymity will be protected however; officers should establish methods of communication that protect the informant's identity.
C. Informant relationships should conform to the highest standards of the law enforcement profession. These relationships should not be allowed to impair an officer's ability to perform as a law enforcement officer.
D. Informant relationships shall not be established or maintained when the relationship tends to bring disrespect to the Department or discredit the officer(s) involved.
E. The establishment or maintenance of a personal relationship with a confidential informant is expressly prohibited especially activities that include:

    1. Social dating;
    2. Personal intimacy;
    3. Sexual relations;
    4. Cohabitation;
    5. Private monetary indebtedness between the officer and the informant.

F. Officers actively working a confidential informant should obtain consent from

their supervisor and keep the supervisor advised of activities with the informant.

G. If an officer determines that a prospective informant is currently working with another officer or agency, that officer should inform the originating officer or agency of the activity to avoid any duplication and/or conflict.
H. If it is determined that an informant relationship is in conflict with the provisions of this policy, the relationship will be terminated. The termination and the reason for it should be noted in the informant's file. The responsibility for the severance lies with the officer using the informant and his/her immediate supervisor.
I. Whenever possible, two officers should be assigned to develop and maintain a confidential informant of the opposite sex or whose sexual preference could make an investigation more susceptible to compromise through alleged improprieties.

XXII. INFORMANT MEMORANDUM OF AGREEMENT

A signed and witnessed informant agreement should be initiated prior to any use of, or payments to, a confidential informant.

XXIII. PROCEDURES FOR WORKING INFORMANTS

A. No inappropriate personal relationships with informants.
B. Determine, if possible, the informant's motivation for desiring to work as a confidential informant.
C. Corroborate the informant's information with other sources.
D. When meeting with informants, the officer’s immediate supervisor should be advised of the meeting.
E. Do not make promises that cannot be kept. Use common sense.
F. Never tell an informant something which should not be public knowledge.

XXIV. INFORMANT ANONYMITY

A. The names and identities of informants remain confidential and are restricted to those with a need to know.
B. In order to maintain this anonymity, the following applies:

    1. Access to informant files is strictly controlled.
    2. Files are indexed by code number.
    3. Meetings should be arranged in inconspicuous places.

C. For identification purposes in investigative reports, the informant code number shall be used.
D. The name of the informant will not be released without the permission and prior knowledge of the Chief of Police.

XXV. CONTINGENCY FUND

This fund consists of monies that are allocated for the purchase of evidence, payments to informants, and payments to officers. Each investigator may be provided with an allotment from which they may disperse within the scope of its designated use. This fund is designed to be used for the following:

A. Purchase of evidence

This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms stolen property, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

B. Payment to an informant

This category includes the payment of monies to an informant for information concerning criminal activity. All other informant expenses are classified as underpayments to officers.

C. Payment to officer

This category includes travel or transportation of an officer or an informant; the lease of an apartment, business front, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses for undercover purposes, within reasonable limits.

D. Miscellaneous Expenses.

This category covers any and all other expenses for effective operations as designated by the Chief of Police.

XXVI. RESPONSIBILITIES

A. The Chief of Police is responsible for the disbursement of funds from the contingency fund and maintains accurate accounting records. Funds shall be maintained in a secured area in the Chief of Police office. Only the Chief of Police has access to this area.
B. In order to provide a system of checks and balances, a quarterly recap and summary of the disbursements and documentation of each investigator who receives an allotment and the fund ledger sheet. Reports are compiled and submitted to the Chief of Police.
C. Each investigator assigned to Criminal Investigations may receive monies to be used under the guidelines of this policy. They are required to account for this disbursement by signing the receipt book.
D. Any request for disbursement of funds should be made to the Chief of Police.
E. A receipt book is maintained in the Chief of Police office and is not removed

from the office area.

F. The exchange of disbursed monies between investigators is acceptable only on a restricted basis. It is the responsibility of both the investigators to maintain accurate records to ensure proper accountability of the monies.
G. Accounting records are maintained for each fiscal year which starts July 1 and concludes on June 30 of the next year. At the end of the fiscal year, the Chief of Police gathers the funds from the investigators and balances the account. These records are bound and maintained for a minimum of seven calendar years.

XXVII. INFORMANT PAYMENTS

A. Prior to making payment to an informant, an informant file should be prepared, and an informant number assigned.
B. The amount of payment should be commensurate with the value of services and/or information provided. Payments for information leading to a seizure, with no defendants, should be held to a minimum. Payments should be based on the following factors:

    1. The level of the targeted individual, organization, or operation.
    2. The amount of the actual or potential seizure.
    3. The significance of the contribution made by the informant to the desired objectives.

C. A receipt is required with the exact amount paid to and received by the informant Cumulative or anticipatory receipts are not permitted.
D. Informants are required to acknowledge, by signature, any payment made to them. There should be at least one other witness.
E. As payments are made to an informant, the investigator is responsible for keeping accurate records.

XXVIII. MISCELLANEOUS PURCHASE

A. Stolen Property Purchases

    Expenditures for the purchase of stolen property are handled in the same manner as narcotics purchases.

B. Other Expenditures

    Expenditures for food, alcoholic and non-alcoholic beverages, and other items that may be necessary must be accompanied by a receipt when possible and entered on the receipt book. The investigator's name, if applicable, case number or informant number should be placed on all receipts for miscellaneous investigative expenditures. The Lieutenant verifies all expenditures on a monthly basis.

XXIX. APPROVAL, AUDIT, AND REPORTS OF EXPENDITURES

A. The Chief of Police must approve, in advance the following:

1. All Drug or stolen property payments,
2. All Single investigative expenses, or
3. All Single informant payments.

B. The Chief of Police must approve, in advance, payment to informants.
C. The receiving investigator signs for any receipt of funds.
D. The Lieutenant maintains the file of disbursement reports.
E. A disbursement report accounting for the expenditure of funds from the previous disbursement and showing a current balance is submitted to the Chief for audit purposes quarterly.
F. Annually there will be an independent audit of the contingency fund. The audit will be done by the City Finance Director or an independent auditor hired by the city.

XXX. CONFIDENTIAL SOURCE

A confidential source is a person providing information to the police who believes that the information may or may not result in a criminal investigation. This information is provided with no compensation or consideration for personal motivation. Information received by a confidential source will be reviewed and acted upon in an appropriate investigative manner.

XXXI. INVESTIGATIONS

A. Homicide Investigations

Any death, of suspicious nature, shall be considered a homicide until such evidence indicates differently.

1. The first arriving officer/investigator will establish that the victim is in fact deceased. He will take into consideration his own safety and the safety of others when arriving at such a scene. Once established that there is no danger to himself or others, the scene will be secured with no additional officers, investigators, or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. As soon as practical a crime scene log will be established, documenting the entrance and exit times of all personnel into and out of the crime scene.
2. The identity of the victim will be made as soon as possible.
3. A determination of the location of the original crime scene, if other than where the body is located will be made.
4. The Office of the Medical Examiner will be notified as soon as possible for response to the location of the body. Determination as to the time of death, through medical examination made as soon as possible.

5. Determine the means of death.
6. Develop information about the case from:

    a. Background and activities of the victim.
    b. Information on the last hours of the victim.
    c. Follow-up on any vehicle information.
    d. Injured suspects.
    e. Witnesses/informants, interview of persons with knowledge of the victim's activities and with access to the premises of the crime.
    f. Weapon(s) used.
    g. Connections with other crimes.
    h. Motive.
    i. Opportunity, including known persons at the scene and persons believed to have been at the scene.

7. Examine evidence.
8. Exonerate innocent suspects.
9. Develop exculpatory evidence to include:

    a. Alibi.
    b. Self-defense.
    c. Intent
    d. Mental state
    e. Sobriety.
    f. Criminal record of the suspect/victim.
    g. Criminal and mental records of victim, offender, and witnesses.

10. Coordinate with appropriate agencies for traumatized family members/witnesses.
11. Complete all applicable general investigative procedures.
12. The detective supervisor will be in charge of coordination of all aspects of the investigation including but not limited to:

    a. Crime scene(s) processing
    b. Interview(s) and interrogations
    c. Evidence collecting and recording
    d. Follow-up investigations and assignments

B. Sexual Assault Investigations

In all cases investigations of sexual assaults will be conducted by a detective assigned by the Lieutenant. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Obtain a search warrant for samples of any and all biological evidence, and have these items collected from the victim.

2. If the suspect is identified, obtain an evidentiary search warrant for any and all biological evidence, and have these items collected.
3. Ensure that all physical evidence is properly analyzed by the appropriate laboratory.
4. If the suspect is not known, have a composite picture and/or a photo lineup made of the suspect from descriptions provided by victims and/or witnesses.
5. Consider a polygraph for the witnesses and/or suspects.
6. Notify and coordinate with appropriate agencies if the victim is a child and the suspect has access to the child.
7. Contact with the Lieutenant shall be made to make necessary arrangements for a forensic interview to be scheduled. Any child under the age of 18 shall not be interviewed.
8. Coordinate with victim-witness assistance agencies for traumatized persons.
9. Complete all applicable general investigative procedures.

C. Burglary/Theft Investigations

In most cases, initial investigations of burglary/thefts will be conducted by a patrol officer. These investigations will be conducted in accordance with applicable departmental procedures.

1. Ensure that all stolen property meeting established criteria is entered in the NCIC and local computers.
2. Ensure the prompt removal of items upon recovery from NCIC.
3. Develop methods and means to identify suspects, make arrests, and file cases.
4. Develop informants with information for the location and recovery of stolen property and to identify suspects.
5. Develop intelligence information on known suspects and their activities.
6. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
7. Consider polygraph examinations for victims/suspects.
8. Complete all applicable general investigation procedures.

D. Forgeries

In most cases, investigations on forgeries will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Confirm that forged instruments and copies of forgery affidavits are obtained and properly logged into evidence.
2. Contact the person accepting the forgery to verify that the alleged document is the one that was actually presented, and information of suspects are obtained.
3. Contact the account holder to verify information and to determine any additional information that would be pertinent to the investigation.
4. Complete all applicable general investigation procedures.

E. Auto Thefts

In most cases, initial investigations of auto thefts will be conducted by a patrol officer. These investigations shall be conducted in accordance with applicable department procedures.

1. Develop informants with information for the location and recovery of stolen vehicles, and vehicle parts and to identify suspects.
2. Physically locate, remove, and seize any stolen vehicles, or vehicle parts discovered during an investigation.
3. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
4. Complete all applicable general investigation guidelines.

F. Outside City Limit Investigations

The investigation of a case may take an investigator or patrol officer outside the city limits to gather information.

1. Out-of-town investigations shall be cleared with a supervisor and proper justification given for the need to leave the city. This information shall be forwarded to the division commander.
2. Investigators working outside the city limits shall coordinate activities with the agency having jurisdiction in that area.
3. Expenses incurred while performing official functions outside the city shall be documented by receipts and turned in to the Lieutenant for reimbursement.
4. Investigation or surveillance resulting in the execution of a search or arrest warrant requires the notification of an appropriate supervisor. The supervisor determines if participation in the execution of a search or arrest warrant outside the city is in the Department's best interest. If so, the supervisor coordinates the warrant execution with the agency having primary jurisdiction.
5. The supervisor shall make any decision to withdraw personnel or resources from such an operation if it is no longer in the best interest of the Department to continue.
6. The supervisor ensures that the Department's procedural and operational requirements are adhered to by personnel under his supervision.
7. Deviation from the Departments procedures must be approved by the Division commander.

G. Victim Contact

In most cases, victims of a crime have never had contact with the police on a criminal case. The average citizen does not understand the procedure and investigative techniques or how the judicial system works. Investigators should explain the process to the victim.

1. The initial contact with the victim should occur as soon as possible upon receipt of a case. Following the initial contact investigators are encouraged to notify victims of any change in the status of their case (active, cleared, suspended, arrest made, etc.).
2. Victim contacts are normally made employing one of the following methods:

    a. In person.
    b. Via telephone.
    c. Letter form.

XXXII. REPORT REVIEW

All reports that become official records are reviewed for completeness, accuracy, and offense elements.

A. Lieutenant shall review reports for completeness, accuracy, and offense elements.
B. If a report is determined to be incomplete, inaccurate, or lacks the elements of the stated offense it shall be returned to the investigator for correction. Investigators may be required to conduct additional investigations in order to make a case presentable for filing.
C. Cases for filing are prepared and submitted by the investigator to the District Attorney's Office for final approval.

    1. The District Attorney's Office may review and return the case to the investigator for presentation to the appropriate court.
    2. Cases accepted for prosecution that the prosecuting attorney indicates needs further work, are to be sent to the filing investigator. That investigator will complete corrections requested or additional investigations and submit the follow-up in a timely manner. Additional work will be checked by the Lieutenant.
    3. Cases not approved are returned to the investigator for correction or further work, or cleared by no prosecution on the part of the District Attorney's Office.

D. Investigators consistently displaying deficiencies in case preparation or investigative techniques shall receive notations of such work in their personnel files and in their personnel evaluations by the Lieutenant. Further displays of deficiencies will be monitored by the Lieutenant for further corrective actions required.

XXXIII. CRIMINAL HISTORY INVESTIGATIONS

A criminal history investigation is used as an investigative tool for law enforcement purposes to determine a person's involvement in past criminal offenses.

A. Information developed in a criminal history investigation shall be used only to substantiate or disprove the alleged involvement of a person in a criminal case.
B. All criminal history investigations shall be conducted in a discrete and professional manner to protect individual rights.
C. A variety of sources may be used to obtain information including.
D. Criminal history

1. NCIC and Criminal History Index (if criteria are met).
2. Police Department Records
3. NM courts.com
4. Bank records and credit checks
5. Medical records
6. Relatives, neighbors, business associates, known associates, etc.

E. Any information developed for background during an investigation should be documented separately from any other investigative reports. All information and material obtained is confidential and should be noted as such on the report. Any information shall be released for official purposes only following the established Department confidential records release policy.
F. Any physical records obtained may be seized as evidence and handled accordingly.

XXXIV. CASE STATUS

A. The investigator determines or changes the status of each case assigned. This decision is based upon information developed by, or provided to, the assigned investigator. Any change in the status of the case is made through a supplemental narrative report.
B. Case status categories are designated as:

1. Refusal to prosecute-Victim
   No further actions are requested by the victim on the part of the investigator, except for domestic violence cases.
2. Refusal to prosecute-District Attorney's Office
   The case has been reviewed by the prosecuting authority and has declined to take the matter through the court process.

3. Cleared by arrest
   The defendant has been arrested
4. Exceptionally cleared -Referral to another agency
   The investigation of the case was turned over to another agency
5. Warrant/summons issued
6. Case unfounded
   This indicates that a case does not contain the legal elements of an offense required to meet its original classification.
7. Inactive
   Indicates that all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion. Investigative efforts may be resumed at a later date.

C. Information on the status of a specific case is recorded, maintained, and updated by the investigator to which the case is assigned.
D. Periodic Supplemental Reports are completed by the assigned investigator, submitted for supervisory approval, and then submitted to the Records Section for processing. While all original copies of associated work will be forwarded to the Records Section for maintenance, an investigator will maintain a duplicate file of his own for investigative purposes. Upon case disposal, the investigator will store his file.
E. The case status is noted in the logbook.
F. Victims of crimes are notified of any change in the status of their case within 72 hours of the change by the investigator/officer aware of the change unless such notification would jeopardize the investigation and the supervisor approves. Notification may be verbal or written and shall be noted in the case records.

XXXV. MONTHLY REPORT

A monthly report is the responsibility of the Lieutenant. The report shall be completed and delivered to the Chief of Police in a timely manner as requested. The monthly report contains the following information:

A. Total number of cases assigned investigation.
B. Total number of cases assigned to each investigator.
C. Total number of cases cleared by each investigator, and UCR crime classification.
D. Overall division clearance rate for the month.
E. Total number of arrests by each investigator.

XXXVI. INTERVIEW PROCEDURES

A. A critical element of the interviewer's success is the amount of preparation done before the actual interview. The success of the interview depends on the investigator's observations, practices and experience.
B. The interviewer should obtain specific background information to determine the person's credibility prior to beginning the interview.

1. Criminal history.
2. Person's relationship to the offense.
3. Person's relationship to other parties of the offense.

C. Select the location where the interview is conducted. The ideal location for an interview is a controlled environment that provides privacy, comfort, and convenience.

    1. When possible, the interview should be conducted in a designated interview room or office in the police building. This room should be free from outside interference or interruptions. The room should be searched before and after for weapons and contraband. Often a room is not available after hours. If this is the case the officer should find a secluded location in the office for the interview.

D. Interviews conducted outside the police building should be conducted in comparable surroundings.
E. The interviewer should present a professional appearance and be professional in manner.
F. Pertinent information and physical evidence should not be disclosed during the interview. This helps to:

    1. Protect the "Rules of Evidence."
    2. Confirm or negate the credibility of the interviewed person.
    3. Ensure the integrity of the interview.
    4. Protect against the possibility of the interviewed person being a suspect or accomplice.
    5. Gives the interviewer an opportunity to truly discover the knowledge of the person being interviewed.

G. Taking notes during the interview is suggested, controlling the pace helps to ensure that the interview is accurately documented. The interview will be recorded.
H. Interviews in reference to violent crimes and crimes committed against children will be video recorded.
I. When questioning has been completed, review what has been discussed and utilize notes to ensure that all information is complete and accurate.

XXXVII. INTERROGATION PROCEDURES

A. Interrogation is the act of obtaining information by asking a question or a series of questions to obtain:

    1. Facts needed to prepare a case against a defendant,
    2. Facts needed to take a good, legal and corroborative voluntary Statement from a defendant, or

3. Facts which might clear the person as a suspect.

B. Obtain all known facts regarding the case. These may come from:

1. Written officer's reports
2. Witness statements, and/or
3. Accomplice statements, etc.

C. Obtain all the information possible about the suspect to include:

1. Name(s) of accomplice(s)
2. Previous criminal history.
3. Information on personal habits, traits, known locations, etc.

D. Select the proper place for the interrogation. Selection criteria should be:

1. Small room or office, free from interruptions or outside noises.
2. Comfortable chairs and table or desk.
3. In most cases, the interrogator and suspect should be alone. This is especially important in cases involving sex crimes, homicides, and crimes against children.

E. All interrogations will fall into legal and constitutional aspects set forth by the State of New Mexico and the government of the United States.

1. Preparations to stay with the suspect until the goal has been accomplished should be made.
2. Never set time limits on the interrogation.

XXXVIII. MECHANICS OF THE INTERROGATION

A. The arresting officer's actions and attitude at the time of arrest and in transport can have a direct bearing on the suspect's attitude during interrogation. To help make the interrogation more effective the officer should:

1. Advise the suspect of the charge. Do not discuss details of the investigation.
2. If applicable, advise the suspect of his/her "Miranda Warning."
3. Limit conversation with the suspect, and document spontaneous statements if made.
4. Conduct the interrogation in a professional and honest manner. Do not use profane language and refrain from yelling or raising your voice.

B. As an introduction to the actual interrogation, the interrogating officer should:

1. Assure the suspect that the officer is responsible for the suspect's case.
2. Establish authority by using the officer's official title in the initial

introduction.

3. Inform the suspect of the matter that is going to be discussed and read the "Miranda Warning." Also, have them sign the appropriate “Miranda Form.”

XXXIX. ORAL CONFESSIONS

A. In order for an oral confession to be useful, some corroboration must be established or new incriminating evidence discovered as a result of the confession.
B. On any oral confession, go over the story several times to be sure it is not a fabrication.
C. Make an audio and/or video recording of the oral confession.
D. Cautions are listed below in an attempt to avoid undue or worthless confessions.

1. Do not give the impression that you are short of time or that you are rushed. Don't look at a watch or clock frequently.
2. Try not to lose momentum in the interrogation, even if you have to repeat questions several times.
3. Never promise something you can't give. Obtain written agreements from the District Attorney on plea bargains when possible.
4. Never allow personal emotions to destroy your rapport after the suspect confesses, even if the suspect admits to an offense other than the one, they are being questioned about.
5. Maintain a commanding position and do not distract the suspect's attention by unnecessary body movements/language.

XL. CONSTITUTIONAL REQUIREMENTS

A. All individuals are afforded all constitutional and state rights.
B. In order to show that the constitutional rights of an individual have not been breached, when required officers will follow these guidelines:

1. Avoid coercion during interviews or obtaining involuntary confessions or admissions.
2. Always inform persons of their legal rights.
3. Provide opportunity for legal counsel.
4. Do not delay any person's arraignment.
5. Never participate in pre-trial publicity that would tend to prejudice a fair trial.

C. Officers carry the burden of proof that a waiver of "Miranda Warning" was voluntary and free of coercion. The use of written rights advisement forms is always encouraged whenever possible.
D. Inducements to cooperate in an interview are not employed, except with the prior approval of the prosecutor. No assurances are made as to what will happen during any phase of the handling of the case.
E. The interview is immediately terminated when the person requests counsel. Arrangements are to be made to comply with the request.

F. Security procedures are used when interrogating persons who are in custody. Officers ensure the physical safety of the officer, as well as the arrested person.

This includes but is not limited to:

1. Searching the interview room and suspect, prior to and after the interview for weapons and paraphernalia.
2. Custodial interrogations the subject is to be restrained.
3. Properly secure exits.

XLI. STATEMENT TYPES

A. Witness/victim statements
These are taken from a witness or a victim of a criminal offense which can be used in court and is subject to discovery.

B. Defendant statement/confession
These may or may not be a confession to an offense taken after the suspect has been advised of the appropriate constitutional rights. It is important that all remarks made in this statement are recorded exactly as stated, either oral or written, in the words of the person making the statement.

XLII. WITNESS/VICTIM STATEMENT

A. Recorded Statements

1. The correct offense number shall be placed on the statement; this will help ensure that the statement is processed with corresponding paperwork.
2. At the beginning of the taped statement, the following information on the person making the statement will be required:

    a. Name
    b. Date of birth/age
    c. Home address
    d. Place of employment;
    e. Telephone numbers to be reached.

3. If the person making the statement cannot read, or speaks a language other than English arrangements are to be made for interpretation. This is to insure accurate documentation of the statement.
4. The recorded statement should contain an introductory paragraph. The main body of the statement shall then follow and contains information the witness can give on a particular offense. The following guidelines are adhered to:

    a. The statement is to be in the person's own words. No police language or officers' words are to be included.

b. An interview prior to the statement should be given to make clear what information will be covered, when practical.

5. Once the interview is completed, the original recording will be properly transferred to a disc or other media to be logged and entered into evidence for future prosecutorial use.
6. A second copy or working copy may then be created to be made a part of the case file for future use and/or reference during the course of the investigation.
7. The recorded statement is considered part of the case file and retained for the same period of time.

C. Written Statements

1. If the person making the statement cannot read, or speaks a language other than English, arrangements are made to have the statement read to the person. The reading is witnessed by another person. To ensure accurate documentation of the statement, the interpreter reads the statement to the witness in a language the person understands. If the statement is correct the witness is allowed to sign the written statement.
2. The main body of the statement follows the introductory paragraph. This section contains information the witness can give on a particular offense, and the following guidelines are adhered to:

    a. The statement should be in the past tense and in the words of the victim. Police language and the officer's words are not included. The statement should be single spaced.
    b. The officer conducts an interview prior to beginning the formal written statement and attempts to obtain all the information the person can give on the offense in question.
    c. Caution must be used to avoid changing the statement by omitting certain details. Only information pertaining to the offense under investigation should be documented in the statement.
    d. Begin by asking the witness/victim to state the date, time, day of week and location from where the offense was witnessed or the person victimized.
    e. The witness, in their own words, should give a chronological account of what they saw or heard.
    f. Encourage the witness to remember events as accurately and completely as possible. Be careful not to lead the witness into giving information that cannot be proven in court.
    g. At the end of the statement given, conclude the typed statement with "This statement is true and correct to the best of my knowledge and ability." Following this, type "End of statement", then type "Statement taken by (officer’s name) on (date) at (location)” followed by typed information.

3. The person making the statement should read what has been typed and the officer should make corrections as needed.
4. Do not allow the person to sign the statement until a witness or notary is present.
5. Each page must be signed by the person making the statement and appropriately witnessed.

XLIII. DEFENDANT STATEMENT/CONFESSION

A. Prior to beginning any audio/video recorded or written statement from a suspect the officer must:

1. Ensure the suspect has been made aware of his/her rights from the Miranda warning.
2. Ensure the suspect understands the rights as read
3. Ensure any waiver of rights is made knowingly and any taped/written statement is given voluntarily.

B. In taped/written statements, follow the guidelines as to the introduction, main body and ending of the interview.

XLIV. HANDLING METHODS/RELEASE OF INFORMATION

A. Recorded statements are considered evidence and will be handled in the following manner.

1. When an officer has a recording that will be transcribed and used in the case file as evidence or for presentation for court purposes, it will be appropriately logged into evidence.
2. The Chain of Custody will be completed showing the recording being turned over to the Evidence Custodian.
3. Upon completion of the transcript, the Chain of Custody will be completed and it will be turned over to an Evidence Custodian. The recording will be stored as any other type of evidence.
4. The transcription or working copy is placed with the case file and is subject to release under the "Inspection of Public Records Act".

B. Written statements are considered evidence and treated as such. In the event a person wants a copy of his written statement, even though it is being held in evidence, there is a copy of that statement placed with the case file and it may be obtained through the "Inspection of Public Records Act."

C. With the usage of pocket recorders, an officer will sometimes record statements by suspect(s) or comments by other persons which could be considered evidence or have a bearing on an investigation. These recordings will be entered into evidence by the officer, regardless of whether the person is arrested at that time or not.

1. There may be other times that the pocket recorder picks up sounds and/or noises that may be considered evidence or useful in an investigation. Officers have the discretion to enter recordings at any time which may be considered of value.

XLV. PHYSICAL LINEUPS- NOT UTILIZED

XLVI. VICTIMS/WITNESSES

A. Victims and witnesses should be given instructions concerning procedures. They should not:

   1. discuss anything with attorneys present unless accompanied by the investigator;
   2. make any overt or declaratory statements;
   3. proceed until instructed; or
   4. discuss the lineup or identification with other witnesses.

B. Victims/witnesses are shown courtesies of proper and ample notification of lineup date, time and location.

XLVII. SUSPECTS

A. Suspects may be compelled to repeat words or phrases. All persons in the lineup must repeat the same words or phrases.
B. If a suspect refuses to cooperate in speaking, the prosecutor's office shall be contacted and advised, actions for contempt of court proceedings may begin.
C. Witnesses should be properly isolated from each other before, during and after the lineup. Each witness views the lineup individually. Witnesses are not allowed to see the suspect prior to the lineup.
D. When selecting lineup participants, physical characteristics should be as close as possible and/or practical.
E. Co-defendants are not placed in the same lineup.
F. The lineup should be conducted with the suspect and at least four other individuals.
G. The lineup should be conducted with one investigator working with the participants. A second investigator should work with the witnesses and attorney(s).

XLVIII. PHOTOGRAPHIC LINEUP'S

A. Photographic lineups are proper investigative tools for securing suspect identification, provided they are not suggestive or improperly presented.
B. Photo lineups may be used during an investigation either before or after arrest.

There is no requirement that the suspect's attorney be present when a photo lineup is presented to a witness.

C. Witnesses and victims may be allowed to view photos on file at the police building to generally search for a photo of the suspect. This is generally used when a definite suspect has not been identified.
D. Lineup presentation in photo array shall be arranged at random with at least six photos of other individuals. All photos must be of the same sex, race, and approximate age and are displayed in the TCPD spread folder.
E. When mug shots are used in a photo lineup, all identifying written information or law enforcement reference on the photos is removed or covered.
F. When general photographic police files are shown to a witness/victim, any names on the photos are removed or covered. These files may include pictures of individuals who have been handled for a particular offense. This may be necessary to ensure an adequate number of pictures for viewing to make the process objective.

XLIX. PHOTOGRAPHIC LINEUP PROCEDURES

A. A photographic lineup is not shown to more than one witness/victim at a time.
B. In the case of multiple witnesses/victims viewing a photo lineup, individual responses of each witness are not made known to other witnesses.
C. The investigator does not, by words or gesture, suggest an opinion as to which photograph is the suspect. The investigator must remain neutral during the presentation.
D. Each time a photo lineup presentation is made a record is to be made of the procedure, to include.

    1. Time
    2. Date
    3. Location
    4. Name of witness/victim Photographic numbers Offense date
    5. Offense number Investigator

E. The information listed above is documented on the TCPD photo spread folder.
F. The viewing witness will initial the photo selected, if any.
G. Information pertinent to the presentation procedure is documented in the investigator's paperwork. This may include statements made by the viewing witness/victim.
H. If a positive identification is made the photo spread will be marked, logged and placed into evidence.

L. JUVENILE OFFENDERS/PHOTO LINEUPS

A. Photo lineup is prepared the same as for an adult. Use of this procedure must be in accordance with the New Mexico Children's Code dealing with photographs of children.

B. School yearbooks may be used as photo lineups. All names and identifying information, including page numbers must be covered. A sufficient number of pages must be displayed to allow the witness to view an adequate number of photos with similar characteristics as the suspect.

LI. POLYGRAPH EXAMINATIONS

A. It must be recognized that the polygraph technique is no substitute for a complete and thorough investigation. The technique can be helpful in supplementing the investigation, and saving valuable man hours and expenditures if utilized during certain phases of the investigation. It should never be used to circumvent an investigation.
B. Polygraph examinations should be available to officers as a tool for case investigation; for pre-employment investigations as a means to verify background information and detect criminal activity; and to the Chief of Police for Internal Affairs Investigations. All polygraph examinations must be approved by the Lieutenant or Chief of Police prior to use.

C. GENERAL POLICY

1. The tested person shall be told that the test must be voluntarily taken, and that he cannot be made to take the test, except under a lawful court order requiring the taking of a polygraph examination in which the person to take the test is named.
2. The person shall be informed the test will take from 2 - 4 hours. He shall be told that as a condition of voluntarily test, he will refrain from using any alcohol or drugs, unless prescribed by a physician, for 24 hours prior to the examination, and that a question may be asked during the examination pertaining to his non-use of drugs or alcohol during the past 24 hours.
3. The person tested should wear short sleeved, loose fitting, shirt and causal loose-fitting slacks or trousers, if possible.
4. Persons with any physical or psychological abnormality or ailment will be tested at the discretion of the examiner performing the examination.

    a. Any person that exhibits a condition indicating pain or discomfort, mental or physical, shall not be tested.
    b. Pre-existing coronary conditions shall require a doctor's release.
    c. Pregnant women will normally not be tested, and if tested, only upon a physician's release.

5. No polygraph examination shall be given:

    a. to any person under 18 years of age unless he and his parents or legal guardian have signed a polygraph waiver prior the examination being given (Any person under 14 years of age shall not normally be polygraph.);

b. any employee/member of the Truth or Consequences Police Department unless such examination is specifically directed by the Chief of Police, and only after the completion of a thorough investigation by appropriate authority;
c. subjects when the requesting individual is not directly affiliated with a law enforcement or judicial agency.
d. The polygraph examiner will make the final determination as to whether or not a subject will be administered a polygraph examination.

6. All polygraph examinations will conform to Rule 707 (Rules of Evidence, 11-707).
7. Under no circumstances will any attorney or other person be present while the examination is being performed, with the exception of an interpreter.

LII. CRIMINAL INVESTIGATIONS

To avoid indiscriminate use of the polygraph and ensure quality case evaluations, the following guidelines have been set for investigative personnel:

A. They shall make contact with the polygraph examiner before scheduling an examination so the examiner's case load can be checked and/or adjusted. Scheduling shall be done as personnel, time constraints, and other considerations dictate.
B. They provide the examiner with all of the reports, supplements, and any additional information available pertaining to the case at hand and the person to be examined, including a criminal history on the person.
C. They shall speak with the polygraph examiner and discuss the merits of the case and "targets" to be addressed at least 2 days prior to the examination being performed. Only one crime or specific issue will be dealt with during anyone examination. At no time will the phrasing of any test questions be posed to the examiner by anyone other than the examiner.
D. In all cases, investigators should withhold from suspects all pertinent information believed to be known only to the victim(s) or person(s) with guilty knowledge. Examples: type of weapon used, caliber of weapon, exact amount of money stolen, the words spoken by the victim or perpetrator, exact route taken, or any information known only to those present at the scene of the crime.
E. Investigators shall be available in the office while the examination is being performed.
F. The case investigator will be responsible for having the subject present at the appointed time.
G. Under no circumstances will the results of any polygraph examination be the sole criterion for determining the guilt or innocence of any person.

LIII. INTERNAL AFFAIRS INVESTIGATION

Only the Chief of Police may order an employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:

A. All other reasonable investigative means have been exhausted; and the officer has been advised of the reasons for ordering the polygraph examination. (29-14-5 NMSA 1978)

	Policy Name:	**ORGANIZED CRIME AND VICE** **POLICY #: TCPD03B** **NMMLEPSC Standard OPR03.01-03.06**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 12/06/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The responsibility for vice, drugs, and organized crime investigations rests with members of the Criminal Investigation Section of the Police Division.

II. DEFINITIONS

A. Vice may involve prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.
B. Drugs: focuses on the distribution/sale of illegal and controlled substances.
C. Organized Crime: addresses unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offenses for profit, or engage in supplying illegal goods and services-prostitution, drugs, liquor, weapons or other unlawful conduct that may include intimidation or corruption.

III. PROCEDURES

A. When information is received from any source, an intelligence information report will be completed. A copy of this form will be assigned to an investigator as any other report and any investigations will be documented, either on the intelligence form or a crime report. This follow-up information will be attached to the original form, which will be maintained on file in the Lieutenant's Office. All reports on active vice, drug, and organized crime investigations will be securely filed and maintained separately from central records until such a time the case is considered closed, either through an arrest or issuance of a warrant. At that time the case file will be transferred to central records. The Chief of Police will be kept apprised of any activity regarding vice, drugs, or organized crime investigations.
B. All Detectives will be trained in field-testing of various suspected narcotics.
C. The detective assigned to the case will be responsible for testing all narcotics placed into evidence.

D. The Evidence Custodian will also be responsible for conducting narcotic destructions.
E. Information determined to be necessary for patrol operations is disseminated at patrol briefings as soon as possible.

IV. SURVEILLANCE EQUIPMENT

A. The Department maintains specialized equipment that can be used to support special investigations.
B. Specialized equipment includes, but is not limited to:

1. Visual monitoring equipment;
2. Surveillance vehicles;
3. Audio transmitters and recorders;
4. Portable radios;
5. Wiretap equipment; when permitted by warrant

C. None of this equipment is used without prior knowledge of a Criminal Investigation supervisor, with the exception of the wiretap equipment which is utilized only with the permission of the Chief of Police and in accordance with Federal guidelines.
D. A sign-out log monitoring the use of any of the above-listed equipment will be completed. This log contains the following information:

1. Case number;
2. Suspect(s) information;
3. Date and time; and
4. Investigator's name.

V. SURVEILLANCE OPERATIONS

A. Organized surveillance operations may be conducted in the normal course of an investigation.
B. When an investigator believes that surveillance would aid an investigation, he/she will contact his/her supervisor with all pertinent information and the supervisor will then take control of any surveillance operation.
C. Personnel are responsible for analyzing victims, crimes, and locations to determine necessary facts to enhance the likelihood of success for the operation. Identifying and analyzing suspects may be accomplished by police reports, intelligence information, and patrol observation.
D. Officers should familiarize themselves with the target area when possible. Items of importance could be location type of buildings street layouts type of populations and size of the area.
E. The following equipment should be available:

1. Weapon(s);

2. Handcuffs;
3. Portable radio(s); and
4. Police insignia.

F. For an extended operation, the supervisor should provide an adequate relief schedule allowing arrangements to be made for the assigned personnel to obtain food and make comfort stops.

VI. UNDERCOVER OPERATIONS

A. When undercover operations are conducted a code name will be assigned to the operation for recording purposes.
B. Informants, citizen complaints, intelligence information, patrol observations, and other information sources are used to identify and analyze suspects.
C. Undercover contacts may be made using an informant who introduces the suspect to the undercover officer. The officer can then frequent areas where the illegal activity takes place. When possible, other officers should become familiar with the neighborhood or target area before the operation takes place. No undercover officer will conduct undercover operations without a surveillance team.
D. An officer may be provided with alias identification when necessary. The Lieutenant maintains all records on alias identification and is responsible for the release of any information in that regard.
E. The Lieutenant determines what safeguards should be established for the particular operation.
F. Department personnel should not approach, or in any way identify an undercover officer as a police officer in the event of contact.
G. If any department employee becomes aware of an undercover operation or the identification of any officer involved, they will not discuss any information obtained unless specifically asked by a supervisor.
H. The Lieutenant determines the amount of supervision necessary for the operation. This decision is based on the type and length of the operation number of personnel involved and the experience/training of personnel.
I. Specific operational procedures for arrests are determined by the Lieutenant. This includes coordination of arrests, providing for adequate backup officers, and for collection of evidence.
J. The City Attorney and District Attorney should be consulted on legal ramifications arising from the operation.
K. During the course of an operation all records will be maintained separately from central records. A sequential numbering system will be assigned to each offense in the following way:

1. Last two digits of the Year;
2. Initials of the name of the operation;
3. Month of occurrence;
4. Sequential case number.

L. Any evidence which needs to be tagged and logged may use the above-mentioned number.
M. At the completion of the operation a block of crime report numbers is acquired from the Records section and the reports are then filed in the central records system.
N. Prior to an undercover operation beginning, the Lieutenant will ensure that any undercover officer has met minimal standards of training including firearms qualifications, use of force, search and seizure, field testing of narcotics, criminal law, and courtroom testimony as set by Department policy.
O. The Lieutenant will ensure that the Chief of Police is kept abreast of any developments by reporting such on at least a monthly basis.

VII. FLASH ROLL

The purpose of showing a drug trafficker money during an undercover operation is to assure him/her that the undercover officer is financially capable of purchasing the narcotics being offered for sale. This practice is commonly referred to as a 'flash roll'. The following procedures will be adhered to when using a flash roll.

A. Any flash roll will be used under the direct supervision of the Lieutenant.
B. Money used from the flash roll will be photocopied and submitted for evidence before using the money. This procedure may be used in the case of a search warrant or a 'buy-bust' investigation, among others.
C. No portion of the flash roll should be loaned to any other agency without prior approval from the Chief of Police. When money is loaned to another agency, a representative of the Department accompanies the agency on the operation.
D. Money used from the flash roll is returned within 24 hours of its use, when possible.
E. If the amount needed for the flash roll exceeds the available amount in the contingency fund, the Chief of Police may access additional funds for temporary use through the City Finance Director.

VIII. INVESTIGATING LOSS OF MONIES

A. Any loss of money, whether from the flash roll or from an investigator's allotment shall be reported immediately to the Lieutenant through the chain of command and a detailed written memorandum submitted.
B. An appropriate investigation shall be conducted by the shift supervisor as required by the circumstances of the incident which may result in an Internal Affairs investigation.

IX. FORFEITURES OF SEIZED PROPERTY

At this time the Truth or Consequences Police Department does not participate in a seizure and forfeiture program.

X. RAID OPERATIONS

A. Raid operations may be defined as the execution of any search warrant, service of arrest warrants in a high-risk situation, or the execution of arrest warrants as the result of undercover operations. The Chief of Police/designee will authorize the use of force in raid operations based on the total score compiled from a completed Sierra County Sheriff's Office SRT matrix score sheet.
B. The case investigator in conjunction with the SRT commander is in charge of on-scene operations and is responsible for conducting a briefing for the purpose of making position assignments and informing participants of any potential hazards, etc.
C. Strategies for the raid should include, but not be limited to:

    1. Specific personnel assignments to cover all entrances and exits from the target area.
    2. Specific personnel assignments for the entry team and for suspect security.
    3. Specific information such as target address, suspect information, and proper radio channel is known to all raid team members.
    4. Telecommunications will be advised of the channel, which will be utilized by raid team members.

D. All members of the entry raid team shall wear protective body armor, insignia that clearly identifies them as a police officer, and a weapon.
E. Other equipment which should be readily available includes:

    1. Handcuffs;
    2. Portable radios;
    3. Specialized equipment.

F. When entry has been made, designated officers will receive specific areas to search depending on the scope of the warrant. All contraband and evidence are secured by a designated evidence officer. Search team members will use reasonable care to minimize property damage.
G. Central Dispatch will be made aware of the location and participants.
H. When executing warrants in another jurisdiction, the appropriate law enforcement agency is contacted for assistance.
I. Once the entry team announces their intent and there is no response within a reasonable amount of time or the team believes evidence is being destroyed, the team is authorized to use reasonable force to gain entry. If the suspects resist, officers are authorized to use reasonable force to protect themselves or others from death or serious injury.
J. If an officer, suspect, or other person is injured, medical aid is summoned as soon as possible. The Lieutenant is notified and appropriate documentation of the incident is made.

K. All suspects are brought to a specified area and secured by the cover team. The suspects are provided with a copy of the search warrant. Arrested persons are transported to the Sierra County Detention Facility, or other designated Detention Facility after appropriate booking procedures or interviews are conducted.

	Policy Name:	**JUVENILE OPERATIONS** **POLICY #: TCPD04B** **NMMLEPSC Standard OPR04.01-04.05**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 12/06/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

The purpose of this policy is to define departmental procedures and provide guidance to officers when handling juveniles. Law enforcement interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, officers will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility of all agency personnel and components to participate - in and support the juvenile operations.

II. DEFINITIONS

A. Juvenile: A person under 18 years of age.
B. Delinquent Act: An act committed by a child that would be designated as a crime under the law if committed by an adult.
C. Delinquent Child: A child who has committed a delinquent act.
D. JPPO: Juvenile Probation and Parole Office/Officer
E. Child Protective Services: CPS/CYFD enhances the safety and welfare of children in New Mexico.
F. Family In Need of Services (FINS): Those children involved in offenses that are not considered a delinquent act (i.e., truancy, runaway,).

III. TAKING INTO CUSTODY

A. Delinquent Child

If a child is taken into custody, after arriving at the facility, the on-duty or on-call JPPO will be notified as soon as possible by the detaining officer. The officer will document the name of the JPPO contacted along with the date/time and outcome. At that time, the JPPO will authorize either release or detention.
If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining officer will document the time, date, and person the juvenile is released.
If the JPPO authorizes the detention of the juvenile, the arresting officer will complete a 'Probable Cause Detention' which will be attached to the arrest report.

B. Detoxification

If an officer comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every effort will be made to notify the parents or guardians. If a parent or guardian is not available CYFD will be contacted. Further investigation will be conducted by the officer to determine where/who and how the juvenile obtained the alcohol and/or controlled substance and proper, legal enforcement action will be taken in accordance with the law. No officer will sign any documents at the hospital granting medical treatment or accepting responsibility for payment.

IV. PROTECTION OF RIGHTS

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

A. The child will be brought to the Truth or Consequences Police Department without delay unless the child is in need of emergency medical treatment. The officer will make every attempt to contact parents or legal guardian(s) and advise them that the child is in need of medical services. If no family member can be contacted, Children Youth, and Families will be notified.

When a juvenile is detained for any delinquent act the log book will be completed documenting the juvenile's detention while in custody at the police department. The juvenile shall be placed into a holding cell so long as no adult prisoners are being held at the same time. A child being held at the police department for a status offense such as runaway, truancy, etc. will be logged in the book and shall not be handcuffed nor held in a holding cell at any time. Juveniles detained for a status offense will remain separated from any other person being held for a criminal act or delinquent act.

1. The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;
The arresting officer will complete a 'Juvenile Arrest Report';
The child will be given a copy of the 'Juvenile Advise of Rights' to read and sign. The copy will be attached to the arrest report. If the child is being detained, a 'Probable Cause Determination' will be completed detailing the events of the crime and the reason for taking the child into custody without a

warrant.

B. If the child is taken into custody a complete copy of the report will be placed in the JPPO's box at the office.

C. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

V. PARENT NOTIFICATION/RELEASE

A. The parents/guardians of the child will be contacted and advised the child has been taken into custody, the reason, and whether they are being released or detained;
B. When the child is released from the Truth or Consequences Police Department, whether to a parent/guardian or being transported to a detention facility, it will be noted on the Juvenile Detention Sheet.

VI. CUSTODIAL INTERROGATION

The guidelines of the Children's Code, 32A-l-l to 32A-20-1, N.M.S.A. 1978, do not prohibit the officer from interviewing and taking statements from victims or witnesses of any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the officer(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) officers being present. The questioning will not last longer than two hours and there must be a thirty-minute break before resuming interrogations. No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the officer will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

VII. JUVENILE REFERRALS

The local Juvenile Probation Office in conjunction with the Seventh Judicial District Court and District Attorney has applied a juvenile referral program.

A. A juvenile referral can be issued if:

1. The "delinquent act" would be considered a petty or full misdemeanor if committed by an adult.
2. Probable cause exists that shows the cited juvenile committed the act.

B. This will be filled out completely and thoroughly.
C. The narrative portion will be filled with a synopsis of the actions of the juvenile which led you to believe a delinquent act was committed by the juvenile named on the referral.
D. No time will be listed for appearance; this will be set by the JPPO's office.

VIII. TRAFFIC CITATIONS

All Municipal and Magistrate courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. No Municipal or Magistrate court shall incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code or Municipal Traffic Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

IX. HANDLING JUVENILE OFFENDERS

A. When investigating offenses or incidents involving juvenile offenders, officers will use the most appropriate alternative. These alternatives may include:

    1. Release with no further action;
    2. referral to JPPO;
    3. Custodial arrest with referral to juvenile authorities.

B. Based on the nature of the investigation, when an officer determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation. This attempt or contact will be noted in the report.

X. RUNAWAYS/ENDANGERED CHILD

A. All runaway reports must be completed as soon as possible and the appropriate paperwork faxed and mailed to New Mexico Vital Record and Health Statistics.
B. Records staff will be responsible for mailing the paperwork to NM Vital Records.
C. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his/her home state.

D. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The officer should notify the call taker that an officer needs a caseworker for an emergency placement of an endangered child.
E. If time becomes a critical issue and it is feasible to relocate the child to the police department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding officer until he/she has been turned over to CYFD.
F. A copy of the police report and Missing Person's report form will be sent to central dispatch for entry to be made into NCIC.
G. Upon the return or locating of a runaway juvenile the cancelation paperwork from the New Mexico Vital Record and Health Statistics along with a supplemental report will be submitted clearing the runaway juvenile statewide clearing house and NCIC.

XI. SCHOOL RESOURCE PROGRAM

A. Purpose:

The purpose of a School Resource Program is to prevent juvenile delinquency and create favorable student–police officer relationships. The court system, school administrators, teachers, parents, and students are all beneficiaries of the School Resource Program and, as stakeholders in the search for safer schools, should support and work with the School Resource Officer(s) to reduce violence in the schools. (New Mexico Standard OPR.04.05. A)

B. Policy:

It is the policy of the Truth or Consequences Police Department, when manpower allows, to have designated officers assigned to the Truth or Consequences Public School District to interact with young people in order to increase positive attitudes toward law enforcement, reduce juvenile crime, and enhance the safety on the school campuses.

C. References:

New Mexico Municipal Law Enforcement Professional Standards Council, First Edition 2002, Amended June 2007

D. Procedures: Program objectives

The following are the objectives of the School Resource Program:

- Promote student understanding of the law and the criminal justice system. (New Mexico Standard OPR.04.05. D)

- Decrease the number of occurrences of substance abuse and/or possession, theft, vandalism, weapons possession, fighting, harassment

and trespassing during the school day and during extracurricular school functions.

- Decrease campus gang activity and involvement in gangs by the students.

- Improve young people's attitudes and relieve student fears about law enforcement by familiarizing the student body with law enforcement personnel. (New Mexico Standard OPR.04.05. D)

- Improve the awareness of the student body in the areas of drug resistance, alcoholic beverage avoidance, and civil and civic responsibility by presenting education to students on these issues. (New Mexico Standard OPR.04.05. B)

- Increase access of students to community agencies that aid youths and their families with problems that require professional help.

Responsibilities of the School Resource Officer (SRO)

The SRO shall coordinate all of their activities with the principal and staff members concerned. SROs will seek guidance and permission prior to enacting any program within the school.

The SRO shall develop expertise in presenting various subjects to the students. Such subjects will include, but not be limited to, a basic understanding of the laws, the role of the police officer, and the police mission. (New Mexico Standard OPR.04.05. B. D)

The SRO shall encourage individual and small group discussions with the students based on material presented in class to further establish rapport with the students. (New Mexico Standard OPR.04.05. B.C. D)

When requested by the principal, the SRO shall attend parent/staff/administrative meetings to solicit support and understanding of the program. (New Mexico Standard OPR.04.05. D)

The SRO shall make himself available for conferences with the students, parents, and faculty members in order to assist them with problems of a law enforcement or crime prevention nature. (New Mexico Standard OPR.04.05.C)

The SRO shall become familiar with all community agencies which aid youths and their families such as mental health clinics, drug treatment centers, etc.

The SRO shall assist the school administration in developing plans and strategies to prevent and or minimize dangerous situations that may result from student unrest. These plans will have police department staff review and approval. Should it become necessary to conduct formal police interviews with the

students, the SRO shall adhere to the legal requirements, police department policy, and school board policy for these interviews.

The SRO shall take law enforcement action as appropriate. As soon as practical, the SRO shall make the respective school administrators aware of such action. The SRO shall take appropriate law enforcement action against intruders and unwanted persons who may appear at the school and related school functions, to the extent the SRO may do so under the authority of law.

The SRO shall give assistance to other law enforcement personnel in matters regarding his school assignment or as otherwise necessary.

The SRO shall maintain detailed and accurate records of the operation of their respective activities. These records shall include, but not be limited to, statistical findings from his school. The records will be submitted, on a monthly basis, to the supervisor of the SRO program.

The SRO **shall not** act as a school disciplinarian, as disciplining students **is a school responsibility**. However, if the principal believes an incident is a violation of the law, the principal may contact the SRO and the SRO shall then determine whether law enforcement action is appropriate.

The SRO **is not** to be used for regularly assigned lunchroom duties, bus duties, hall monitors or other monitoring duties. If there is a problem, the SRO may assist the school until the problem is resolved.

	Policy Name:	**UNUSUAL OCCURRENCES** **POLICY #: TCPD05B** **NMMLEPSC Standard OPR05.01-05.10**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 12/06/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

In the event of a natural or man-made disaster, the Department has established the following guidelines and procedures to provide for the coordination of law enforcement activities to ensure the safety of life and property.

II. AUTHORITY

A. Authority for implementing the Department's emergency disaster plan lies with the Chief of Police or his designee. The Chief of Police/designee directs emergency operations from the Emergency Command Center in coordination with other responding agency representatives.
B. The Lieutenant is designated and responsible for the planning and response to disasters and unusual occurrences. He is the principal advisor to the Chief of Police and acts as a liaison with Emergency Management authorities and other agencies. He is also responsible for the annual review and update of the Department's Emergency Disaster Plan.
C. The Chief of Police is responsible for coordinating communications with other City Department Public Information Officers to release relevant, accurate, and updated information. The Public Information Officer maintains contact with news media personnel and conducts adequate media briefings in an effort to quash rumors and prevent public panic.

III. MANMADE DISASTERS

Man-made disasters can take a multitude of forms however in general it means an occurrence or imminent threat which is the result of a man-made act affecting any number of citizens through widespread or severe damage, injury, or loss of life or property.

A. Scene Commander

1. The first officer on the scene immediately assumes command and is designated Scene Commander until, or unless, relieved by a higher authority. It is the responsibility, of the Scene Commander to:

    a. Make a rapid survey of the scene and assess the seriousness of the situation.
    b. Notify the Chief of Police/designee through the formal chain of command as to the current status of the situation to include the following:

        1) Manpower needs;
        2) Routes open to the scene;
        3) Location of a suitable staging area and parking area.

    c. Establish a field command post; and

        1) notify Central Dispatch and the Chief of Police/designee of the location;
        2) determine any communications available;
        3) determine the specific equipment and personnel needed;

    d. Supervise field operations and maintain communications with Central Dispatch.

IV. NATURAL DISASTER

Natural Disasters can take many forms from ice and wind to tornadoes. It is considered any natural phenomenon, which has the potential of widespread or severe damage, injury, or loss of life or property.

A. Supervisors

1. Will assign personnel to observe and report accurate and updated information on the event.
2. Make the decision as to whether any further resources are needed.
3. Establish Incident Command procedures.
4. Begin contacting the Lieutenant and updating them with the information.

V. COORDINATION WITH ALL HAZARDS PLAN

During periods of emergency, when the All-Hazards Plan has been implemented and the Emergency Command Center is operational, the Department coordinates its efforts with Fire/EMS operations. The Chief of Police or his designee directs the activities of the Department from the Emergency Command Center.

VI. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

A system used in the United States to coordinate emergency preparedness and incident management among all federal, state, and local agencies. In the event of a large-scale disaster, either manmade or natural we will initiate and follow the NIMS criteria. Incident Command System will be utilized as specified by NIMS.

VII. TRANSPORTATION

Transportation resources:

A. Truth or Consequences School District buses
B. Truth or Consequences Area Transit (if applicable)
C. City of Truth or Consequences
D. Sierra County
E. Sierra County Sheriff's Office
F. New Mexico State Police
G. Private bus contractors
H. National Guard
I. Border Patrol

VIII. EVACUATION OF THE POLICE DEPARTMENT

A. In the event that an emergency situation occurs in which evacuation of the Police Department is required the ranking on-duty patrol supervisor will determine to what degree the Police Department will be evacuated. The supervisor will ensure that staff notification has been made. This can be done through the Central Dispatch.

    1. Evacuation- The supervisor will direct the communication of warnings within the building.

        a. Department personnel will be notified by use of the paging system within the department or telephone.
        b. The on-duty supervisor will advise whether a complete or partial evacuation is required. In the event of a partial evacuation, the on-duty supervisor will specify the extent of the evacuation.
        c. Evacuation of the building will be made at the direction of the supervisor.
        d. Evacuation of the holding cells will follow the policies and direction of the City of Truth or Consequences Police Department procedures manual.
        e. Each employee should ensure that all files and doors in their areas are locked, if possible.

B. Duties after Evacuation- After evacuation, all personnel will report to the Command Center for assignment. These assignments may include, but are not limited to:

    1. building security,
    2. perimeter control,

3. traffic control,
4. Liaison with the Central Dispatch,
5. Assignment to the resource center, or
6. Other duties as deemed necessary by the event.

C. Duties at Completion of the Emergency: At the conclusion of the emergency, personnel shall report to the Command Center for further instructions.

IX. DE-ESCALATION PROCEDURES

A. Recovery begins when the emergency assistance arrives and the emergency is stabilized. While recovery can take place quickly in some areas, other affected areas may require an extended period of time to recover from a disaster.
B. Once the emergency stabilizes and begins to de-escalate, the commander will prepare for the return to daily police operations. This preparation shall include, but not be limited to the following considerations:

1. Release of other agency personnel from emergency duty.
2. Release of agency personnel from emergency duty.
3. Agency personnel will be the final group released from emergency duty.
4. A minimum recovery period of twelve (12) hours is needed before reinstituting daily police operations. This will provide relief for officers who would normally be reporting for duty at the next scheduled shift.

X. AFTERMATH DUTIES

A. As the disaster situation is contained, the Chief of Police or Scene Commander issues the order to secure all posts associated with the operation and calls a debriefing for all involved personnel at the Police Department.
B. Post-disaster personnel may remain in the field at posts designated by the Scene Commander.
C. Within 48 hours after the incident, the Patrol Commander shall submit a written report detailing the events, any casualties, and any revisions that need to be made to the emergency operations plans.
D. Within 72 hours a Critical Incident Stress Debriefing may be provided for public safety personnel, when appropriate.

XI. GENERAL

A. Communications

1. Communications play a critical role in emergency operations. The patrol supervisor should identify the nature and extent of the problem and promptly communicate this information to the dispatcher.
2. An inter-jurisdictional communications network, consisting of telephone, teletype, and radio facilities, serves to perform the basic communication needs for emergency operations.

3. While public safety communication systems may be insufficient to meet the communications demand created by a major disaster, the City of Truth or Consequences has other sources of communication, such as NMSP Police Department radio operators and business/industry radio communication systems. HAM's Radio, local, and statewide Interoperability Communications resources.
4. When mobilization is ordered, the on-duty Communications Operator shall immediately notify the Division Commander.

B. Police Services Division

1. Emergency Operation Commander (Police Chief or designee)

    a. The Emergency Operations Commander will determine manpower needs based on 10.5-hour shifts.
    b. Ensure that both on-duty and off-duty personnel have been notified and mobilized as necessary.
    c. Locate and review any maps which could assist in the operation.
    d. Assemble and brief personnel in the designated location as needed for assignments and equipment issuance.
    e. Evacuate and/or set up a perimeter as necessary.
    f. Establish field command post if necessary.
    g. Provide casualty information to the staff as available.
    h. The Department's Public Information Officer shall be kept up to date and informed as often as possible by the Scene Commander as to current conditions and progress of the operation.
    i. Supervise post-disaster, de-escalation, and resumption of normal activities.
    j. Submit after-action reports to the Chief of Police.

2. Officers

    a. Report promptly to the assigned assembly area to receive assignment and equipment.
    b. Be prepared to work 12-hour shifts.
    c. Perform assigned functions as directed, including emergency protective measures for the protection of life and property, traffic control and direction, crowd control, evacuation, and containment of the disaster area.
    d. Available Department personnel may be assigned to key areas of the incident/operation, including but not limited to:

        1) Perimeter control;
        2) Traffic direction and control;
        3) Temporary morgue/casualty information;
        4) Property recovery and disposition;
        5) Evacuation;
        6) Public facility security;
        7) Arrest/transportation needs;

1. Traffic direction and perimeter control is the primary responsibility of the Police Department.

    a. An outer perimeter should be established to secure the area. The purpose of the outer perimeter is to keep the number of people exposed to any hazard to a minimum. Access to a disaster area will be limited to residents, emergency services, and utilities. Officers should remove any unauthorized personnel from the area for safety reasons being very cognizant of the potential for thefts.
    b. Maintain open emergency lanes to provide for the free flow of emergency vehicles and equipment. Officers will report streets that are accessible to emergency vehicles as well as streets that are clear through the disaster area. If needed, street cleaning equipment may be requested through the Command Center.

2. Assist with the care and removal of the injured, as well as the removal and identification of any casualties.
3. Maintain conspicuous police patrols for the protection of life and property, as well as preventive measures.
4. Prepare reports as required or necessary.
5. Officers should be cognizant of the city shelter areas and direct people accordingly.

    a. Victims in need of first aid will be directed to the staging area where medical aid and transportation will be located.
    b. If the victim is not movable, their location will be relayed to EMS personnel and a route will be provided for transportation.
    c. People who are unable to locate a relative should be directed to the centralized shelter where a list and disposition of victims will be kept.

C. Chain of Command

1. The established Department chain of command shall be strictly adhered to during emergency operations unless otherwise directed by the Chief of Police/designee.
2. Outside law enforcement agencies aiding with the emergency shall report to the emergency operations commander for assignment. Personnel from other law enforcement agencies shall adhere to the Operation's Chain of Command.

XII. STATEMENT OF PURPOSE

In the event of unusual occurrences, the Department has established the following guidelines and procedures.

XIII. LABOR DISPUTES

Labor disputes and strikes require more diplomacy on the part of the police than many other police matters. Police may show no partiality in a situation so delicately balanced. Certain legal rights are offered to each side and law enforcement must ensure that these rights are protected by enforcement when necessary. The Chief of Police or his designee will make the determination as to whether or not officers will remain present at the scene of a strike or whether a close patrol will be maintained.

A. General Policy

The police will not take sides in a strike; they will enforce the laws impartially and be ever conscious of their personal conduct, courtesy, and bearing. The officers protect both parties from personal injury, property damage, or the disturbance of public peace, and ensure free passage of all citizens on the sidewalk and street. Picketers enjoy the right of free speech and expression. They may carry banners and voice what they wish so long as they do not violate the rights of others, violate state statutes, or city ordinances. Management has an obligation not to incite riots by outward provocation of the striking crowd.

B. Close Patrol- If it is determined that a close patrol will be kept of the area, the area officer will:

1. Monitor the crowd and activities on a regular basis and keep the on-duty supervisor apprised of the situation.
2. If the situation appears to be getting out of control or a large crowd begins gathering it will be the on-duty supervisor's responsibility to assign an officer(s) to remain at the scene.

C. On Scene- When assigned to the scene of a strike the officer(s) should abide by the following:

1. As long as the picketing is orderly, the inspection of the strike area will be made from across the street, or a short distance down the block;
2. If information is to be conveyed to the picket line, then the officer will convey this information by speaking with the person in command;
3. If information is to be conveyed to management, then the information should be relayed by speaking to the person in charge;
4. When it is determined that the situation may get out of control the on-duty supervisor will assign officers to the picket line.

D. Arrests

1. If an officer witnesses a misdemeanor or felony, he/she will take the appropriate action as in any other situation. When an arrest is made the officer making the arrest will stay on scene until he is replaced by another officer.

a. Once a replacement officer arrives, the arresting officer will transport the prisoner to the jail complete the appropriate arrest paperwork, and will then report back to the scene, as needed.

2. Reported violations that did not occur in the officer's presence will be handled as in any other situation.

E. Reporting Requirements

Officer(s) working strike duty will submit a combined report summarizing the activities during their tour of duty and forward this to the Division Commander.

XIV. RIOTS/CIVIL UNREST

Once a civil disturbance has been identified, the area should be quickly sealed off and contained until the disturbance has been resolved. An unlawful assembly should be dispersed in a safe manner, if possible. Once removed, people should not be allowed to return. If applicable, officers are instructed to arrest violators who refuse to comply with lawful orders to disperse from the scene. The on-duty supervisor will request assistance from the Sierra County Sheriff's Office and their Special Response Team (SRT), State Police, and if necessary, may mobilize off-duty officers, with the consent of a Division Commander or Chief of Police, if possible.

A. Communications

1. During an emergency, VTAC 10, which is an inter-agency radio channel, shall be designated for emergency traffic only until the completion of the operation.
2. If required, the Emergency Command Post will be activated and communications established from that facility.

B. Situation Maps

1. Situation Maps shall be maintained in the Central Dispatch to be used during emergency situations to visually plot the emergency area.
2. City maps or building blueprints of schools or public buildings shall be obtained and made available at the command post.

C. Scene Commander-The first supervisor on the scene immediately assumes command and is designated as Scene Commander until, or unless, relieved by a higher authority. It is the responsibility of the Scene Commander to:

1. Make a rapid survey of the scene and assess the seriousness of the situation.
2. Notify the staff through the Chain of Command of the current status of the situation to include the following:

a. Manpower needs;

b. Routes open to the scene;
c. Location of a suitable staging area and parking area.

3. Establish a field command post and

a. notify Central Dispatch and the staff of the location;
b. determine any communications available;
c. Determine the specific equipment needed.

4. Supervise operations and maintain communications with Central Dispatch.

D. Chain of Command

1. During emergency situations, the established chain of command shall be strictly adhered to.
2. Other law enforcement agencies responding to aid the Department shall adhere to our established chain of command unless otherwise directed by the Chief of Police/designee.

E. Community Relations/Public Information

1. The purpose of effective community relations/public information is to maintain 'public confidence' while keeping the public informed concerning any threatening emergency situation.
2. The Department Public Information Officer is responsible for establishing effective collection, control, and dissemination of emergency public information, to minimize confusion, and misinformation and for rumor control.
3. If the emergency is strictly a law enforcement problem, the Public Information Officer shall keep the media briefed on the emergency situation as it progresses, without jeopardizing security objectives.

F. Court/Prosecutorial Liaison- In the event a civil disturbance involves mass arrests, the Lieutenant will maintain liaison with the appropriate prosecutor, courts, and detention personnel, seeking legal advice and direction, as necessary.

G. Other Law Enforcement Agency Support

1. The Scene Commander may request mutual aid from other surrounding law enforcement agencies.
2. Responding law enforcement officers shall be directed where to report for briefing and assignments.

H. Military Support- the Chief of Police may request the City Manager and Mayor seek additional support through the New Mexico National Guard consistent with the city's Emergency Operations Plan.

I. Traffic Control

1. During a civil disturbance within the city, the Department is responsible for providing traffic direction and control, including barricading off designated streets.
2. The Scene Commander is responsible for establishing perimeters, and sealing off the affected area while routing traffic away from the location.

J. Equipment

a. Uniformed officers are issued equipment that should be utilized during civil unrest. These may include the following:

i. ASP baton
ii. OC Spray
iii. Flashlights

b. In a state of emergency, the Chief of Police is authorized to acquire additional equipment, as needed.

K. Mass Arrests- During a civil disturbance, the possibility of mass arrests certainly exists. Mass arrests must be handled quickly and efficiently, providing for transportation to jail, release on summons, and adherence to the arrestee's constitutional rights.

L. Arrest

a. Before taking any immediate action, the Scene Commander shall determine how must assistance is needed to effectively execute the agency's plan.
b. Once the order to disperse has been given, it shall be repeated and a reasonable time limit encouraging people to leave freely.
c. Officers responding to a civil disturbance shall respond as an organized tactical team under the direction of a supervisor, not as individual police units.
d. When incidents involving mass arrests are anticipated the Jail Administrator will be contacted ahead of time so the jail personnel can be prepared.
e. If mass arrests are made, Department vehicles should be used to transport prisoners to the Sierra County Detention Center, after appropriate paperwork is concluded.

i. The Sheriff's Department and State Police may be utilized to transport prisoners.
ii. If larger capacity transportation is needed the on-duty supervisor should contact one of the following to arrange for buses:

1. City of Truth or Consequences
2. Sierra County Detention Center
3. Truth or Consequences Area Transit
4. Truth or Consequences Public Schools

5. Private bus contractors

f. Prisoners will be promptly arrested and removed from the scene to the Sierra County Detention Facility or other designated facility.
g. Even during civil disturbance officers are authorized to use only the degree of force necessary to effect a lawful arrest, in compliance with the Department Use of Force policy.
h. Officers should remember that civil disturbances are highly publicized events, whereby police actions are rigidly scrutinized by the public.

M. Booking

1. Officers shall adhere to standard operating procedures in the booking process.
2. Since this type of activity may cause confusion, all venues will be utilized to ensure the identity of the individual prisoner is correct. Photographs and fingerprints shall be taken of all arrested for follow-up investigative and identification purposes.
3. If juveniles are involved, the JPPO will be contacted and asked to respond to the Detention Facility in order to quickly assess and recommend disposition.
4. The Magistrate or Municipal Court Judge and Court Clerk will be notified of mass arrests.
5. Confinement of adult prisoners will be in accordance with standard operating procedures unless otherwise directed by the Chief of Police or his designee.
6. Prisoners remaining in department custody will be provided with the necessary needs, such as food, water, and sanitation.

N. Defense Counsel Visits

1. Prisoners will be given the opportunity to contact legal counsel after being booked.
2. Prisoners awaiting arraignment shall be allowed to consult with legal counsel.
3. In most cases, defense counsel visits shall be allowed consistent with state and federal laws. However, security risks may delay these visits.

O. Medical Treatment

1. The Scene Commander will request an ambulance standby at a safe location.
2. Prisoners requiring medical attention will be treated prior to being confined in jail.
3. Prisoners who are seriously injured will be transported by ambulance to the hospital. Security arrangements will be made as necessary.

XV. COORDINATION WITH CITY-WIDE DISASTER PLAN

During periods of emergency, when the City of Truth or Consequences Disaster Plan has been implemented the Department coordinates its efforts with Sierra County Emergency Management.

Emergency Management Operations. The Chief of Police or his designee directs the activities of the Department from the designated Command Post.

XVI. COMMUNICATIONS

During periods of emergency, the on-duty Supervisor shall immediately establish a solid means of communication.

XVII. PUBLIC FACILITY SECURITY

A. As many officers as necessary will be assigned to secure City of Truth or Consequences facilities, including the Police Department, City Hall, Fire Department, and Municipal Court.
B. In cases of a major civil disturbance officers will be provided for security of strategic support facilities such as public utility buildings, hospital facilities, etc.

XVIII. POST OCCURRENCE

A. The Scene Commander shall direct personnel to perform such necessary duties as required to resume daily police operations, such as:

    a. Emergency notification of next-of-kin concerns injuries or deaths.
    b. Follow-up supervision concerning workman compensation re: officer on-duty injuries.
    c. The Purchasing and Supply clerk will be responsible for any repairs or replacement of damaged or lost equipment/supplies.

B. Any evidence will be collected in accordance with procedural guidelines.
    a. Reassignment of patrol personnel to regularly scheduled patrol shifts.

C. A debriefing will be held at the conclusion of the incident and a post-incident report will be written to the Chief of Police by a designated supervisor involved in the incident, reviewing the operation and recommending any procedural changes, if necessary.
    a. Within 72 hours a Critical Incident Stress Debriefing shall be provided by the Department for those public safety personnel involved.

XIX. SPECIAL EVENTS

Special events may include but are not limited to sporting events, parades, gatherings, marches, concerts, concerns, and political conventions.

A. Procedures

1. The Lieutenant or his designee is responsible for coordinating the number of officers present at the function and their duties.

2. It is the responsibility of the individual coordinating the event to develop a written plan that establishes at a minimum:
    a. use of special operations personnel, if needed;
    b. necessary equipment available;
    c. designation of a single person or position as supervisor and coordinator for the coverage of a given event.
    d. written estimate of traffic, crowd control, and crime problems expected for any given event;
    e. logistical requirements;
    f. coordination inside and outside the agency; and
    g. contingency plan for traffic direction and control, which should include, if applicable:

        1) entry and exit of vehicular and pedestrian traffic;
        2) adequate parking facilities;
        3) spectator control;
        4) public transportation;
        5) relief of officer assigned to point traffic control;
        6) emergency vehicle access;
        7) alternate routes for through traffic;
        8) use of temporary traffic control devices;
        9) News media access.

3. A copy of the plan should be distributed in the following manner:

    a. A copy will be posted with the special detail signup sheet.
    b. A copy will be submitted through the chain of command with provisions for each staff member to acknowledge the information was received.

B. After-event report

    a. The supervisor coordinating the event will complete an after-event report, which should detail any problems encountered during the event and resolutions or changes that should be considered before the next event.
    b. A copy of the after-event report should be forwarded through the chain of command to the Lieutenant.

XX. STATEMENT OF PURPOSE

It is the policy of the Truth or Consequences Police Department to respond to reports of actual or threatened use of bombs, explosive devices, or abandoned or found explosives, in an attempt to reduce the risk to persons and property, to the extent possible.

XXI. PROCEDURE

A. In any incident where an explosive or suspected explosive device is located, responding officers will not handle, or closely approach the device.

B. The officer should refrain from using communications equipment (including mobile telephone) within 100 yards of the device or location where a bomb threat has been received. (Electromagnetic energy emitted by the radios may activate the device).

C. Officers will assist with the evacuation of persons who are in the vicinity of the device. It is not possible to know prior to the explosion how large an area must be evacuated. Thus, officers must rely upon common sense judgment in advising evacuated persons where to relocate.

D. Upon discovery of a device or suspected device, the Shift Supervisor will respond to the incident location, if not already present.

E. Upon discovery of a device or suspected device, the Shift Supervisor will make a notification to the Division Commander.

F. Upon discovery of explosives, improvised explosive devices, suspected devices, or evidence that might indicate the presence of an explosive device or after an explosion of a device, EMS and Dona Ana County Sheriff's Department Explosive Ordinance Disposal Unit personnel will be requested to assist or respond. In the event the DASO EOD is unavailable, one of the following bomb disposal units will be requested to assist:

    1. New Mexico State Police Bomb Disposal Unit;
    2. United States Army E.O.D., Ft. Bliss, Texas.

G. Upon discovery and after response and investigation by Truth or Consequences Police Department Officer(s) and/or alternate disposal units, of a bomb, explosive device, or abandoned/found explosives, it shall be the decision of one or more of those personnel as to the disposition of the device or explosives.

    1. If bomb personnel determine the threat of detonation of the device/explosives to be minimal, disarming and/or removal of the device or explosives may be made to a safe area for destruction or dismantling.
    2. If bomb personnel determine the threat of detonation of a device or explosives too great to disarm or remove, bomb personnel, at their discretion, may allow the device to detonate by itself or detonate it themselves after appropriate evacuation of the area is completed.

H. At the conclusion of all incidents where bombs/explosive devices or hoax devices are discovered, the Federal Bureau of Investigation will be notified in writing on their appropriate forms. These are maintained by the Administrative Records Division.

XXII. TELEPHONE THREATS

Department personnel, usually receptionists, should attempt to obtain all information

available to complete the 'bomb threat checklist'. Responding officers should obtain information that has not yet been obtained by the person receiving the call according to the following:

A. The exact words of the person making the threat that will assist in identifying the person if they have made previous calls. Many times, callers repeat words and phrases.
B. Where the device is reported to be located. This information may help in the location of the device or in the planning of an evacuation.
C. When the device is reported to detonate.
D. What type of bomb, i.e.: "dynamite, pipe bomb, incendiary", etc.
E. Description of the device.
F. What is the motive for the bomb threat?
G. Describe the voice of the caller including speech, rate, style, slang, profanity, characteristics including impediments, accent, etc.
H. If the voice sounded familiar.
I. Description of background noise.
J. Date and time of the call.
K. Length of the call.
L. Is a recording of the call available?
M. Central Dispatch will immediately notify the Truth or Consequences Fire Department during each response to a bomb/explosive device. The Fire Department will be asked to stand by the scene of each incident until it is determined that the threat has passed.

XXIII. INCIDENT COMMAND

A. A security perimeter will be established for incidents that involve actual/suspected explosive devices. Officers and supervisors must rely on their judgment and the circumstances when deciding whether to establish a perimeter. A security perimeter line will encompass the entire area where personal injury seems likely should an explosion occur.
B. For crowd control, the use of additional personnel, including officers from other agencies may be necessary to ensure the integrity of security perimeters. The use of "POLICE LINE/DO NOT CROSS" tape is encouraged.
C. Searches will be conducted at the discretion of the on-scene supervisor after considering the existing circumstances. Searches should involve a representative or someone familiar with the location whenever possible. In general, police searches should be organized with at least two officers to a team, and the location will be searched in a systematic manner.

XXIV. EVACUATION

A. Evacuation as a response to a bomb threat is the decision of the representative (i.e., owner, manager, etc.) of the threat location. If any suspicious device has been seen, officers will strongly recommend evacuation. Officers will assist, to the extent possible, with the evacuation of affected persons.
B. Officers shall not forcibly remove persons who appear to be mentally competent. In order to accomplish or assist with evacuations, officers will report resistance to

evacuation attempts to their immediate supervisors who will attempt to persuade those persons to evacuate.

C. A supervisor will establish communications with a Fire Department supervisor as soon as possible.
D. A detective may respond to assist in the initial investigation and follow-up efforts.

XXV. POST EXPLOSION PROCEDURES

A. Explosion

1. The first officer on the scene shall immediately notify the Central Dispatch of the following:

    a. Exact location;
    b. Extent of injuries and number injured, if possible;
    c. Extent of damage, if accessible;
    d. Manpower and resources need assessment, including utilities and EMS/Fire.

2. The immediate area of any explosion should not be entered until the threat of further explosion has been reduced and the scene secured by qualified personnel. When the danger to personnel and citizens has been reduced, the location of an explosion should be treated as a crime scene and processed for evidence.

    a. Responding personnel shall be mindful of secondary devices.

XXVI. PUBLIC INFORMATION

A. The Truth or Consequences Police Department Public Information Officer will keep the news media informed as deemed necessary.

XXVIII. ANNUAL REVIEW

A. Members of the Truth or Consequences Police Department will review all policies and procedures concerning bomb and phone threats on an annual basis.

XXIX. HOSTAGE/ BARRICADED PERSONS

A. The following guidelines for hostage and barricaded persons will be as follows:

1. Officers initially responding will evaluate and secure the area where the hostage or barricaded subject is located.
2. Once the officers have determined that a hostage or barricaded person has been located the officer will immediately notify the shift supervisor. The officers will then establish a perimeter around the hostage/barricaded person's location. The on-duty supervisor upon his arrival will be briefed on the situation and the supervisor will notify command staff.

3. On-scene personnel will establish Incident Command and advise Central Dispatch as to who the Incident Commander is, and his/her location. Central Dispatch will be advised of all changes in Incident Command.
4. A command post will be established and its location provided to the Central Dispatch. Safe routes of entry/exit will also be provided to ensure the safety of responding resources.
5. The Special Response Team Matrix will be completed by the Incident Commander.
6. A Department Special Response Team (SRT) may be activated including negotiators.
7. Fire and Rescue will be requested to respond and stage in a safe area and stand by for further direction.
8. The Truth or Consequences Police Department will review guidelines concerning hostage and barricaded persons on an annual basis and will make any necessary modifications.

B. Emergency operations plans are accessible to all command personnel and are reviewed and updated as needed. Plans will be developed on a case-by-case basis as emergency operations develop.

XXX. STATEMENT OF PURPOSE

The Department's dignitary protection functions are conducted with the safety of the protected and officers as the foremost consideration. Personnel from all Divisions may be called to assist with this function.

XXXI. DEFINITIONS

A. Dignitary: For the purpose of this section, a dignitary refers to a person who, because of their notoriety, political activity or circumstances, may be a security risk.
B. Intelligence Officer: For the purpose of this section, an Intelligence Officer is a member of the Department whose role is to provide information and gather intelligence to assist others involved in Dignitary Protection.

XXXII. PROTECTION OF THE DIGNITARY

A. The Chief of Police will designate a supervisor of the dignitary protection detail.
B. In the event that the dignitary has a security detail, the supervisor shall work with the person in-charge of that detail for coordination efforts. The supervisor will assign as many officers as necessary to provide adequate security of the dignitary.
C. If additional manpower is needed the Chief of Police will contact other law enforcement agencies for assistance.

XXXII. SECURITY MEASURES

A. The supervisor establishes travel routes for the dignitary. The supervisor works with

the dignitary or his staff on these routes. These routes will be preplanned and traveled by the supervisor and the Explosive Ordnance Disposal personnel will be called if necessary to identify hazards or problems that may arise. Alternate routes shall be planned.

B. The supervisor and the Explosive Ordnance Officer, if necessary, will make advance inspections of any sites or facilities to be visited or used by the dignitary. Ingress and egress of the locations shall be noted as well as any other security problems observed.
C. When the dignitary is accompanied by a detail, such as the Secret Service, the supervisor assigns an Officer to work with the detail. This Officer will check on persons that may be hostile to the dignitary. If the dignitary does not have a security detail, the Officer may still be utilized.
D. The supervisor arranges for EMS personnel to be available if necessary to be on stand-by or involved in the security program if deemed necessary. Planning for the most direct route to the hospital will be made. Medical information on the dignitary is provided to the hospital if available.
E. The supervisor ensures that communications are established between the dignitary's party and the local communications center. In the event of a motorcade the supervisor will offer to make communications available between each unit of the motorcade and the communications center.
F. The supervisor arranges for any special equipment or vehicles needed.
G. Plainclothes officers assigned to the detail should wear some type of special designation, and carry official identification.

	Policy Name:	**SPECIAL OPERATIONS** **POLICY #: TCPD06B** **NMMLEPSC Standard OPR06.01-06.19**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/11/2023** **Revision Date: 09/11/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

SPECIAL RESPONSE TEAM

I. STATEMENT OF PURPOSE

It is the purpose of this policy to establish Special Operations guidelines. With the understanding that new criminal trends and tactics deployed by criminal elements in the community need to be addressed in manners that are not always available to the patrol officers.

II. POLICY

It is the policy of the Truth or Consequences Police Department to utilize the local Special Response Team established by the Sierra County Sheriff's Office, in order to provide tactical support to the Truth or Consequences Police Department. This includes but is not limited to, the resolution of hostage barricade situations, high-risk warrants, and specialized patrol functions.

III. DEFINITIONS

A. Surveillance - Observation of persons or places to develop criminal intelligence information.
B. Stakeout - Observation of persons or places where a criminal act is expected to occur for which an immediate police response is planned.
C. Decoy Operation - A stakeout plan where police elements are intentionally placed to act as potential victims of a criminal act.
D. Inner Perimeter - This is the primary area of tactical concern and may be defined as the smallest area where an unstable situation can be contained without physical contact of the principals involved. Care should be taken, as this area is also within the kill, or threat zone of the aggressive element. The inner perimeter should be able to either monitor or contain the aggressive elements in an unstable situation.
E. Outer Perimeter - This is the area surrounding the inner perimeter that can be tactically secured to prevent the ingress or regress of individuals from or to an area of tactical concern. The outer perimeter should establish a distance from the inner perimeter that provides security to the containment personnel and innocent civilians. This perimeter should be outside the kill, or threat zone of the hostile element.

F. SRT - Acronym for Special Response Team, which is the established tactical unit of the Sierra County Sheriff's Office.

IV. TEAM OBJECTIVES

A. The Patrol Division is the major line element of the Truth or Consequences Police Department and is charged with performing all primary police functions. Sierra County Sheriff's Office Special Response Team is designed to assist in the accomplishment of these goals.
B. The Risk Assessment Matrix will be completed for all situations which may constitute utilization of the Sierra County Sheriff's Office SRT.

1. Case Agents are responsible for Criminal History, Record Checks and all applicable documentation to be forwarded to Sierra County Sheriff's Office SRT Commander and Truth or Consequences Lieutenant for Mission Analysis.
2. The Risk Assessment Matrix is based on facts and circumstances stated in the Affidavit for the Warrant, Criminal History of the suspect(s) and the targeted location, the details learned through intelligence gathering and definitive information gathered during the conduction of the investigation.
3. To conduct the Risk Assessment, gather the source documents together and place an "X" in the blocks that apply. Place the numerical score for the "X" marked blocks in the box under the "Score" column and total the points. Compare the score to the table below to determine the actions taken for service.
4. The Risk Assessment Matrix for Arrest/Search Warrant service is not designed to be used when the service is aimed at a suspect already in custody. Consequently, search warrants for forensic tests (blood samples, hair follicles, etc.) to be conducted on a suspect in custody do not need to be analyzed by the Matrix.

This Area Blank Intentionally

RISK ASSESSMENT MATRIX

Subject Name: Report #:

Subject DOB: Case Officer:

Target Address:

Check the one most appropriate in each area.

Search	
Search Warrant is for evidence of property crimes only	2
Search Warrant is for evidence of narcotics violations	5
Search Warrant is for evidence of crimes against persons	5
Arrest	
Arrest Warrant is for property crimes	0
Arrest Warrant is for narcotics violations	5
Arrest Warrant is for violent felony / crimes against persons	10
Check One	
Warrant requires forced entry	2
Warrant is No-Knock	Mandatory SWAT Service
Site Assessment	
Check all that apply	
Service requires no forcible entry	0
Location has vicious dogs, surveillance equipment, lookouts	5
Service requires use of breaching tool	10
Service requires specialty breaching	Mandatory SWAT Service
Location is fortified or booby-trapped	Mandatory SWAT Service
Location has “Active Clandestine Lab”	Mandatory SWAT Service
Suspect Assessment	
Check all that apply	
Suspect has property crime history only	1
Suspect has crimes against person history	5
Suspect has a history of weapons violations	7
Suspect has history of violent crimes	10
Suspect has history of firearms use in commission of crimes	Mandatory SWAT Service
Suspect has history of violent crimes against police	Mandatory SWAT Service
Suspect is member of a violent criminal organization	Mandatory SWAT Consult
Suspect has had warrants served before by SWAT	Mandatory SWAT Service

Weapon Assessment
Check all that apply

Firearms at target location	1
Suspect known to carry firearms at target location	10
Suspect always armed	15

TOTAL Points:

Risk Assessment Total

The risk assessment should combine the investigator's knowledge of the case and any possible suspects with supervisory input. The unit supervisor then can request the additional resources and training of SRT to assist in reducing and managing risk while serving the warrant, yet still supporting the investigative needs of the case.

SRT may also assist by providing guidance on the tactics used, provide a small team deployment or if necessary, use a full team deployment. The situation will dictate the tactics and manpower used. Risk assessment is based on facts and circumstance stated in the affidavit for the warrant, criminal history of suspects and targeted location, the details learned during the target scout, and any intelligence gained from definitive information gathered during the investigation.

To conduct the risk assessment, gather the source documents together and place an "X" in the blocks that apply. Place the numerical score for the "X" marked blocks in the score column and total the points. Compare the score to the table below to determine actions taken for service.

Decision Matrix

1-19 points	Service of warrant may be handled by unit officers.
20-30 points	Consultation with SRT Team Leader or Commander is recommended; SRT Team Leader assists with planning for service of warrant if he deems necessary; SRT Unit serves warrant or assists with service if Division Commander or supervisor requests; warrant service requires approval of SRT Commander.
31+ points	Service of warrant turned over to SRT; SRT Team plans and executes warrant service; Division Commander notified of SRT operation

C. Personnel shall familiarize themselves with the policies and objectives of the unit. They will strive to promote efficiency and harmonious working relationships, not only within the unit but throughout the entire Police Department.

V. RULES AND PROCEDURES

A. Unit Duties

1. The primary duty of Sierra County Sheriff's Office SRT is to assist the Truth or Consequences Police Department in combating crime against property and persons and to resolve violent situations beyond the scope of the regular patrol division.
2. The team serves as a support unit to the Patrol and Investigations Divisions and will be requested on calls requiring a tactical resolution. Request for Sierra County Sheriff's Office SRT deployment must always be authorized by the Chief of Police, or his designee.

VI. MOBILIZATION OF THE SPECIAL RESPONSE TEAM

A. Upon approval of both Truth or Consequences Administration and Sierra County Sheriff's Office, the Special Response Team will respond to the location where tactical support is requested by the following procedure:

1. The on-duty, requesting supervisor will personally contact the Special Response Team Commander with the details of the operation or incident. The supervisor should provide enough information to assist the Commander in determining the number of personnel and equipment that is required to accomplish the objective.
2. The Special Response Team Commander will gather the necessary information about the incident and receive authorization to deploy the Special Response Team from the Chief of Police, or his designee.

VII. INNER AND OUTER PERIMETER ESTABLISHMENT AND MAINTENANCE

A. An inner perimeter will be immediately established by the responding patrol unit in all tactical situations that require the assistance of the Special Response Team. The on-duty patrol supervisor shall ensure that the integrity of the inner perimeter is maintained until it is turned over to the members of the Sierra County Sheriff's Office Special Response Team. The inner perimeter should be established to accomplish the intent as defined in the unit policy.
B. When manpower permits, an outer perimeter will be established by members of the patrol division through the coordination of the on-duty patrol supervisor. The outer perimeter should be established to accomplish the intent as defined in the unit policy.

VIII. SEARCH OR ARREST WARRANTS WITH EXIGENT CIRCUMSTANCES

A. When any of the below listed criteria exist, authorization to deploy Sierra County Sheriff's Office SRT Unit will be requested. If approved SRT will enter and contain the suspect in the residence to allow the investigating unit to safely execute the warrant. Authorization to deploy the SRT Unit on a search or arrest warrant will only be made by the Chief of Police or his designee.

A. The location has been fortified against entry by use of:

1. Wrought iron bars,
2. Multiple door locks,
3. Door bracing,
4. High fences with locks,
5. Other types of barricades and fortifications.

B. There is reason to believe the suspect(s) is/are armed and will use weapons against Law Enforcement Officers.
C. The suspect(s) background reveals a propensity toward violence.
D. With regards to arrest warrants, there is no practical way the suspect can be arrested outside the location.
E. The target location is believed to be a drug manufacturing or distributing point.
F. In a location where neighborhood or spectator sympathy could cause hostilities toward the police.
G. That evidence located inside the target location is of such a type that it can be destroyed if entry into and securing the location cannot be accomplished in a quick and tactically safe method.
H. All attempts will be made to serve the arrest or search warrant with the least amount of force necessary. This may include, but not limited to the use of distraction devices.

IX. STAKEOUT AND DECOY OPERATIONS

A. Operational order- All surveillance, stakeout and decoy operations will be normally described in an operational order prior to initiation. Stakeout and decoy operations will only be done with the authorization of the Chief of Police, or his designee.
B. Safety

1. Avoiding injury to any persons is paramount in the planning of these operations.
2. While on these operations, officers will report in on a routine basis and be certain that their location is known by other officers.
3. In stakeout operations:

   a. Officers must have immediate access to a police radio,
   b. Preceding any operation, a tactical briefing will be held to discuss fields of fire and contingency plans for apprehension.

4. In decoy operations:

   a. If practical, the decoy will wear body armor, be armed, and wear a hidden body transmitter,
   b. The decoy should never be out of sight of surveillance officers,
   c. A visible signal will be established so the decoy can summon immediate assistance,

C. Authority- Stakeout and decoy operations must be approved in advance by the Chief of Police.
D. Reporting- In addition to other requirements, the supervisor in charge will have an Events Log maintained of pertinent information.

X. COOPERATION AND COORDINATION

A. When members of the Truth or Consequences Police Department are conducting an operation, surveillance, or decoy operation in an area, the following procedures will be adhered to:

1. Prior to any special operation, the Lieutenant will advise the Chief of Police and Shift Commander of the following:

   a. Type of operation,
   b. Location of operation,
   c. Dates and times of deployment,
   d. Number of officers assigned,
   e. Requests for assistance, if needed.

2. When possible, the Lieutenant will attend the appropriate briefing sessions, and reference the concerned area.

XI. SEARCH AND RESCUE

There are circumstances that may arise in the course of law enforcement duties which may be considered "Search" and "Rescue." Members of the Truth or Consequences Police Department are not specifically trained for what is normally considered "Search and Rescue" and should use appropriate resources that are available through NMSP (New Mexico State Police) when needed. However, consideration should be given to the circumstances.

A. Missing Endangered:

1. New Mexico State Law (NMSA 29-15-2) is specific as to the conditions that create this as a concern.
2. When one of these conditions exists, it is the responsibility of the officer to initiate a full investigation to attempt to locate the missing person.
3. If necessary, the follow-up information will be gathered and turned to NCIC through Central Dispatch.
4. If the missing person is a juvenile, officers **WILL** request dental records, if available, and document this in the report.
5. If the missing person is a juvenile, officers **WILL,** prior to leaving shift, fax a Birth Certificate Flag request to the New Mexico Vital Records and Health Statistics Office. The original will be left for Records Staff to mail.
6. When the missing person is a juvenile and located the officer, **WILL** make appropriate notifications to include a Birth Certificate Flag Cancelation request, via fax prior to the end of shift, and a the original to be left for Records Staff to mail.

B. The immediate actions by law enforcement should be decisive and swift. Each circumstance will

dictate this response. Some of the considerations should be:

1. Age of missing person;
2. Time person has been missing;
3. Risk to health of person missing (weather conditions, dress, medications, illness)
4. Force used to take a person or "walk away."

K-9 UNIT

I. STATEMENT OF PURPOSE

The purpose of the Truth or Consequences Police Canine Section is the same as that of the Police Department: prevention of crime, protection of life, and apprehension of criminals. The purpose of this policy is to provide guidelines for the management and tactical deployment of canines for a variety of operational purposes.

II. POLICY

The trained law enforcement canine or Police Service Dog (PSD) is a valuable supplement to police manpower because of their superior physical capabilities. PSD teams should be requested (or respond) to any situation where the PSD could be used to facilitate the capture of suspects with the least amount of injury to either the officers involved the public, or the suspect. Canines should also be requested in any situations where their abilities to search would eliminate or undo the use of man-hours by expediting a search for suspects or evidence.

III. DEFINITIONS

A. Handler – As used in this section "handler" refers to certified K-9 Officers of the Truth or Consequences Police Department K-9 team.

B. Police Service Dog (PSD) or (K-9) – used to describe the canines used by the Truth or Consequences Police Department. "Service" refers to the multitude of tasks the PSDs are asked to perform.

C. Deployment – any circumstance in which the handler uses his or her PSD in an attempt to aid in the resolution of any police situation. The situation may be considered a deployment even if it does not subsequently end with the apprehension of a suspect/individual.

D. Accidental or unintentional bite – the PSD bites a suspect/individual contrary to their training, as a result of human error during training.

IV. ADMINISTRATION OF CANINE SECTION

A. Canine Teams is assigned to the Patrol Division and are allocated in a manner that is determined to be in the best interest of the operations and the citizens.

B. The Canine Teams is under the direct supervision of a shift Sergeant.

C. A canine Coordinator or Trainer is designated by the Division Lieutenant and is responsible for record-keeping, training, and other duties that may be required for the efficient and effective operation of the Canine Teams.

D. A supervisor or acting supervisor at the scene may assume command of the scene only. The final deployment of the K-9 will be the sole responsibility of the handler because he will have firsthand knowledge of the dog's limitations and abilities.

V. SELECTION OF CANINE OFFICERS

A. Personnel who desire assignment to the Canine Section must meet the following requirements:

1. Minimum two years' experience with the department from the date of commission.
2. Rent or own their single-family/dwelling home with an adequately fenced yard large enough to accommodate a dog.
3. The applicant's family or roommates must agree to be interviewed as to their desire to have a dog in the household.
4. The applicant must agree to a minimum three-year assignment unless promoted, transferred by necessity or otherwise removed from the assignment.

B. Selection will be conducted according to the established procedures as noted in the departmental policies for promotions and transfers.

VI. OFFICER ROTATION

A. Canine Officers normally serve with a particular canine until that dog is retired or is no longer fit for service. At this time the canine officer may rotate out of the section.

B. Canine Officers who wish to handle a second canine will be reviewed by the Division Captain. The review will include, but not be limited to the following:

1. The administrative Review Policy guidelines.
2. The officer's and canine's monthly training records.
3. The officer's and canine's yearly certifications.
4. Overall performance of the officer.

VII. STANDARDS FOR TRUTH OR CONSEQUENCES POLICE DEPARTMENT DOGS

A. Prospective police dogs can be male or female, no younger than fourteen months nor older than four years, stand a minimum of twenty-four inches high at the shoulder, and weigh at least fifty pounds.

B. Deviations of breed or sex for specialty dogs may be recommended by the Canine Training

Coordinator, with the final decision being made by the Division Lieutenant and the Chief of Police.

C. All prospective dogs shall exhibit Alpha drives and charter traits of strength and courage. Each dog will be tested for disposition, aggressiveness, and reaction to gunfire.

D. All prospective dogs prior to being accepted into training, shall be checked by a veterinarian for:

1. Internal parasites;
2. Blood test;
3. Kidney function test;
4. Subluxation (hip condition) X-rays;
5. Any physical defects.

VIII. TRAINING STANDARDS FOR POLICE DOGS

A. The Canine Coordinator is designated as the Canine Training Officer and has the responsibility and authority to train the Canine Teams according to his certified standards. The Canine Officer has the responsibility of adhering to the Canine Training officer's decisions and instructions regarding the Canine Teams training.

1. All training will be conducted in accordance with the guidelines, training practices, and safety measures of the approved department trainer.
2. Handlers will be responsible for ensuring that proper training is given to each handler and PSD.
3. Handlers will follow the training directives of the department trainer and ensure training requirements are met each month.

B. Each shall satisfactorily meet three phases of training in order to be certified.

1. Obedience
    a. Heel on a leash and sit or down on command
2. Man work
    a. Search on command
3. Trailing (air scenting on-lead or harness);
    a. Firearms Detection
    b. Evidence detection

A. In-Service Training

1. In-Service Training shall be scheduled and supervised by the Canine Training Coordinator with a minimum of sixteen hours per month set aside for training. The in-service training shall consist of daytime and nighttime training.
2. All training that handlers conduct on their own shall be documented monthly and conducted within the approved guidelines of the Canine Training Officer.
3. Only those officers who have received training coordinated by the Canine Training Coordinator, in the proper techniques of working the canines should be allowed to assist Canine Officers in training the canines.
4. Each dog is recertified on a yearly basis and is required to pass all phases of the canine

proficiency test:

a. If the canine team fails a phase of testing, the dog is not permitted to be used in that phase until he successfully passes the test.
b. If the test is not successfully passed in two weeks, the handler and the dog shall be re-evaluated by the Canine Coordinator for replacement and tr-training.

5. The handler, the Canine Coordinator, and the Lieutenant will maintain copies of the training record that pertain to the Canine Team.

IX. RETIREMENT OF DOGS

If for any reason a dog is no longer able to function in the unit, that dog will be retired. The Chief of Police decides the manner of retirement for the dog.

A. A handler may be allowed to keep the dog, if so desired and if approved by the Chief of Police.
B. Upon retirement a waiver of liability for the department shall be signed by the dog's new owner. The waiver of liability shall be kept with the dog's permanent file.
C. The dog's new owner shall be responsible for all costs associated with the care and keeping of the dog. This includes but is not limited to medical treatment, food, lodging, etc.

X. OPERATIONAL PROCEDURES

A. On-duty PSD teams shall respond to crimes in progress within the city limits without specific dispatch and shall assist officers in any potentially violent situation where the use of a PSD may be appropriate. PSD teams shall advise SCRDA when they are in service and when responding to calls without being dispatched.
B. PSD teams shall not transport prisoners.
C. PSD teams may assist any law enforcement agency operating within the confines of the city limits.
D. PSD teas may assist surrounding agencies upon that agency's request and with the approval of the on-duty supervisor.
E. PSD teams shall assist with calls for service and back up other officers as needed.

XI. POLICIES REGARDING USE OF CANINE TEAM

A. Request for assistance by a law enforcement agency other than the Truth or Consequences Police Department shall be referred to a supervisor as long as it is in Sierra County. If the request for assistance is outside of Sierra County, the Patrol Lieutenant will determine whether a department canine team will be deployed.
B. The Canine handler must be completely aware of the dog's state of training abilities to be able to use the canine to the fullest and to avoid attempting to use the dog beyond its capabilities.
C. When a canine is requested at a scene, the situation shall be fully explained by the officer making the request. The canine handler shall be responsible for determining whether the

circumstances justify the use of a canine and also for determining the tactical utilization.

D. Prior to the use of a canine to search for or apprehend any individual, the canine handler and the supervisor on the scene shall carefully consider all pertinent information reasonably available at the time. The information shall include, but is not limited to the following:
    1. The nature of the suspected offense.
    2. The degree of resistance if any the subject has shown.
    3. The potential for escape or flight if the canine is not utilized.
    4. The potential for injury to officers the handler, or the public caused by the suspect if the canine is not utilized.
E. A request for an immediate tactical utilization of the service of a canine team may be made by any officer at the scene of an incident.
F. A canine team may be called out at any time. The request for such must be approved and made by a supervisor.
G. Dogs shall be secured for their safety and the safety of others when not accompanied by the handler.
H. Prior to giving the PSD a break, the handler will ensure that the immediate area is clear of citizens. If due to the environment, this is not possible, the handler will keep the PSD on a leash during the break.
I. Handlers will be responsible for the actions of their PSDs both on and off leash at all times.
J. Handlers will not discipline their PSDs in public view.
K. When the dog is left alone in a police vehicle, the vehicle will be secured in such a manner that a passerby cannot be bitten.
L. No one shall be permitted to tease or antagonize a department canine or attempt to touch the dog without the canine handler's consent.
M. Cruel actions towards the PSD will not be tolerated and are grounds for disciplinary action.

XII. REPORTS

A. The canine coordinator submits a monthly report through the chain of command, on the following activities:
    1. All building searches, firearms searches, evidence searches and tracks;
    2. Demonstrations or exhibitions;
    3. Any activity involving a canine team;
    4. In-Service Training;
    5. Expenses;
    6. Other information specified by the canine coordinator, shift Lieutenant or Division Captain.
B. A yearly report on Canine Re-certification will be forwarded through the chain of command by the canine coordinator.

XIII. INJURED HANDLER PROCEDURE

If the canine handler is down his/her PSD in all probability will stand guard preventing anyone from approaching him/her. In this situation, the following procedures should be adhered to:

A. Do not rush the handler or his/her PSD.
B. Cal to the handler. If he/she can he/she will call the dog off.
C. Try to call the dog off using an authoritative voice.
D. Request assistance from an animal control officer
E. After the PSD is secured animal control officers will transport the dog to its kennel.
F. In the event the PSD is also injured, alert dispatch to phone the veterinarian and advise him of the emergency.
G. The PSD and its handler train and work together. The PSD's attitude will change if the handler is hurt or in danger.

XIV. CONDUCT AROUND CANINE

A. Officers will not tease, torment, or roughhouse with a PSD or Handler; the PSD cannot determine the difference between a push in a joking manner or a push in reality.
B. Do not be aggressive to the PSD or Handler.
C. Do not attempt to pet or touch the PSD when he is with his handler or left unattended.
D. Special care shall be used when handling weapons around the PSD.
E. Do not attempt to give the PSD commands or try to have the PSD break a command given to him by his handler.
F. Do not try and feed the PSD.
G. If the PSD is operating off-leash, do not get in between the PSD and the Handler.
H. Under no circumstance will an officer attempt to enter an unattended PSD police vehicle unless instructed to do so by the handler.

XV. CARE OF CANINES

A. Each canine handler is responsible for the grooming, feeding, and medical care of an assigned dog. Dogs are to be properly fed and groomed daily.
B. Canines shall not be used for stud service.
C. Each canine handler provides a desirable home environment for the dog.
D. Dogs shall not be allowed to run at large at home. Also, necessary precautions shall be taken when visitors are at the canine handler's home.
E. The canine's living quarters shall be kept clean and sanitary. The canine coordinator shall inspect

the canine's living conditions semiannually and complete a yearly inspection report. The living quarters are also subject to staff inspections at least every two years.

F. The department furnishes food and the veterinarian cares for the dog.

G. Each handler shall use the veterinarian specified by the department.

H. Each dog shall receive an annual vaccine for Distemper, Hepatitis, Leptospirosis, Para Influenza, and Rabies. The veterinarian will check each dog for internal parasites on a yearly basis.

I. Expenses for illness, operations, and treatment that are not emergency in nature or specified herein must be approved by the canine coordinator.

J. The canine handler is responsible for spraying the canine's living quarters for parasites at least twice a year.

K. Punishing the dog by striking o kicking is strictly prohibited and shall result in disciplinary actions.

XVI. VACATIONS

A. While on vacation the handler may take their PSD with them, board the PSD at a designated kennel, or have another handler care for their PSD.

B. If the handler takes the PSD the handler will be responsible for all of the PSD's actions and for the PSD's wellbeing.

C. The handler will take the shot records and city tags with them.

XVII. CARE OF CANINE VEHICLES

A. A canine handler is assigned a department vehicle. This vehicle is used in accordance with existing policies regarding the use of police vehicles.

B. Each canine handler due to the limited number of canine teams shall keep the police vehicle in the best mechanical condition and ready for use at any time.

C. Vehicles shall be kept in a sanitary condition. Cleaning of the car inside and out is the responsibility of the assigned officer and is subject to monthly inspections by the canine coordinator.

XVIII. UNIFORMS AND EQUIPMENT

A. Unless otherwise approved the canine handler will wear the authorized and appropriate uniform.

B. All handlers will be issued certain equipment depending on their position. An equipment list will be maintained in the police department purchasing office. Each handler will be responsible for cleaning and maintaining their assigned equipment. If equipment is broken or lost, then the handler will be responsible for reporting this damage or loss to the canine coordinator as soon as possible.

BICYCLE PATROL

I. STATEMENT OF PURPOSE

The purpose of this directive is to establish and delineate guidelines for the utilization of Bicycle Patrol and to establish criteria for the selection and training of its members.

In addition to mobile and foot patrol, bike officers provide an additional method of patrol. Bicycle Patrol not only provides a tactical alternative in addressing criminal issues but also enhances communication with the community, facilitating the partnership that is essential for community-oriented policing.

II. POLICY

It is the policy of the Truth or Consequences Police Department to maintain Bicycle Patrols that are not only effective but as safe as possible for the officers and the Department.

III. TRAINING

GOAL

The Truth or Consequences Police Department Bicycle Patrol will train and maintain professional, highly trained, skilled law enforcement personnel capable of achieving Department goals and objectives.

OBJECTIVE

The Deming Police Department Bicycle Patrol will train in the area of Bicycle Patrol techniques. They will be trained and equipped to respond to assignments/calls for service on patrol bicycles.

METHOD

The following procedures are the methods employed in training members of the Bicycle Patrol:

A. The Truth or Consequences Police Department will provide for attendance of a 40-hour Patrol Bicycle Techniques Certification. Training will be conducted in accordance with the TCPD Policies and Procedures and will deal with patrol bicycle techniques to include but not limited to:
    1. Arrest Procedures

2. Apprehension Techniques
3. Emergency Response
4. Vehicle Approach
5. Vehicle Stops
6. On-road/off-road riding

B. The Truth or Consequences Police Department Bicycle Patrol will receive advanced and specialized training in the areas identified in paragraph A of this section.

C. When a deficiency in training is identified, a request will be made to the Division Commander outlining the training required and avenues available in which to correct the deficiency.

IV. DEPLOYMENT

GOAL

To provide a highly trained Bicycle Patrol capable of responding to all patrol calls for services and situations.

OBJECTIVE

To provide a more rapid response to calls for service as deemed necessary by the City of Truth or Consequences Police Department with highly trained and skilled bicycle patrol personnel.

A. The Bicycle Patrol will be utilized for all required calls for services as provided in the patrol operations directive.
   1. Bicycle Patrol Officers will be assigned City of Truth or Consequences city limits.
   2. Bicycle Patrol Officers may be utilized for special assignments. i.e.: Fiestas, Markets, Community Days, etc.
   3. Bicycle Patrol Officers will transport their assigned bicycle racked on their unit each duty day prepared to respond utilizing their bicycle as an auxiliary means of transportation.
   4. Bicycle Patrol Officers will be responsible for making positive citizen contacts in their area of patrol and maintaining high visibility within the City of Truth or Consequences.
   5. Bicycle Patrol Officers will be responsible for maintaining their bicycles in good working order and ensuring they maintain all necessary paperwork as required by their assignment.
   6. Bicycle Patrol Officers will be responsible for all arrests and will ensure all paperwork is completed for transport officers prior to arrival.

7. An annual review and report will be conducted on the aforementioned policy and procedures as well as unity performance to assess validity and competence. Changes in any fashion will be implemented to ensure the continued use and success of bicycle patrols.

V. OPERATION OF POLICE BICYCLES

The safe and responsible operation of police bicycles will be the top priority of a bicycle officer.

A. Bicycles are not to be operated without the use of approved safety equipment. This equipment will be specifically designed for the use during the operation of a bicycle. This includes, but is not limited to:
    1. A properly secured bicycle helmet,
    2. Gloves,
    3. Eye protection
B. Only commissioned officers, certified through the International Police Mountain Bike Association (IPMBA) or Law Enforcement Bicycle Association (LEBA) course may operate a department bicycle.

VI. REMOVAL

Removal or suspension from the team will be the decision of the Chief of Police. Reasons for removal/suspension from the team include, but are not limited to:

1. Failure to attend special assignments,
2. Failure to attend training unless excused,
3. Failure to pass a certification course,
4. Failure to meet unit duties and responsibilities.

	Policy Name:	**TRAFFIC** **POLICY #: TCPD07B** **NMMLEPSC Standard OPR07.01-07.16**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/06/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they consider the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Truth or Consequences Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement is totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

This policy is intended to assist officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police. It is the policy of this department to patrol in a proactive manner, to aggressively **investigate**

suspicious persons and circumstances and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

II. STATEMENT OF PURPOSE

It is the intended purpose of the Department to ensure compliance with regulations set forth by the New Mexico traffic code. The directives in this order are intended to provide guidance in achieving these objectives.

III. ARREST

Anytime that the free movement of a civilian is stopped by a law enforcement officer it is technically an arrest. This holds true for a violator of a traffic law also; State Law requires that an officer be in uniform at the time of arrest for any traffic violation. This department intends that each stop be done in accordance with the Constitution, New Mexico State Law, and Truth or Consequences Police Policies and Procedures. With the safety of the violator, the officer, and the community in mind the following is established:

A. An officer of this Department, after observing an infraction of the traffic laws of this state shall follow these set guidelines:

1. Conduct a stop of the vehicle, bicyclist, or pedestrian in an area that is safe to do so, this may require the officer to follow the subject further, however, the safety of others should not be put at risk.
2. Approaching a violator will be done respectfully, courteously, and in a manner that provides the officer with a safe corridor and the potential for further investigation.
3. Identify the person.
4. Validate the insurance and registration of the vehicle if required.
5. Issue citations for the observed infractions. Keeping in mind that the person's signature is not always an admission of guilt but is a bond for agreement to appear before the designated court, a signature releases this person from your detention, the subject has the option in most cases.
6. Refusal to sign a citation requires a full arrest by the officer for the traffic violation observed and being enforced.

    a. Citations will be issued on New Mexico traffic citations issued and assigned to the Truth or Consequences Police Department only. Officers with the Truth or Consequences Police Department will not issue a citation to any motorist utilizing an outside agency's traffic citation.
    b. It will be filled in as completely, accurately, and legibly as possible.
    c. Prior to the release of the subject the officer will explain the violation charged, give reasonable time for a court appearance, if a court appearance is mandatory, or if a plea can be (penalty assessment) made and payment made to the appropriate court.

d. Other information may be needed; the officer will give this information professionally and accurately.
e. One citation will be issued per infraction; a copy of each citation will be disseminated to the appropriate court prior to the end of the officer's shift.
f. In the circumstance that a subject refuses to sign a citation and an arrest is made the subject is charged on a Criminal Complaint for the violation observed.
g. If a subject is arrested for any offense, other than a warrant, the officer will place the traffic violations observed on the criminal complaint. This along with a copy of a New Mexico citation will be given to the appropriate court.

7. Investigate any further criminal actions of the person and handle them accordingly.

a. During the course of a traffic stop it may be determined that the subject which is contacted is wanted for another offense, is intoxicated, or simply refuses to sign a citation as required by New Mexico State Law. In this circumstance the officer is obligated to conduct a full and accurate investigation and arrest the subject in accordance with New Mexico State Law, City of Truth or Consequences Ordinances, and Truth or Consequences Police Department rules and regulations.
b. Nothing in this standard should be understood to mean that officer discretion has been removed. If it is determined that the officer can deter further violations of the traffic laws by one of the following the officer may:

1) Issue a verbal warning. (This will be done in a respectful, professional manner.)
2) Issue a written warning on the New Mexico Traffic Citation. (No court copies need be disseminated.)

B. Nonresidents and Military

1. When a violator of a traffic offense is from another jurisdiction the officers of the Truth or Consequences Police Department will follow the guidelines of New Mexico 66-8-137.1. Nonresident Violator Compact.

a. The violator will be offered the same rights as a resident.
b. A New Mexico Uniform Traffic Citation will be utilized and a copy disseminated to the appropriate court.
c. If the violator fails to follow the appropriate actions it will be handled at a state administrative level.

2. Exemptions When a violator is active military:

a. 66-5-4 Persons exempt from licensure: military personnel while driving a motor vehicle owned or leased by the United States Department of Defense. Military personnel as such are not required to have a state-issued operator's license.
b. Except above the violator will be held to all laws of this State and City.

C. Juveniles

1. Juveniles have certain exemptions which are not chargeable through Municipal or Magistrate Courts according to State Law 32A-2-3 Delinquent Acts:

    a. Driving while under the influence of intoxicating liquor or drugs.
    b. Failure to stop in the event of an accident resulting in death, personal injury or damage to property.
    c. Unlawful taking of a motor vehicle.
    d. Receiving a stolen vehicle.
    e. Injuring or tampering with a motor vehicle.
    f. Altering an engine number or VIN number.
    g. Altering or forging a driver's license, permit or making fictitious license or permit.
    h. Reckless driving.
    i. Suspended or revoked driver's license.
    j. Offense punishable as felony.

2. All other infractions are chargeable through Municipal or Magistrate Courts.

D. Consular/Foreign Diplomats

1. No citations will be issued to Foreign Diplomats or Consular:

    a. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.
    b. After a valid and lawful stop verify appropriate documents and allow the subject to leave unless it would be unsafe to do so.

IV. STATEMENT OF PURPOSE

It is the intent of the Truth or Consequences Police Department to provide safe, controlled and lawful roadways within the City of Truth or Consequences, in a fair and responsive manner. To accomplish this, we establish written directives to include the following though should not be understood to be all inclusive.

A. Operating a vehicle after privileges have been suspended or revoked:

1. Suspended/Revoked: a citation may be issued. The subject will not be allowed to drive away.
2. Suspended/Revoked 122-G: Mandatory arrest.

B. Speed violations: may be handled at the discretion of the officer; however, issuance of a citation is recommended.

C. Hazardous Violation: any violations noted to be hazardous to the public will be dealt with having the safety of the public in mind.

    1. If the situation involves chemical hazards (Haz-Mat) New Mexico State Police will be contacted, along with the Fire and EMS personnel.

D. Off-Road vehicle violations: will normally result in a citation for the operator and the vehicle being towed from the scene. After appropriate checks for stolen vehicles if not registered.
E. Equipment violations:

    1. Equipment fixed on-scene: officer discretion will be used as to warning or citation.
    2. Equipment not repairable on-scene: if the equipment does not render the vehicle unsafe to operate, but cannot be repaired a citation is recommended to the operator and vehicle released.
    3. Unsafe equipment: if the vehicle cannot be safely operated on the roadways a citation will be issued and the vehicle towed.

F. Public carrier/commercial vehicle violations: will be handled as all others. It is recommended if the vehicle is stopped due to safety of the vehicle, New Mexico Motor Transportation Enforcement Division should be contacted.
G. Other non-hazardous violations: will be handled with officer discretion; however, a citation is recommended.
H. Multiple violations: it is recommended that citations are issued for each violation, including purpose for initial stop.
I. Newly enacted laws and/or regulations: there may be a period of leniency unless indicated by the severity of the violations.
J. Violations resulting in traffic crashes: a citation will be issued to the person responsible for the crash, unless crash occurred on private property.
K. Pedestrian and bicycle violations: will be handled with officer discretion; however, a citation is recommended.

V. STATEMENT OF PURPOSE

It is the intent that the officers with the Truth or Consequences Police Department are safe, effective and professional in their contacts with the public, including violators of traffic laws. With this in mind we establish the following:

A. Officers will make the stop of a violator and vehicle with the safety of the officer, violator and general public foremost in mind.
B. The officer observing an infraction will not cause a more substantial hazard to the public safety than necessary to initiate a stop.

    a. The stop should be conducted at a predetermined location, determined by the initiating officer based upon safety.

b. Locations to be considered based upon determining factors should include places such as well illuminated streets or parking lots, in open and very conspicuous places so that the officer is well visible, and an area known to the officer.
c. In circumstances such as high-risk vehicle stops these stops again should be predetermined as best as possible and conducted in well illuminated areas but not in locations where the general public could be placed into potential danger such as parking lots or nearby schools, parks, etc. An assisting officer should be available if possible.

C. Always position your police vehicle, when feasible, in a manner in which it can be used for cover/concealment.
D. The approach of the violator will also be done safely and with courtesy.

a. Introduce yourself and explain the reason for the stop, or the infraction you witnessed the driver commit.

E. Verification of information will be done as professionally and quickly as functional with the resources available to you at the time.
F. The violator will be released in a timely manner.
G. If a citation is to be issued the officer shall explain the violation they are being cited for and the options the violator has in regards to answering the citation i.e.; court appearance, penalty assessment, and written warning.

VI. STATEMENT OF PURPOSE

The Department encourages officers to enforce Driving While Under the Influence of Intoxicating Liquor or Drug Statutes and related City Ordinances. Through enforcement we intend to prevent injury or death to innocent members of the public, costly and unnecessary damage to property and to fairly and responsively maintain control of public roadways. The following procedures are intended to serve as guidelines in D.W.I. Enforcement.

VII. CONTACTS

Officers suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:

A. Traffic

1. Observe the suspect's driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle.
2. Stop the vehicle at a safe location for the protection of the suspect, officer, and any vehicular traffic.
3. Observe the suspect to determine if he might be under the influence. Once this is determined, request that the suspect take sobriety tests, which are described in the next section.

4. When it is determined that the person may be intoxicated, the suspect should be placed under arrest.
5. The suspect's vehicle shall be towed, following the department policy.
6. Transport the suspect to the Truth or Consequences Police Department for booking and a breath test. If the person has indicated that he will submit to a breath test and the arresting officer is not certified to perform the breath test, a certified operator will be requested to perform the test.
7. Advise the suspect of the Implied Consent Act, and request him/her to give a sample of his breath, blood, or both. If the suspect refuses, inform him of the consequences of refusing. If a substance other than alcohol is suspected, a blood test should be requested.
8. If a blood test is requested, the person will be transported to Sierra Vista Hospital and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.

B. Crash Investigations (with DWI)

If there is probable cause that a driver involved in a crash is intoxicated, the same procedures apply as above with the following exceptions:

1. If injuries sustained in the crash are fatal, life-threatening or may result in great bodily harm, the Detective and the ADA on call will be contacted via telephone prior to any charges being filed.
2. If the driver sustained injuries which require hospitalization, the subject will be placed under arrest, if possible, a blood kit will be requested, any associated paperwork completed and arrangements made to release the subject on their Own Recognizance,
3. If the driver left the scene of a crash and is later located, recent case law applies (*City of Santa Fe V. Marcos Martinez*):

    a. Misdemeanor arrest rule requires that an officer witness the offense, this does not always apply to DWI.
    b. Officers will conduct a thorough and intense investigation.
    c. If the officer is able to infer from direct and circumstantial evidence that the driver was intoxicated and was in “physical control” of the vehicle at the time of the crash, the Misdemeanor Rule is satisfied.
    d. An arrest, with the appropriate Probable Cause, may be indicated.

C. Municipal Considerations

1. Municipal Courts may not hear a DWI case with certain exceptions.

    a. Private Property- If an officer does not have prior; written permission from a land owner the Municipal Court may not hear a DWI/City Ordinance case. It would be appropriate to arrest through State Statute and charge through Magistrate Court.

b. Felony- Certain DWI's may result in the charge being a felony. There should be an understanding by the officers and it should be filed through the appropriate court.
c. Juveniles- A charge of DWI on a Juvenile may not be heard in Municipal Court or Magistrate Court. Charges shall be filed through District Court by submitting the juvenile arrest paperwork through the JPPO and DA. In the event a juvenile is facing a felony delinquent act the ADA shall be called for approval prior to determine if authorization for detention will be granted.

VIII. SOBRIETY TEST:

Standard Field Sobriety Tests (SFSTs) shall be administered unless medical/age impairment exists. Alternative sobriety tests will be administered if SFSTs are not appropriate. Alternative tests will be preliminary breath sample, or finger dexterity.

IX. REQUIRED PAPERWORK FOR DWI ARRESTS

A. Arrest Report: An arrest report will be completed on each DWI arrest. The narrative section of the report should provide in detail the series of events that lead to the subject's arrest for DWI.
B. DWI Citation: A DWI Citation and Officer's Statement, on a form approved by the State, will be completed on each DWI arrest.
C. Traffic Citation(s): At a minimum a traffic citation shall be issued in any DWI arrest for the probable cause for which the traffic stop was initiated. Any additional traffic violations observed may also be enforced with issuance of a traffic citation, which is recommended. Any traffic violations in which a citation is going to be issued during the arrest for DWI must also be included on the Criminal Complaint in every case.
D. Criminal Complaint: A Criminal Complaint, District (Juvenile), Municipal or Magistrate, depending on the appropriate jurisdiction, will be completed on each DWI arrest. If this is a second or subsequent arrest, it must be annotated on the Criminal Complaint.
E. Intoxilyzer Report: A copy is attached to the MVD paperwork and a copy is attached to the arrest report and forwarded to Records division.
F. Blood Kit Report: A Blood Kit Report, on a form approved by the State, will be completed on any DWI arrest where a sample of blood is drawn in addition to, or instead of, a breath sample.
G. If the subject has a valid, current New Mexico Driver's License in their possession, and the BAC was over .08 for drivers 21 years of age or older (.02 for drivers under the age of 21), or if the test is refused, the driver's license will be confiscated. The 'Notice of Revocation' will be provided to the offender.

X. BREATH TESTING INSTRUMENT OPERATION

A. Only officers that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
B. The subjects will be informed of the Implied Consent Act and a 20-minute deprivation period will be observed with no substances in their mouth.

C. After the deprivation period time has expired, the subject will be requested to provide a sample of their breath. If the subject refuses, he will be advised of the consequences for refusing to submit to chemical testing of his breath.
D. If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations established by the New Mexico Department of Health.
E. Officers will ensure that the required information is recorded in the Intoxilyzer Log Book.

XI. BLOOD TESTING

a. If a subject's Br.A.C. is low, and in the officer's, opinion is not consistent with his/her apparent level of intoxication, the officer may request consent that the subject consent to have their blood drawn to determine the alcohol and/or drug content of their blood.
b. If the subject sustained injuries as a result of the crash and in all likelihood will not be able to perform a breath test, consent for a blood test will be requested.
c. If consent for a blood test is requested, the person will be transported to Sierra Vista Hospital and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.
d. When a blood test is used, the Notice of Revocation will not be forwarded to MVD but will be maintained in the approved location until the results are returned from the blood test. Once they have been received, the arresting officer should place a copy of the Notice of Revocation and the original test results in the Record's basket to be filed in the subject's arrest file.
e. Once the subject has submitted to a test(s) of our choosing, they may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:

1. The subject will either be transported to Sierra Vista Hospital Emergency room for the blood withdrawal using the standard procedure or the subject will be allowed to contact his personal physician by phone to decide to meet at Sierra Vista Hospital to draw the blood.
2. A standard blood kit approved by the state will be used regardless of whom draws the blood.
3. Once the blood is collected, the arresting officer will complete the evidence form and a letter to the independent laboratory (kept in the same location as blood kits) attach them to the blood sample and place in an evidence locker.
4. The blood sample will be maintained in evidence at the Truth or Consequences Police Department for a minimum of 90 days. At the conclusion of that 90-day period, the arresting officer will obtain a disposition on the case.

    a. If there has been a conviction and sentence has been imposed, the blood sample will be maintained for another 30 days following the sentencing date. Following this 30-day period, if an appeal has not been filed the blood sample will be

destroyed. If an appeal has been filed, the sample will be maintained until a final disposition is determined.

b. If no disposition is available after the 90-day period the sample will be maintained until a final disposition is determined.

XII. CRASH REPORTS

A. The Truth or Consequences Police Department utilizes two traffic crash report forms to investigate all motor vehicle crashes which occur within the city limits of Truth or Consequences.

1. State Uniform Crash Report
2. State Uniform Truck and Bus Supplement

B. Officers are required to locate witnesses, drivers and passengers in order to obtain and record their statements on one or all of the above crash reports.

C. Items such as purses, wallets, jewelry, firearms and large sums of cash, shall be removed and placed into evidence for safe keeping **(in accordance the evidence/property policy)**. If large sums of money are removed from the vehicle the two-person rule will be in effect. The officer will attempt to have all personal property delivered back to the owner in a timely manner. If the officer has trouble contacting the owner the officer can request assistance from the evidence custodian.

D. Vehicles which are disabled due to the traffic crash will be towed as authorized by the officer, the driver or registered owner. If authorized by the officer a completed tow sheet will be attached to the crash report and a copy will be given to the towing service.

XIII. CRASHES INVOLVING DAMAGE OVER $500.00 OR INJURY

A. Upon arriving at the scene of a crash if it is determined that the damage to the vehicles is over $500.00 or an injury is reported, a State Crash Report will be completed.

B. If both vehicles are still in their final resting positions upon officer(s) arrival, measurements of the crash scene will be taken and a diagram will be completed for all injury crashes and/or court cases.

1. Included in this diagram will be:

a. the final resting positions of the vehic1e(s) involved;
b. any fixed objects involved in the crash;
c. disclaimer denoting “NOT TO SCALE”;
d. indicator of “NORTH”
e. a legend describing measurements taken and points indicated on the diagram;
f. final resting positions of any pedestrians or bicyclists involved;
g. any other vehicles or fixed objects that might have contributed to the crash;
h. any physical evidence left on the roadway (skid marks, gouges. scratches, yaws, debris, etc.); and
i. anything that might assist in a thorough and complete investigation of the crash including digital photographs.

C. If an Officer receives a report of a crash that involves serious bodily injury that may result in permanent damage to bodily functions or death, they will notify their on-duty Supervisor who will upon the approval of the Lieutenant call out the on-call Accident Reconstructionist to investigate. The initial Officer receiving the report of this crash will complete a Uniform Crash Report, and the Accident Reconstructionist will provide supplemental investigative information to the Officers report. Upon the Supervisor calling the on-call Accident Reconstructionist, the Accident Reconstructionist will make the determination if a reconstruction is warranted. If the on-call Accident Reconstructionist makes the decision to investigate a crash, the on-scene Officer will do as follows:

a. Secure the scene and perform the preliminary investigation, obtaining as much information from the subjects involved and witnesses.
b. Do not release any occupant unless they are being transported by MEDICAL personnel.
c. Ensure that the accident scene is secure, with a one lane safety buffer established, to prohibit all traffic from traveling through the scene, but the safe negotiating of traffic around the scene.
d. Ensure that the scene is not tampered with and no debris or other evidence is moved. If any Truth or Consequences Police Personnel is found intentionally moving evidence in a crash scene, unless for emergencies or special circumstances (i.e.: Ambulance needs a path to drive, etc.) they will be subject to disciplinary action.
e. The initial Officer will stand by at the collision scene to assist the Accident Reconstructionist.

If an Accident Reconstructionist is not available to respond, all Occupants, Witnesses, Measurements, Photographs, and other pertinent information will be collected. The Uniform Traffic Crash will be completed by the on-scene Officer, and the report with all other information will be given to the Accident Reconstructionist for further investigation once they are available. The Accident Reconstructionist has 10 working days to complete a full investigation of a crash once it has been received by the Accident Reconstructionist on a regular work day.

XIV. CRASHES INVOLVING UNINSURED MOTORISTS

A. If, during your investigation, you determine that an involved vehicle does not have proof of liability insurance and the vehicle is registered in New Mexico the following procedure should be followed:

1. A citation will be issued to the driver for "Insurance Required".
2. The license plate will be removed from the vehicle. The plate will subsequently be turned in to the briefing Room for return to the Department of Motor Vehicles.
3. A New Mexico Temporary Operation Permit will be placed in the left side of the rear window. The right-hand portion of the permit will be attached with tape to the license plate which is being returned to the Department of Motor Vehicles.
4. The driver will be advised that the temporary permit is not an authorization to drive the vehicle without insurance. It is simply an authorization to drive while in the process of informing DMV that they either had or have secured insurance.

B. If during the investigation you determine that an involved vehicle does not have proof of liability insurance, but the vehicle is registered in another state, enforcement action will be taken, however the license plate will not be removed.
C. The enforcement action and subsequent removal of the license plate will be noted in the narrative of the report.

XV. PRIVATE PROPERTY CRASHES

A. All Private Property crashes will be investigated and documented the same as any other motor vehicle crash occurring within the City of Truth or Consequences.

XVI. FATAL CRASH INVESTIGATION

A. Once an officer arrives at the scene and it is determined that the crash is a fatality, the on-duty supervisor will be notified along with Command Staff. The Lieutenant will be notified of such a crash and both the on-call detective and on-call Accident Reconstructionist will be summoned to the scene for further investigation. The on-duty supervisor along with the assign detective will assign officers to perform tasks relating to the crash, and make notifications to the District Attorney's Office and OMI.

1. Once an officer arrives at the scene and it is determined that the crash is a fatality, the scene will be secured.
2. Upon arrival, the crash will be a joint investigation of patrol and Criminal Investigations and the Accident Reconstructionist. Patrol, Detectives and the Reconstructionist will be responsible for the crash scene at this point and no one will be allowed into the scene unless requested/authorized.
3. Upon arrival of supervisors, all information that has been obtained prior to their arrival will be relayed to them.

    a. If an officer has witness information this information will be given to the supervisor.
    b. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating officer(s).
    c. If the witness has been allowed to leave, the officer receiving the information and statement from the witness will complete a supplement with the witness' statement and include all contact information for future contact.

4. The on-duty supervisor or his appointee will ensure that there are enough units present at the scene to provide adequate crowd and traffic control. The scene will remain secure until released by the investigating officers.
5. The Patrol Supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.
6. The Patrol Supervisor will be responsible for ensuring that the proper paper work has been completed.
7. If the Accident Reconstructionist is not available, all pertinent information will be gathered, a Uniform Crash Report completed, and given to the Accident Reconstructionist for their further investigation.

XVII. COMMERCIAL TRUCK AND BUS SUPPLEMENTS

A. Truck and Bus Supplement will be completed with a state report if the following conditions are met:

1. a truck with at least 2 axles or 6 tires;
2. a vehicle with Hazmat placards; or
3. A bus with seats for more than 15 people (including the driver)

B. At least one of the following occurred:

1. Person(s) fatally injured;
2. injured person(s) taken from the scene for medical attention; or
3. Vehicle(s) towed from the scene.

XVIII. CRASHES INVOLVING CITY VEHICLES

Crashes involving any city owned vehicles shall be investigated by an outside law enforcement agency.

XIX. CRASHES ON CITY PROPERTY

A. A State Crash Report will be completed on all crashes that occur on City property.
B. Before enforcement action is taken the investigating officer will ensure that the statute/ordinance covers city owned property remembering that some violations can only occur on a street, highway or alley.

XX. FOLLOW UP INVESTIGATIONS

A. If a follow-up investigation is required for a reported crash, it is the responsibility of the original investigating officer. If information is obtained by a secondary officer, that officer will complete a supplement and ensure that a copy is forwarded to the original investigating officer. Any supplemental information should be documented as soon as the information becomes known.
B. The exception to this policy is for hit and run reports. Any follow-up investigation completed as a result of a hit and run crash shall be documented within five (5) working days. If no further information is developed during that time period, a supplemental report will be filed providing that information.

XXI. TRAFFIC ENGINEERING

The Department realizes the City of Truth or Consequences has access to a Traffic Engineer. This person can play an important role toward reducing traffic crashes in the city. It is the responsibility of all officers to report hazardous or dangerous areas in our city.

XXII. DISTURBANCES BETWEEN INVOLVED PARTIES

Occasionally responding officers may find involved parties of a crash engaged in a dispute. The resolution of this dispute should take precedence over the crash investigation. If necessary, additional officers should be requested in order to complete the investigation and resolve the disturbance as quickly as possible.

XXIII. STATEMENT OF PURPOSE

In furtherance of public and officer safety, it may be necessary for an officer to manually regulate the flow of traffic around crash scenes, fire scenes, and other hazards on or near the roadway, or during special events. The purpose of manual traffic control is to ensure an orderly flow of traffic, prevent congestion, and ensure the safety of motorists and pedestrians.

XXIV. TRAFFIC DIRECTION PROCEDURES

A. General Provisions

1. Manual traffic direction is performed in emergency situations and at areas determined to be problem areas.
2. Officers actively involved in manual traffic direction shall wear issued reflective vests.
3. Uniform hand signals shall be utilized and whistle techniques may be used by officers to communicate understandable messages and directions to any driver or pedestrian on the roadway coming into or close to an area where an emergency situation, or any circumstance where officers are using manual traffic direction techniques.

    a. Officers using manual traffic directions use open hand, stiff arm techniques for stopping traffic flow and continued traffic flow.

4. Officers may indicate traffic signals with whistles along with hand gestures using the following method:

    a. If whistle techniques are used a long continuous blast is used to stop approaching traffic.
    b. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement or to indicate a turning movement.

B. Special Events

1. As supervisors become aware of special events such as parades, sporting events, etc., a contingency plan is prepared for traffic direction.
2. Contingency plans address the following factors:

    a. Entry and exit of vehicular traffic
    b. Parking facilities
    c. Spectator control
    d. Use of temporary traffic control devices

C. Fire Scenes

In the event of a fire or other emergency, police personnel direct traffic as conditions may require, in order to:

1. expedite or direct traffic flow
2. safeguard pedestrians and motorists
3. safeguard emergency personnel, emergency operations and equipment

D. Adverse Roads and Weather Conditions

1. During periods of adverse weather and road conditions, officers provide traffic direction or assistance on an emergency basis, as needed.
2. If assistance is required from other City departments or agencies, on-call personnel for these departments are notified as soon as possible. A call list for these departments is maintained at Central Dispatch allowing for 24 hours access. Officers will maintain manual traffic direction until the roadway is safe for travel.

XXV. TEMPORARY TRAFFIC CONTROL DEVICES

A. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required. Responsibility for requesting these devices rests with the person in charge of the scene.
B. The Department has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.

XXVI. EMERGENCY ESCORTS

A. Officers of this Department will not escort any vehicles, including ambulances, on an emergency Code 3 unless authorized by a shift supervisor or commander.
B. Officers will not block intersections for any vehicles, including ambulances, traveling Code 3 unless authorized by a shift supervisor or commander.
C. Officers will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment.

XXVII. FUNERAL ESCORTS

The Truth or Consequences Police Department offers this service to the citizens of Truth or Consequences for the safety and protection of the ones involved. Due to the nature of funeral escorts, however, caution must be used to decrease the potential for crashes or mistakes.

A. The Truth or Consequences Police Department will make available, at will, four (4) off-duty officers to provide escort services for funeral processions, based upon the availability of officers. Officers will make it known to their supervisor(s) of their

availability. The Department

will not provide any funeral escort service if the off-duty officers are not available.

B. Upon the request made by the bereaving family indicating the desire to use a police escort provided by the Truth or Consequences Police Department, the respective funeral establishment will contact Sierra County Central Dispatch to request and schedule the funeral escort. The date, time, location, and final destination of the funeral procession will be provided for the scheduling.
C. The police department will attempt to make necessary arrangements to provide the requested funeral escort and if the arrangements cannot be made, the police department will notify the respective funeral home by the end of the business day, at 5:00 pm, the day prior to the services. Funeral escorts are not mandatory.
D. A set fee according to a mutual agreement will be billed to the respective funeral home at the end of the month. Any escort exceeding one (1) hour, will be billed for the rounded actual amount of overage. Payment will be due upon the terms stated on the billing statement or as stipulated by the City of Truth or Consequences billing process.
E. The Lieutenant will be responsible for the scheduling and organizing of all funeral escort requests.
F. Upon contact with the agent remind them if they approach an unprotected controlled intersection to stop and wait for the police escort.
G. When the casket is moved from the building to the hearse, officers will stand at 'parade rest' unless a military unit is giving commands.
H. Two methods of escorts are approved prior to leaving the funeral home/church, officers should decide which one will be utilized

    1. Stationary: A unit holds an intersection until the entire procession passes. This officer may be relieved by another officer.
    2. Leapfrog: A unit holds an intersection and remains there while secondary units come by them going to the next intersection. This requires that the unit allow room for the secondary units to pass.

I. No officer of the Truth or Consequences Police Department shall exceed the posted speed limit while escorting a funeral.
J. No officer shall drive in any manner so as to endanger the public while on escort duty.
K. No officer shall leave any intersection which is controlled by a stop sign or traffic signal unprotected.

XXVIII. STATEMENT OF PURPOSE

This order has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

XXIX. MOTORIST ASSISTANCE

A. The Truth or Consequences Police Department does not respond to calls for

motorist assists if the only complaint is keys are locked in a vehicle or the vehicle doesn't start. The exception to this is if exigent circumstances exist (i.e., small child locked inside) or vehicle causes a traffic hazard if not moved immediately. Motorists will be advised they should seek assistance through other means (i.e., private company, family, etc.).

B. The Truth or Consequences Police Department will contact a towing service for a stranded motorist. The motorists need to be told that this service will be paid for by them, the city does not pay the cost. The officer needs to request this assistance, along with the name of the requestor, and Central Dispatch will contact and dispatch the requested tow truck to the scene. The towing service utilized should be at the choice of the requestor. If the vehicle is a traffic hazard, the officer will stand by until arrival of the towing service.

XXX. HIGHWAY HAZARDS

At any time when one of the below hazards exists, the officer shall request Central Dispatch personnel to notify the proper agency. The Patrol Officer needs to advise Central Dispatch personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day. After hours call-out of City of Truth or Consequences personnel must be approved by a supervisor prior to call-out.

A. Traffic light in need of repair (this includes light out or not working properly);
B. Traffic control device down (i.e., stop sign, yield sign, school crossing, etc.)
C. Electrical power lines down;
D. Debris in roadway (if after hours, try to remove to side of road if possible);
E. Breaks in water, gas or other utility mains;
F. Snow/Ice on roadway (to determine the need for some type of service);
G. Fire hazards needing attention;
H. Defects in the roadway;
I. Street light(s) out;
J. Dead animals/injured animals.

XXXI. EMERGENCY ASSISTANCE

A. First Aid

1. In emergency medical situations, department personnel shall normally render only that degree of care necessary to sustain life, prevent and/or control shock, and/or prevent further harm based on each officer's level of training and abilities.
2. If first aid is necessary, the officer should radio for an ambulance to respond while rendering first aid.

B. Fires

1. The primary responsibility of the Truth or Consequences Police Department in responding to a fire call is the protection of life, traffic control and crowd control. In responding to a fire call, officers should be cognizant of where the fire is in relation to intersections, potential use of fire hydrants and fires lines in the roadway and should park accordingly.

2. Members of the Truth or Consequences Police Department have not been trained in firefighting and do not carry the necessary equipment, aside from a small chemical extinguisher. Before attempting to fight a fire, officers should consider the safety hazards and potential for injury.

XXXII. HAZARDOUS MATERIALS

Hazardous Materials are defined as 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. The primary responsibility of the Truth or Consequences Police Department at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control. Duties of on-scene Officer are:

A. From a safe distance, assess the situation, and then request Central Dispatch personnel contact the Truth or Consequences Volunteer Fire Department. They, in turn, will contact any other appropriate personnel.
B. Notify the on-duty supervisor of the situation.
C. Establish a safe perimeter around the scene using additional units as necessary.
D. Duties of Shift Supervisor:

    1. Confer with the appropriate Fire Department personnel regarding evacuation of the area and establishment of a safe perimeter.
    2. Notify the Lieutenant.

E. Ensure that involvement of police personnel within a contaminated area is minimized.

XXXIII. TOWED VEHICLES

A. Statement of purpose: The procedures outlined in this order are intended to guide officers in making decisions to tow vehicles.
B. General Policy: Towing a vehicle may be necessary as a matter of public safety, to protect property, or to preserve evidence.

    1. Contact Central Dispatch and request the next available towing company.
    2. The towing service utilized is determined by a rotation list unless otherwise specified by the vehicle owner.
    3. The cost of this service is paid by the owner/driver and this information needs to be relayed to them at the time of the request.
    4. At the time a tow company is requested, advise Central Dispatch personnel of the location, brief description and license number of the vehicle to be towed.
    5. If a vehicle is towed and a hold is placed on the vehicle, said hold will be released and the vehicle returned to the owner as soon as practical, based on the circumstances.
    6. At the discretion of the supervisor, the vehicle may be towed to the police station where a completed inventory form will be attached to any associated reports. The report number will be noted on the inventory form.
    7. Any vehicle which has been towed or moved to the police parking area will be moved

to the designated storage facility as soon as possible.
8. This policy covers vehicles being towed from public or private property.
9. All records of towed vehicles will be maintained in the records division of the Truth or Consequences Police Department with the original report.
10. A copy of the tow sheet and inventory form will be provided to the Lieutenant for proper payment procedures prior to the end of the officer's shift.

C. Abandoned Vehicles in Roadway/Traffic Hazard

1. Abandoned vehicles will only be towed/stored when there is some other reason for such action (i.e.; their placement jeopardizes public safety by significantly hindering the efficient movement of traffic). Efforts should be made to either locate the registered owner or remove the vehicle from the roadway before calling a tow truck.
2. In the event an abandoned vehicle is towed, a vehicle inventory will be completed if possible.
3. If a vehicle is towed, due to a request of an officer, efforts will be made to contact the registered owner and advise them of the situation. Any contact or attempts to contact the registered owner will be documented in the report.
4. If the abandoned vehicle is on private property and does not prove to be evidence in a criminal act the owner of the property has the option to contact a tow company of their choice. We do not need a vehicle inventory.

D. Arrested Person

1. When the operator of a vehicle is arrested and no other registered owner is available, it will be towed. This decision shall be noted in the narrative of the report.
2. In the event the vehicle is towed, the adopted procedures for tow rotation will be followed.
3. A vehicle inventory will be completed and attached to any associated reports.

E. Crash

1. If a vehicle becomes inoperable due to a crash, and a tow is necessary, officers will use the next tow company on rotation or the owner/operator of the vehicle may make a request.
2. If the driver/owner is hospitalized and the vehicle is unable to be removed from the roadway, the next tow company will be used.
3. A completed vehicle inventory will be attached to the Crash Report if tow is requested by the officer. If owner requests a specific tow company a vehicle inventory is not needed.

F. Recovered stolen vehicles

1. When a stolen vehicle is recovered by this department, it shall be processed at the scene whenever practical. Vehicles towed for this reason may either be taken to the police department south side parking area, the City of Truth or Consequences Service

Center or to the wrecking yard that tows the vehicle. If the vehicle was stolen locally, attempts will be made to contact the owner and have the vehicle picked up from the scene to avoid towing after the vehicle is processed and released by the investigator. The assigned investigator shall be contacted to determine how the processing of the vehicle will be conducted based upon the facts of the investigation.

2. A completed vehicle inventory will be attached to any associated report.

G. Evidentiary Purposes

1. A vehicle belonging to a victim or suspect may be towed on authority of the primary investigating detective or officer. However, the use of photographs should be utilized whenever possible and the vehicle released to the owner as soon as possible with the District Attorney's approval.

H. Vehicles seized pending forfeiture

1. When a vehicle is seized pending forfeiture due to a criminal act, the vehicle will be towed to the west parking lot of the Truth or Consequences Police Department where a thorough inventory will be done, an inventory form completed with the associated report number placed in the upper right corner and attached to associated reports. As soon as practical in the investigation, the vehicle will be taken to a secure location awaiting disposition.

I. Release of Holds

1. It will be the responsibility of the investigating officer or detective to authorize the release of a hold on a vehicle. If the investigating officer or detective is unavailable, their immediate supervisor has the authority to release it.

XXXIV. ROADBLOCKS

It is the intent of this policy to comply with New Mexico State Laws, the Use of Force Standard and related United States Supreme Court findings. With the knowledge that our duties we perform and obligations to the community cannot always be described prior to an event which may leave some situations not covered. It is the intention of this policy to assist officers in avoiding circumstances which places officers, the general public or suspects in unnecessary danger.

A. Roadblocks will be used in accordance with the Use of Force Policy.
B. Roadblocks shall be employed only as a last resort such as the use of deadly force.
C. Emergency vehicle lighting shall be in operation when a police vehicle is used as a stationary roadblock.
D. Vehicles used as stationary roadblocks shall not be occupied.
E. Privately owned vehicles and unmarked police vehicles shall not be used in a roadblock.
F. Roadblocks shall be set up where it will afford clear visibility to traffic in all directions and to all highway users.
G. An escape route through the roadblock must be established. The escape route must be established in such a manner to be maneuvered through at a reasonable speed.

H. Remove vehicles and people not associated with the roadblock.
I. Rolling roadblocks are not recommended but may be used in circumstances where it is necessary to protect a third party.
J. A police vehicle shall not be used to ram another vehicle

XXXV. SOBRIETY CHECKPOINTS

Sobriety checkpoints are an established means of deterrence and public education and have withstood constitutional scrutiny when properly implemented. The effectiveness of a checkpoint should be measured by the reduction of alcohol related crashes and not simply by the number of persons arrested as a result of a checkpoint.

A. Site Selection and Safety Concerns

1. In order to conduct a Sobriety Checkpoint, the approval of the Lieutenant, or his designee, must be obtained prior to each occasion.
2. Selection of sobriety checkpoint sites must consider the safety of the public and all law enforcement personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull the suspect's vehicle off the roadway for further inquiry and testing if reasonable suspicion of DWI (or other crime) is developed.
3. Site selection is based upon selective enforcement criteria, considering the time of day, day of week, location, number of fatal and other alcohol related crashes, and DWI arrests. The date which will determine the site selection is available from: New Mexico Highway & Transportation Department Transportation Planning Division Traffic Safety Bureau Alternate sites may be selected in the event that primary sites are unavailable.
4. To ensure maximum safety for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, flares, and police vehicles with flashing warning lights should be utilized. A combination of these items is to be strategically placed as to alert motorists who are approaching the checkpoint. The checkpoint supervisor will determine which warning devices will be utilized based on location and time of day. Additionally, law enforcement personnel are to be equipped with flashlights at night and dress in a manner which will readily identify them as law enforcement personnel including department issued traffic vests. The area designated for further investigation of suspects must be well lit and of relatively level ground to conduct field sobriety tests.

B. Notice to Public/Media

The publicity that precedes this operation serves to educate and inform the public of our enforcement efforts. The media attention is aimed at deterring the potential DWI offender. Advance notice to the public must be made. The inclusive dates of the intended checkpoints are to be announced without disclosing the precise location. The specific media utilized should depend on local availability.

C. Personnel and Equipment

1. An appropriate number of law enforcement personnel must be assigned to the checkpoint to control traffic, address motorists, conduct sobriety tests and transport individuals. Consideration should be given to anticipate the volume of traffic at the proposed checkpoint location and the number of officers to be utilized should be chosen accordingly. Minimally, one certified checkpoint supervisor must be present at the checkpoint at all times to make supervisory decisions and keep a "checkpoint activity record"
2. The officer who first detects the suspected DWI offender should complete all aspects of the field testing and arrest. Transporting of the individual, booking, and further processing may be completed by other uniformed officers as necessary and at the discretion of the checkpoint supervisor.
3. Assistance from other law enforcement agencies may be solicited with the approval of the Lieutenant; however, all participating officers shall be thoroughly briefed on these procedures as well as the specifics of the operation. All other law enforcement officials must adhere to these directives while assisting the Truth or Consequences Police Department during an authorized checkpoint.
4. All necessary equipment should be readily available at the checkpoint site. All law enforcement personnel assigned to a checkpoint will be in full uniform. Officers will wear a reflective vest while at the site.

D. Operational Procedure

1. Every vehicle is to be stopped, except as provided in this section.
2. The occupants are to be told the purpose of the stop. The driver, primarily, is to be questioned, since driving while under the influence of intoxicating alcohol or drugs is the purpose for this checkpoint.
3. Vehicles should be detained for no more than approximately 2 minutes, unless reasonable suspicion exists that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle.
4. Sufficient adjoining space must be available to pull vehicles off the roadway for further inquiry when reasonable suspicion of DWI or other criminal activity is developed.
5. If traffic begins to back up creating traffic congestion, all stopped vehicles are to be waved through at the discretion of the checkpoint supervisor. The duration of a checkpoint should not extend past five hours.
6. Upon completion of a checkpoint operation, or soon thereafter, the checkpoint supervisor shall complete a "Sobriety Checkpoint Activity Report".

XXXVI. DUTIES OF THE ACCIDENT RECONSTRUCTIONIST

Accident Reconstruction is a specialized position that may be utilized by Patrol or Criminal Investigations to assist with crashes involving felonious acts, Serious Bodily Injury, or Death. Serious Bodily Injury consists of the permanent impairment or loss of a function or part of the body, or an injury that may result in death any time after the subject being transported by

Emergency Medical Services, **UPON APPROVAL OF THE LIEUTENANT**. The duties of an Accident Reconstructionist are as follows:

1. On call 24 hours, seven days a week, 365 days a year.
2. Investigate traffic collisions involving felonious acts, Serious Bodily Injury, or Death.
3. If the crash results in a fatality, the Accident Reconstructionist, along with the Criminal investigations Division, will take sole responsibility in completing the Uniform Crash Report, along with the full investigation.
4. Complete a To Scale diagram of the crash, necessary for Reconstruction.
5. Complete a Speed and Time/Distance analysis where the crash results in a fatality.
6. Work closely with the Criminal Investigations Division and District Attorney's Office in the effective prosecution of criminal acts that may have led up to a fatal crash.
7. The Accident Reconstructionist will have a maximum of 10 working days to complete the full crash investigation of a felonious act, Serious Bodily Injury, or Death. If more time is needed for evidentiary purposes or other investigative action that is delayed, the Lieutenant will be notified.

If an Accident Reconstructionist is not available to respond, all Occupants, Witnesses, Measurements, Photographs, and other pertinent information will be collected. The Uniform Crash Report will be completed by the on-scene Officer or Criminal Investigations Division, and the report with all other information will be given to the Accident Reconstructionist for further investigation once they are available. The Accident Reconstructionist has 10 working days to complete a full investigation of a crash once it has been received by the Accident Reconstructionist on a regular work day.

	Policy Name:	**PRISONER/PATIENT TRANSPORT** **POLICY #: TCPD08B** **NMMLEPSC Standard OPR08.01-10.6**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

In all instances involving the transfer of persons in the custody of the Department, there are concerns that should be kept in mind for the safety and rights of prisoners. At the same time, the Department must ensure that these persons do not escape and that they are not permitted to injure citizens or police personnel. This order establishes guidelines for all officers in the safe transportation of prisoners.

II. VEHICLES

A. All patrol vehicles, unless otherwise designated, are equipped for transporting prisoners.
B. Units with cages are the primary transporting units in order to ensure the safety of prisoners and officers.
C. Vehicles used for transporting prisoners are equipped and modified to minimize the possibility of prisoner exit from the rear compartment.
D. Vehicles used for transporting are equipped and modified in the following manner:

1. Protective screen;
2. Rear door release is operated from either the front compartment or from the outside of the vehicle; and
3. Rear compartment window movement has been made inoperable.

III. PHYSICAL SEARCH OF PRISONERS/VEHICLES

A. When making an arrest, an officer shall conduct a thorough, systematic search of the prisoner. This search is intended to uncover any weapons, contraband, or other articles on the prisoner that could cause injury to the officer or facilitate an escape. The officer shall take possession of all weapons and evidence prior to placing the prisoner in the police vehicle. If practical, this search should be conducted by an officer of the same sex.
B. In the event the prisoner is turned over to another officer for transportation or is being transported from a holding facility to court, etc., the prisoner shall be searched by the transporting officer before being placed into a unit.

C. Each time a prisoner is to be transported, the transporting vehicle should be examined to ensure that no contraband or similar items are present. Because police vehicles are not ordinarily under constant observation, a search is made to ensure that no contraband, weapon, or other harmful items have been placed or left in the vehicle. This is to include a thorough examination of the rear seat compartment.

IV. TRANSPORT OPERATIONS

A. Prisoners transported in a police vehicle equipped with a protective screen will be placed in the rear seat.
B. No more than three (3) prisoners will be transported at one time in the same vehicle. However, if possible, they should be separated from the same incident for safety and/or investigative reasons. ***At no time shall males and females be transported together nor adults and juveniles.***
C. Use of restraints to secure prisoners is limited to the following department-approved restraining devices:

    1. Double locking handcuffs
    2. Belly chain (left for court transports)
    3. Leg restraints
    4. Double locking leg shackles

D. All prisoners or persons in protective custody will be handcuffed behind their backs, if possible, and remain restrained while being transported to a detention facility. Restraining a prisoner through a procedure commonly known as 'hogtying' shall not be utilized.
E. Exceptions may be made for the elderly, invalids, ill or injured individuals, or other persons with physical handicaps that require the use of either modified procedures or no handcuffs. In rare situations where handcuffs will not be used a second officer shall ride with the transporting officer as a safety precaution.
F. If a prisoner is transported from the detention facility to another location, the officer will employ the use of restraints.
G. If the prisoner poses a flight risk or increased danger to the officer, the additional use of a belly chain, leg restraint, or leg shackles may be utilized.
H. Prisoners will not be allowed to contact an attorney, family members, or friends while they are being transported to the detention facility. The prisoner will be advised that unless otherwise prohibited, they will be allowed to communicate with their attorney and/or family member once they have been booked into the detention facility.
I. If the prisoner is being transported to court, medical facility, etc., extra care should be taken in this regard to limit access to telephone, etc. Unless otherwise authorized by a supervisor, the prisoner will not be allowed to have contact with family members while there. If their attorney wishes to speak to them in court, this will be allowed.
J. While the transporting officer has custody of the prisoner, the officer will keep the prisoner under observation at all times.
K. In instances of a combative or aggressive prisoner, in custody, the stationary “eyebolt” located inside each temporary holding cell may be used in order to prevent injury of the

officer and/or prisoner and/or to prevent damage to the building (holding cell doors). The eyebolt shall only be used in cases as defined above. Only the use of authorized handcuffs or leg shackles will be authorized for this purpose. Handcuffing prisoner(s) to any other stationary object is not authorized (vehicles, fences, trees, doors).

V. RESPONSE TO EMERGENCIES DURING TRANSFERS

A. All other situations encountered by the transporting officer requiring police response shall be reported to Central Dispatch.

VI. ESCAPE OF PRISONER IN TRANSPORT

A. Should a prisoner escape during transport, the transporting officer shall:

1. Immediately notify Central Dispatch of the escape and request assistance in the search and apprehension of the escapee.

    a. Officer should provide as detailed information as possible.

2. Notify the appropriate law enforcement agencies for assistance if the escape takes place outside the city limits of Truth or Consequences, the officer shall cooperate with local authorities in completing any necessary reports.
3. Notify an immediate supervisor as soon as practical.

B. The transporting officer shall submit a complete report on the escape as soon as practical. If the escape occurred outside our jurisdiction a memo will be submitted detailing the incident through the chain of command.
C. If the prisoner is recaptured within a reasonable time period, the prisoner may additionally be charged with any applicable crimes. If the prisoner is recaptured outside a reasonable time period, they are still considered under arrest on the original charge. Any additional charges may be sought through the issuance of a warrant.
D. If the prisoner is not recaptured, the officer shall prepare the necessary paperwork to obtain a warrant.

VII. SPECIAL TRANSPORT SITUATIONS

A. Transporting prisoners of the opposite sex:

1. When it is necessary for an officer to transport a prisoner of the opposite sex, the officer will notify the dispatcher of the location, beginning mileage, and destination. Upon arrival at the destination, the officer will notify the dispatcher of the ending mileage and location.

B. Transporting prisoners with handicaps

1. Due care should be taken when transporting handicapped individuals. Careful evaluation and discretion must be utilized by officers in determining when exceptions to restraints should apply. The nature of an individual's illness, injury, or physical handicap must be weighed against the threat the individual poses to the officer or citizens. Partial restraint is preferable to no restraint at all.
2. Consideration should be given to see that necessary handicap aids (i.e., crutches, wheelchairs, etc.) as well as prescription medicines are transported and made available to the prisoner at the appropriate time. These items must be turned over to the detention facility staff.
3. The officer should use discretion when using restraining devices on handicapped prisoners; however, it should not be automatically assumed that a handicapped prisoner poses no flight risk or danger to the officer.

C. Transporting sick/injured prisoners

1. If a suspect has been injured prior to being arrested or during the process of the arrest, they should be transported to the Sierra Vista Hospital Emergency Room for evaluation and treatment. This transport should be done via ambulance with the appropriate police presence. The ability of the suspect to refuse on the scene may be compromised either by injury, disability, or state of mind. All information will be documented in the incident report.
2. If a prisoner needs to be transported to a medical facility for a non-emergency complaint, the prisoner will be transported to a police unit.
3. If a prisoner needs to be transported to a medical facility for an emergency complaint or is not mobile, an ambulance will respond.
4. Officers should restrain sick or injured prisoners in the approved method, being cognizant that they may still pose a flight risk or danger to the officer.
5. If a prisoner is transported to a medical facility, he should be restrained as much as possible. The use of handcuffs is recommended to discourage and inhibit movement. The prisoner should remain under constant supervision of the officer.
6. If the prisoner needs to be admitted to the medical facility, the officer will immediately contact a supervisor to make arrangements either for a release, a hold, or additional security measures.

D. Transporting Mentally Disturbed Individuals.

1. Officers may be called to transport a mental patient who presents a likelihood of causing serious harm to themselves or others to either the Sierra County Detention Facility or SV Hospital for evaluation and/or admission. Before transporting, between facilities officers should confirm that the necessary arrangements have been made for admission to a facility.
2. Prisoners known or suspected of being mentally disturbed should be restrained securely through the use of approved restraints.

E. Transporting Non-Prisoners

1. A situation may arise where an officer is required/requested to transport a person or persons who are not being detained for a violation, nor are they a viable or immediate threat. In these cases, the following procedure will be followed:

    a. Prior to transport the person will be asked for consent to be searched, baggage and purses to be included.
    b. Weapons or items that could be used as weapons will be turned over to the officer prior to transport.
    c. After the search the officer may transport and not handcuff the subject.
    d. An officer is under no obligation to transport citizens this is a courtesy.

VIII. SECURITY UPON ARRIVAL AT DESTINATION

A. Upon arrival at the Sierra County Detention Facility the officer will secure their firearms in the authorized lock boxes or within their secured vehicle. The key to the lock box or the trunk of the vehicle will be placed in a location to prevent access by the prisoner. The prisoner will then be removed from the vehicle and released to the custody of the correction officers.
B. If the subject is unruly and violent, regulations set forth by the Sierra County Detention Facility will go into effect.
C. If the prisoner is being transported to the Sierra County Detention Facility or another detention facility, the same procedures should be followed If no designated lock boxes are available, the officers will secure their weapon(s) in their unit.
D. In the event a prisoner presents a security hazard to the court, the respective judge shall be notified prior to arraignment so that other arrangements or additional restraints may be utilized.

IX. DOCUMENTATION

A. Any prisoner being transported from a detention facility must be positively identified as the person who is to be moved. This should be done by checking booking records assigned to the prisoner. The prisoner should not be transported, except in case of emergency, until positive identification is confirmed.
B. If a prisoner is being transported to a local court, the paperwork should have already been transferred. If the prisoner is being transported to a court in another jurisdiction, copies of the arrest record, complaint, transport order, and related reports must accompany them.
C. If the prisoner is being transported to another facility, copies of their arrest record, court papers, and personal property should accompany them.
D. Transfer documentation must include information that specifically alerts receiving officers to potential security problems. This information may include the prisoner's suicide or escape potential and unusual illnesses.
E. When a prisoner is transported to another detention facility, upon arrival the transporting officer will ensure that the receiving officer acknowledges the transfer by signature. This

form will then be returned to Records where it will be placed in the file with the arrest report.

X. ARRESTEES OR PRISONERS- UTILIZING INTERVIEW ROOM

A. No officer will allow an arrestee or prisoner to be left unobserved in any room other than a jail cell or booking cell.
B. There should always be personnel in close proximity to the room available to intervene on behalf of the arrestee/prisoner or the officer.
C. All arrestees or prisoners will be searched prior to the interview process.
D. The interview room shall be searched prior to the arrestee or prisoner being brought in.
E. Officers will use their training and experience to decide whether or not to be armed during the interview.
F. All interviews will be conducted in the designated interview room.
G. All Sergeants will train officers assigned to their shifts in dealing with arrestees and prisoners while utilizing the interview room.
H. The interview room is to be accessed by all sworn officers and is to remain unlocked. (As will all devices, the Lieutenant will maintain the keys for this room, should it be necessary.)

XI. ARRESTEES OR PRISONERS

A. The policy of the Truth or Consequences Police Department is that all arrestees or prisoners will be taken to the Sierra County Detention Center for detention.
B. When juveniles that are detained by the Truth or Consequences Police Department, the officers will notify the juvenile probation office to determine if detention is required. If detention is required and authorized by the JPPO, all required paperwork will be completed before the juvenile is transported to a detention facility. All required paperwork will be completed before the juvenile is transported to a detention facility.
C. All officers will adhere to the transporting and handling of arrested juveniles in accordance to New Mexico State Laws and this policy.

	Policy Name:	**COURT SECURITY** **POLICY #: TCPD11B** **NMMLEPSC Standard OPR11.01-11.06**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. COURTROOM/COURTHOUSE SECURITY

A. Courthouse security falls under the control of the Sierra County Sheriff's Office. The Truth or Consequences Police Department will assist the Sierra County Sheriff's Office with physical plans, security operations, special operation needs, high-risk trials, and emergency procedures for fire/bomb and escape. The Truth or Consequences Police Department will assist the Sierra County Sheriff's Office with manpower and equipment needs with the approval of the Chief of Police.

B. District and Magistrate Courtroom security

1. Will fall under the Sierra County Sheriff's Office.

C. Municipal Courtroom security

1. The Truth or Consequences Police Department will be responsible for developing physical plans, security operations, and special operational needs on a case-by-case basis at the request of the Municipal Judge and with the approval of the Chief of Police.
2. The Municipal Court is not located at the Truth or Consequences Police Department therefore fire and bomb evacuations will be handled by and through Municipal Court policy and procedures.
3. At the time it becomes necessary for more strict court security, officers have at their disposal several "security wands," which if needed can be obtained from the Lieutenant. Resources for other equipment may be available upon request from other agencies.

D. The Truth or Consequences Police Department will conduct searches of the Municipal courtroom as deemed necessary by the Municipal Judge concerning contraband or any other suspicious or questionable item(s) that may present a threat to building occupants.

E. All officers of the Truth or Consequences Police Department will utilize holding areas in the District Court and/or Magistrate Court if requested to do so by court personnel.

	Policy Name:	**LEGAL PROCESS** **POLICY #: TCPD12B** **NMMLEPSC Standard OPR 12.01-12.07**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. STATEMENT OF PURPOSE

This policy is to establish a procedure for serving subpoenas, for receiving, filing, and handling expired domestic violence orders and warrants.

II. SUBPOENA SERVICE

A. Upon delivery of subpoenas from the issuing agencies (District Attorney's Office, Municipal Court, or any other agency with a lawful subpoena) the Administrative Assistants will stamp all incoming subpoenas with date and time. They will then physically give the subpoenas to the Lieutenant for distribution.

B. The Lieutenant or his designee will be responsible for reviewing the Subpoena list each day. The Lieutenant or his designee will hand deliver all subpoenas to officers of the Truth or Consequences Police Department citizens if it involves a Municipal Court case, prior to the date of court.

C. The Lieutenant or his designee will not be expected to keep up with the availability of the officer for court. If the officer has a conflict with the court date, it is their responsibility to follow the authorized procedure to work out the conflict.

1. These records include the following:

   a. Date/time received;
   b. Type of legal process (civil or criminal);
   c. Nature of the document;
   d. Source of the document;
   e. Name of plaintiff/complainant or name of defendant/respondent;
   f. Officer assigned for service/name of server;
   g. Date of assignment;
   h. Method of service/reason for non-service
   i. Date service due
   j. Name of person for whom service was attempted;
   k. Name of person to whom process was served;
   l. Location/address of service or attempted service;

m. Date and time of service or attempted service and return; and
n. Court docket number.

2. Copies of served subpoenas will be filed in the officer's corresponding shift box located in the supervisor's office and shall be maintained according to the court date and purged on a monthly basis after the court date.

D. Once the subpoena has been served, the "Return of Service" will be returned to the issuing agency.
E. If the subpoena is issued out of a civil court case, the officer should be contacted directly by their representative. At the time they are served a subpoena, they should demand payment for appropriate witness fees. No other employee should accept a civil subpoena for another.
F. The Lieutenant or his designee will check out on the radio advising the Communications Operator of attempts to or service of a subpoena on the radio log:

1. the date and time;
2. name of officer;
3. Reason for non-service;
4. method of service;
5. address of service/attempt.

III. MAINTAINING A WARRANT AND WANTED PERSON FILE

A. Warrants are obtained from the following:

1. Federal Court
2. District Court
3. Magistrate Court
4. Municipal Court

B. All warrants that do not fall under the NCIC guidelines will be placed on a local warrant list.
C. The warrants and the above information will be placed in a file folder and filed alphabetically in Central Dispatch.
D. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of the warrant, a faxed copy will be received from the originating jurisdiction.
E. The notification/cancellation form will be signed by the arresting officer or communications operator. The communications operator will remove the warrant from NCIC, cancel the warrant, and file the notification/cancellation form.
F. When the Communications Operations receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.
G. Officers have 24-hour access to the warrant list, NCIC information, and NMCIC Information.

IV. EXECUTION OF CRIMINAL PROCESS

A. All officers are obligated to arrest a person known to have an active and valid arrest warrant while in their respective jurisdiction and while on active duty if that person is contacted.
B. The subject will be brought before the issuing court without unnecessary delay. The availability of the judge determines this.
C. Unless otherwise described on the warrant all subjects will be booked and transported to the Sierra County Detention Center for detainment.

    1. If the subject of the warrant is a juvenile, certain limitations may exist due to the availability of a judge.
    2. Other circumstances may be listed on the warrant which limits the actions of the officer to certain times and jurisdictions.
    3. Fugitive Complaints will be filed and forwarded appropriately, to Magistrate Court, when an arrest is made on an out-of-state warrant.

D. It is statutorily directed that the officer executing the warrant delivers it to the issuing court.

V. LEGAL PROCESS OF ACQUIRING PROPERTY

A. All property acquired through the legal process will become department property and be placed on inventory. The property will be assigned by the Chief of Police for use.
B. All property that does not become department property will be destroyed in accordance with 29-1-14 and 30-31-35 NMSA 1978
C. Once the property no longer has a valuable use to the department the property will be destroyed under 29-1-14 or will be placed in surplus and sold at auction.

VI. TRESPASS AND TRESPASS WARNINGS

A. In order to better serve the community and protect the property of citizens a subject's last known trespass status will be documented in the RMS (Report Management System) in the ALERT area when a person's name is added.

	Policy Name:	**DOMESTIC VIOLENCE** **POLICY #: TCPD13B** **NMMLEPSC Standard OPR 13.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. GOAL/POLICY STATEMENT

A. The primary objective in responding to domestic violence calls will be to reduce assaults, reduce police callbacks, and improve coordination with present community resources.

B. It shall be the policy of the **Truth or Consequences Police Department** to aggressively investigate and enforce laws relating to domestic abuse where applicable. When violence has occurred, the primary responsibility of the responding officers is to investigate, and if probable cause exists, arrest the abusing household member.

II. DEFINITIONS

A. As used in the Family Violence Protection Act (40-13-1 to 40-13-7, NMSA 1978) and for the purpose of this policy, the following terms shall be interpreted to have the following meanings:

1. **"Domestic Abuse"** means any incident by a household member against another household member resulting in:

   a. physical harm;
   b. severe emotional distress;
   c. bodily injury or assault;
   d. a threat causing imminent fear of bodily injury by any household member;
   e. criminal trespass;
   f. criminal damage to property
   g. repeatedly driving by a residence or workplace;
   h. telephone harassment;
   i. stalking;
   j. harassment; or
   k. harm or threatened harm to children as set forth in the paragraphs of this subsection.

2. **"Household Member"** means a spouse, former spouse, or family member, including a relative, child, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship, cohabitation is not necessary to be deemed a

household member for purposes of this section."

3. **"Co-Parents"** means persons who have a child in common, regardless of whether they have been married or have lived together at any time.
4. "**Order of Protection**" means a court order granted for the protection of the victim(s) of domestic abuse.
5. "**Petitioner**" is the person alleging abuse in a petition for an Order of Protection.
6. "**Respondent**" is the person alleged to have abused another in a petition for an Order of Protection.
7. **PLEASE NOTE THAT IN THE CRIMES AGAINST HOUSEHOLD MEMBERS ACT, A *CHILD* IS NOT INCLUDED AS A HOUSEHOLD MEMBER.**

    a. Consequently, if the victim of a "domestic" call is a minor child of the suspect/offender, the call will **not** be handled under the Crimes Against Household Member Act but will be handled as either parental discipline or abuse/neglect of a child, depending on the force used. If the victim is 18 years of age or over and the suspect/offender is a parent, the call will be handled as a battery. If the suspect/offender is the child of the victim or sibling of the victim, the domestic charge could be brought under either the Crimes Against Household Members or the Family Violence Protection Act, whichever is more appropriate

III. INVESTIGATION

A. When responding to a domestic violence call, the officer(s) will:

1. Restore order by separating the parties and calming them down;
2. Assess the need for medical attention and call for medical backup if indicated;
3. Interview all parties separately (victim, offender, and witnesses);
4. After each party has been interviewed separately, confer as a team to decide if an arrest should be made and/or other actions taken;
5. Collect and record evidence;
6. When appropriate, take color photographs of injuries and property damage;
7. Prepare an Offense Report.

IV. ARREST

A. Arrest is the preferred response to domestic violence situations in that it offers the greatest potential for ending the violence. If an assault and battery or more serious offense has been committed, the responding officer(s) will give every consideration to making an arrest.

1. As authorized by NMSA 31-1-7, when an officer responds to a domestic violence call and finds the victim and alleged assailant are both present, the alleged assailant may be arrested without a warrant if:

    a. The officer actually observes the commission of an assault and battery or more serious offense;
    b. The officer has probable cause to believe that an assault or battery has been committed upon a family or household member (even though the crime was not committed in his/her presence).

2. Officers will effect an arrest, based on probable cause and supported by the statement of the victim or witness, of abusers in domestic situations where a felony has been

committed. A felony may be considered any one of the following but is not limited to:

a. Any gunshot wound;
b. Any discharge of a gun in an attempt to wound;
c. Any pointing of a gun at a victim;
d. Any knife wound;
e. Any serious threat with a knife or other deadly weapon;
f. any injury that constitutes grievous bodily harm, including:

i. Broken bones;
ii. Any injury which requires admission to a hospital (as opposed to first-aid treatment);
iii. Any injury which causes permanent damage (loss of hearing, sight, etc.)
iv. Any intentionally inflicted burns.

B. The police officer(s) should not consider the following factors when determining whether an arrest should be made:

1. The marital status of the parties;
2. The disposition of previous calls involving the same victim and offender;
3. The victim's unwillingness to prosecute the case;
4. The police officer's belief that the victim will not prosecute;
5. Verbal assurances by either party that the violence will stop;
6. Denial by either party that the violence occurred when there is evidence of domestic violence;
7. The race, ethnic background, sexual preference, social class, or occupation of the victim and/or the offender.

C. Citations/Summons will not be issued in lieu of arrest in domestic violence situations.
D. As mandated in NMSA 40-1 3-6C, an arrest SHALL be made where the peace officer has probable cause to believe that a person has violated or is in violation of an order of protection.

V. DUAL-ARREST SITUATIONS

A. At times there are situations in which both parties have been violent toward one another. It will be necessary to determine who the primary aggressor is. Consider the following in your investigation:

1. Consider the law's intent to protect victims of domestic violence.
2. Look at the relative degree of injury or fear inflicted on both individuals.

VI. NON-ARREST SITUATIONS

A. Alleged Assailant Present:

1. Where the alleged assailant is present at the scene and no arrest is made, the investigating officer(s) will carefully document their reasons for not making an arrest.

B. Alleged Assailant Not Present:

1. In accordance with current case law, if officers are called to a domestic assault/battery that does not rise above the level of a misdemeanor and the suspect (primary aggressor) is not at the scene, officers will file a criminal summons or a warrant for the suspect's arrest when probable cause exists.
2. Other considerations should be to evaluate the situation and assist in the movement of the victim to a safer location and the implementation of an emergency Temporary Order of Protection.

VII. REPORTING REQUIREMENTS

A. An Offense/Incident Report **WILL BE** completed on every domestic violence investigation where at least one (1) of the following criteria exists:

1. An act of violence is committed, attempted, or threatened either in the presence of the officers) or reported to the officer(s);
2. An involved person reports to the responding officer(s) that they fear for their safety after the officer leaves;
3. There is probable cause for the officer(s) to believe an assault and battery or more serious offense has occurred prior to his/her arrival;
4. An arrest is made for any crime committed as a result of a domestic situation;
5. At any time, the investigating officer(s) or supervisory personnel believe that a report is appropriate or necessary.

B. The Offense/Incident Report should contain a complete description of the case and information on all parties involved, including witnesses. The following should be included but is not limited to:

1. A detailed description of the scene as you found it upon arrival;
2. The circumstances leading up to the incident, as recounted by all the parties;
3. A detailed description of the assault;
4. A description of the victim's physical injuries and any complaints of pain;
5. Names, phone numbers, and statements of all parties at the scene, including the victim, suspect, and witnesses;
6. Any weapons used or other instruments of assault;
7. Include any evidence of property damage incurred in the incident;
8. Document the marital or relationship status of the parties involved;
9. Record the frequency and severity of past assaults, if any, with a brief summary of the history of the violence;
10. Any unusual circumstances

    a. For example: Did the victim change the statement when interviewed away from the suspect?

C. Officer(s) will provide the victim with a case number for the report made.

VIII. ADVICE OF REMEDIES

A. In all domestic violence situations, the responding officer(s) shall advise the victim of remedies available under the Family Violence Protection Act, NMSA 40-13-7, and of the availability of domestic violence shelters, medical care, counseling and other services.
B. Officer(s) shall give the victim a copy of the Domestic Violence Information Sheet and

any packet that may be available from a local agency and explain the various resources.

1. Officer(s) will provide a copy to the victim and have him/her sign it and date it. One copy will be given to the victim and the other will be turned in to the Records Division and attached to the report.

IX. ORDERS OF PROTECTION

A. Enforcement

1. When an officer receives information that an Order of Protection has been issued and that the order has been violated, the officer will make an appropriate investigation and take such action as may be necessary for its enforcement.

   a. Upon notice that an Order of Protection is in effect, the officer will verify its existence by contacting Dispatch by radio, telephone, or in person. The officer will not rely on any purported copy of the Order of Protection that may be supplied by the Petitioner, Respondent, or other persons. The officer will rely only on information supplied by the Police Department, Sheriff's Office, or issuing court.
   b. The officer will first confirm the existence of the Order of Protection. In the case of an Ex-Parte Order of Protection, the officer will ensure that it has been "served" on the Respondent or that the Respondent has otherwise acquired actual knowledge of its existence before taking further action.

      i. If the Respondent does not have actual knowledge of the Ex-Parte Order of Protection, the officer will inform him/her of its existence, the substance of its contents, and the consequences of violating that Ex-Parte Order of Protection.
      ii. The officer will then notify the Police or Sheriff's Department that he/she has notified the Respondent of the order and give his/her name, employee number, and the date and time of the notification so that this information may be logged onto the order for further reference.
      iii. In making a determination of whether the Respondent does, in fact, have actual knowledge of an Ex-Parte Order, the officer may rely on a notation of the order itself showing that another officer has made the notification, *an* admission by the Respondent that he/she is aware of the order, or any information supplied by the Petitioner or other party which may be reasonably believed.

   c. If there is an Order of Protection in existence or an Ex-Parte Order of Protection in existence which has been served or the Respondent has acquired actual knowledge of its existence, the investigating officer will make an inquiry as to its contents.

      i. If there is probable cause to believe that the Respondent or Petitioner has violated the terms of the Order of Protection and that the violation occurred within the jurisdiction, the officer **WILL**, as required by NMSA 40-13-6C, arrest
      the violator. The violator needs to be in willful violation of the order.
      ii. Officers) will obtain a copy of the Order of Protection and attach it to the arrest report as well as stating the probable cause for the arrest, just as in a criminal proceeding.

   d. If a valid Order of Protection is in effect but the violator is no longer present, the officer(s) must complete an Offense/Incident Report and give a copy of the report

number to the complainant for further follow-up.

X. POLICE OFFICER DOMESTICS

A. Police Officers as Alleged Offender or Victim:
When a Truth or Consequences Police Department police officer responds to a call of domestic violence and finds that the alleged offender/victim is another law enforcement officer, the responding officer will, as soon as reasonably possible, call his/her immediate supervisor to the scene. Should the alleged offender/victim officer be of equal or higher rank than that of the responding supervisor, the responding supervisor will then contact someone of higher rank than that of the alleged offender/victim. If the responding officer has not yet effected an arrest, it will be the responsibility of the responding supervisor to order the arrest of the alleged offender if appropriate and if probable cause exists. That supervisor will also become responsible for ensuring that the alleged offender is processed, booked, and incarcerated per state law guidelines.

B. Failure to Arrest/Privilege/Special Consideration
In any situation where an arrest is warranted, officers **SHALL NOT** fail to arrest, when probable cause exists and SHALL NOT give privilege or special consideration to other law enforcement officers when such officers are alleged to have committed acts of domestic violence.

C. Solicitation of Privilege/Special Consideration
Officers who are being investigated for any allegation of domestic violence shall not solicit privilege or special consideration from other law enforcement officers.

XI. COMPLIANCE

All officers shall strictly adhere to this policy in its entirety on all domestic violence calls including those in which a member of any law enforcement agency is involved. This will ensure that this policy is applied to all members of the community in an equitable manner. Failure to do so will result in disciplinary action.

Policy Name: BODY-WORN CAMERAS **Policy#-TCPD 14A** **NMMLEPSC Standard OPR.14.01**	
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

The purpose of this General Order is to establish procedures for the proper use of recording devices as well as the storage and management of digital recordings.

II. 2. POLICY

It is the policy of the Truth or Consequences Police Department (TCPD), that all officers **shall** use recording devices for the purposes of but not limited to: responding to calls for service, documenting citizen contacts, follow-up interviews, capturing evidence for use in criminal prosecution, training and evaluating work performance, any other law enforcement or investigative encounter between an officer and the public.

III. APPLICABILITY

This General Order applies to all sworn personnel who routinely interact with the public including CODES/Animal Control Officers. This General Order supersedes all previous versions.

IV. REFERENCES

- 29-1-18 NMSA 1978
- 29-1-16 NMSA 1978
- 32A-2-14 NMSA 1978
- Inspection of Public Records Act (IPRA) Section 14 Article 2 NMSA 1978
- 1.19.8 NMAC (New Mexico Administrative Code)
- General Order 203 Domestic Family Disturbance

V. DEFINITIONS

Body-worn camera (BWC) - is an electronic device worn on a person's body that records both audio and video data. The LensLock Cameras or other similar devices that are issued by the department.

Records Management System (RMS) – A data entry system that collects and manages digital audio and photo evidence to simplify the acquisition and archiving of field and lab-gathered digital evidence.

Peace Officer (Officer) – any full-time salaried or certified part-time salaried officer who by virtue of office or public employment is vested by law with the duty to maintain the public peace.

LGRRDS – Local Government Records Retention and Disposition Schedule for New Mexico Municipalities. 1.19.8 NMAC

VI. PROCEDURES

A. All Peace Officers who routinely interact with the public including Codes/Animal Control Officers **shall** carry a properly functioning department-issued recording device on their person at all times while on duty.

B. Recording devices capable of capturing video shall be worn in a location that allows the device to capture images of what is in front of the officer.

C. Employees **shall** immediately notify their supervisor of any malfunction of the recording device or the need for replacement parts.

D. Recording devices shall be activated as soon as practical, consistent with officer safety.

E. Once activated, recording devices **shall** be used for the entirety of the law enforcement or investigative encounter.

F. Officers **shall** record all citizen contacts to include those listed below:

Responding to all calls for service or at the initiation of any other law enforcement or investigative encounter between a peace officer and a member of the public.

G. **Officers are prohibited from deactivation of a body-worn camera once a law enforcement or investigative encounter has begun.**

H. Employees are not required to disclose to the public the fact that recording equipment is in use.

I. Employees shall not utilize recording devices in the following situations:

1. At any closed court proceedings or hearings.

2. At any location legally authorized to limit recording and/or recording devices (i.e., hospitals, bathrooms) unless there are police-related incidents.

J. Employees are prohibited from recording their conversations with other employees without the other employee's knowledge by any means. Exceptions include authorized criminal or administrative investigations, and/or where the labor Contract provides for such tape recording, or on any City telephone lines which are automatically recorded.

VII. DISPOSITION OF RECORDINGS

A. Audio, image, and video recordings shall either be downloaded to the LensLock Evidence Library program or other similar system prior to going off-duty unless a supervisor authorizes an extension to this deadline.

B. All evidence entered into LensLock Evidence Library shall be noted in an offense/incident report.

C. Officers with BWCs shall label all video recordings downloaded to the LensLock Evidence Library program with the proper category, case number (when applicable) and location of the incident. Officers shall label the video recordings on or before their next duty day.

D. Employees **shall** not destroy, intentionally manipulate, prematurely erase, or alter any type of recording.

E. Recordings **shall** not be released to another criminal justice agency, excluding the District Attorney's Office for disclosure, without the approval of the Chief of Police. When recordings are released, the department shall maintain the original recording and provide the requesting agency with a duplicate unless there are specific reasons for releasing the original recording. If an original recording is released, the department shall retain possession of a duplicate copy.

F. Recordings are the property of TCPD and shall not be reviewed by unauthorized persons. Unauthorized persons include members of the media, family, friends, and other employees not involved in a supervisory or investigatory capacity. Employees are not authorized to copy or release recordings without supervisory approval. **Employees shall not post recordings to any social media website.**

G. Recordings are subject to release under the Inspection of Public Records Act (IPRA). Any IPRA request must go through the official release of records procedure through the City of Truth or Consequences.

VIII. RETENTION OF RECORDINGS

A. All non-evidentiary recordings shall be retained for one hundred twenty (120) days from the date the recording was submitted. This retention and destruction meet all Local Government Records Retention and Disposition Schedules for New Mexico Municipalities (LGRRDS).

B. All evidentiary recordings shall be retained as part of the case file and will be kept and destroyed according to the LGRRDS.

IX. SUPERVISORY RESPONSIBILITIES

A. Routinely inspect recording devices to ensure they are functioning properly.

B. Arrange for replacement or repair of any issued recording device that is not functioning properly.

C. Supervisors shall randomly review recordings to assist in the periodic assessment of an employee's performance and the recording device's performance. Supervisors will determine whether the recording device is being fully and properly utilized if downloads are taking place in a timely manner, if BWC videos are labeled appropriately, and if any material on a recording may benefit personnel in training. It is within a supervisor's discretion to review recordings more frequently.

X. DISCIPLINARY ACTIONS

A. Officers who fail to comply with the policies and procedures outlined above shall be presumed to have acted in bad faith and shall be deemed liable for the independent tort of negligent spoliation of evidence or the independent tort of intentional spoliation of evidence;

B. And subject to departmental disciplinary procedures, to include termination.

	Policy Name: RECORDING OF POLICE ACTIVITIES **Policy#-TCPD 15 NMMLESPSC** **Standard OPR.15.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/12/2023** **Revision Date: 09/12/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

This policy provides officers with guidance for dealing with situations in which they are being recorded, including photographing, videotaping, audiotaping, or both, by members of the public or the press.

II. POLICY

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

III. DEFINITIONS

Recording: Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.
Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

IV. PROCEDURES

Persons who are lawfully in public spaces or locations where they have a legal right to be present—such as their home, place of business, or the common areas of public and private facilities and buildings—have a First Amendment right to record things in plain

sight or hearing, to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:

1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.

2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not in itself justify an officer taking corrective or enforcement action or ordering that the recording be stopped, as this is an infringement on an individual's constitutional right to protected speech.

3. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.

4. The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

V. ARREST

1. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.

2. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.

3. Arrest of an individual does not provide an exception to the warrant requirement justifying the search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

VI. SEIZURE OF RECORDING DEVICES AND MEDIA

1. Absent arrest of the recording party, recording equipment may not be seized. Additionally, officers may not order an individual to show recordings that have been made of enforcement actions or other police operations.

2. If there is probable cause to believe that evidence of a serious crime has been recorded, an officer should

a. advise and receive instructions from a supervisor;

b. ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence; and

c. In exigent circumstances, in which it is reasonable to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. A warrant must be obtained in order to examine and copy the recording and the chain of custody must be clearly documented per department policy.

3. In exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.

4. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instructions on how it can be retrieved. In all cases, property receipts shall be provided to the owner.

VII. SUPERVISORY RESPONSIBILITIES

A supervisor should be summoned to any incident in which an individual recording police activity is going to be, or will most likely be, arrested or when recording equipment may be seized without a warrant or lawful consent.

	Policy Name:	**NALOXONE (NARCAN)** **Policy#-TCPD 16** **NMMLEPSC Standard OPR.16.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 09/12/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. PURPOSE

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained officers within the Truth or Consequences Police Department. The objective is to treat and reduce the severity of injuries and fatalities due to opioid-involved overdoses when officers are the first to arrive at the scene of a suspected overdose.

II. POLICY

It is the policy of the Truth or Consequences Police Department that officers shall assist any person(s) who may be suffering from an apparent opioid overdose if at least two officers are on-scene prior to the administration of Naloxone. Included in this policy are officers and/or employees of the Truth or Consequences Police Department should officers/employees be exposed to opioids and display signs of overdosing. Officers are required to complete a Department of Health-approved training on naloxone for law enforcement and maintain a current record of training completion.

III. APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

IV. REFERENCES

A. Legal Background: In 2001 the New Mexico State Legislature provided authority and release from liability for persons "other than a licensed health care professional" to administer an opioid antagonist to an individual whom they believe to be experiencing a drug overdose (New Mexico State Law, NM Stat § 24-23-1). Law enforcement officers can serve as "trained targeted first responders" as outlined in the New Mexico Department of Health Rules

describing opioid antagonist programs (NMAC 7.32.7.1)**.**

V. DEFINITIONS

A. **Opioid**: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress the activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opioids and opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®), and hydrocodone (Vicodin®).

B. **Naloxone**: A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.

C. **Naloxone HCI, USP:** Should include the following:

Two (2) 4 mg nasal spray applicators

Instructions for overdose response and naloxone administration

VI. PROCEDURES

A. Overdose Response and Use of Naloxone

1. Ensure scene safety for yourself and other first responders.

2. When using the nasal naloxone kit officers shall adhere to universal precautions and follow the overdose response procedure as directed by this policy and the Department of Health Law Enforcement Naloxone Training:

3. Determine non-responsiveness, absence, or difficulty breathing

4. Update dispatcher on potential overdose (Dispatcher will activate Emergency Medical Services)

5. If after 3-5 minutes of administering the first dosage of naloxone, there is no improvement (victim remains unconscious, no independent breathing) administer a second dosage of naloxone.

6. If the individual remains non-responsive following the administration of the second dosage of naloxone, consider initiating CPR.

7. All subjects who are given naloxone will require assessment by Emergency Medical Services (EMS) regardless of mental status.

8. The naloxone device shall be properly disposed of following administration.

VII. ISSUANCE

1. Officers will attend initial one-hour training prior to issuance of kits. It is recommended that refresher training be conducted bi-annually.

2. Naloxone kits will be issued to officers.

3. Naloxone will be provided in a clearly marked kit for injectable and/or nasal spray administration.

4. Each nasal naloxone kit shall include:

   Two (2) 4 mg nasal applicators

   Instructions for overdose response and naloxone administration

5. The Truth or Consequences Police Department will deploy its naloxone kits in the following primary locations:

   All officers are required to maintain at least one Naloxone kit in their assigned cruiser or on their person at all times while on duty.

VIII. REPORTING

1. Initiate a report in the Records Management System for documentation purposes to include a description of the individual's condition, behavior, deployment of naloxone, deployment results, details of the call, and any other details the reporting officer feels are relative to the incident and provide a copy of that report to the Patrol Lieutenant for reporting purposes.

2. The above reports shall be reviewed and approved according to standard operating procedures.

IX. STORAGE AND REPLACEMENT

A. 1. Inspection of the naloxone kit shall be the responsibility of each officer and shall be conducted each **month by:**

Checking the expiration date found on either the box or applicator;

Observe the applicator for any signs of damage or weathering from being stored inside the patrol unit.

2. Missing, damaged, or expired naloxone kit(s) will be reported directly to the on-duty commander. The on-duty commander will then report the issue to the program coordinator.

3. Requests for replacement naloxone kit(s) will be submitted to the Lieutenant.

4. Supervisors shall conduct inspection of the naloxone kits on a **quarterly** basis and denote the equipment's condition in the vehicle inspection report.

5. If one (1) dose in a kit is administered during the normal course of duty a replacement kit will be requested.

	Policy Name:	**TOURNIQUET** **Policy#-TCPD 17** **NMMLEPSC Standard OPR.17.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY:

All officers shall be equipped with and carry a tourniquet device and trauma kit while on duty.

II. INDICATIONS

1. Nearly all external bleeding can be controlled by direct pressure with a dressing. However, in certain situations, the direct use of a tourniquet should be considered. Responding officers must consider both the tactical situation and the injury severity when deciding which hemorrhage control technique to employ. A tourniquet device should immediately be considered in the following instances:
    a. Hemorrhagic wounds that have not responded adequately to direct pressure.
    b. Significant extremity bleeding with the need for additional interventions, such as airway management.
    c. Bleeding from an entrapped limb not accessible to rescuers.
    d. Multiple wounds, and/or multiple victims: not enough resources to provide direct pressure.
    e. Active threat consideration: The officer needs to protect themself and the public with a firearm, and therefore is not able to hold direct pressure.

III. PROCEDURES FOR TOURNIQUET USE

1. Always follow universal precautions for blood-borne pathogens and follow training guidelines and manufacturer's instructions when applying a tourniquet.
2. Two-Handed Application

3. Route the band around the limb, pass the red tip through the slit of the buckle, and position the tourniquet 2-3” above the bleeding site directly to the skin.
4. Pull the band tightly and fasten it back on itself all the way around the limb, but not over the rod clips. The band should be tight enough that the tips of three (3) fingers cannot be slid between the band and the limb. If the tips of three (3) fingers slide under the band, retighten and re-secure.
5. Twist the rod until the bleeding has stopped.
6. Secure the rod inside a clip to lock it in place. Check for bleeding and distal pulse. If bleeding is not controlled, or a distal pulse is present, consider additional tightening or applying a second tourniquet above and side-by-side to the first. Reassess
7. Route the band between the clips and over the rod. Secure rod and band with TIME strap. Record time of application.

A. One-Handed Application
    1. Insert the injured limb through the loop in the band and position the tourniquet 2-3” above the bleeding site directly to the skin.
    2. Follow the steps outlined in OPR 5-08-2 (B.2-5).

B. If an officer cannot be sure or cannot take the additional time to examine where the bleeding is coming from based on the situation, the tourniquet can be effectively applied over clothing as high on the arm or leg as possible. The tourniquet must not be applied over solid objects within the clothing. As soon as the situation permits, the injured limb should be evaluated, and the tourniquet re-re--positioned 2”-3” above the injury directly to the skin.

C. Once a tourniquet has been applied it should only be removed by emergency medical personnel.

D. Tourniquets should never be covered up by patient clothing or packaging.

E. The treating officer should notify dispatch of the tourniquet application time and ensure emergency medical service personnel receiving the patient are aware of the tourniquet placement.

IV. REPORTING REQUIREMENTS

1. A written report shall be completed by the treating officer prior to the end of his or her shift.

V. EQUIPMENT AND MAINTENANCE

1. It shall be the responsibility of officers to inspect their issued tourniquet and trauma kit prior to the start of each shift to ensure each is intact.
2. Damaged or used equipment shall be reported to a supervisor immediately.

VI. TRAINING

A. Officers shall complete tourniquet and trauma kit training annually in accordance with approved law enforcement academy curriculum.

PERSONNEL POLICIES

	Policy Name:	**SELECTION AND HIRING** **POLICY #: TCPD 1C** **NMMLEPSC Standard PER.01.01-01.05**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. POLICY

A. It is the policy of the City of Truth or Consequences to hire qualified persons to fill the vacancies within the Truth or Consequences Police Department. This will be done in accordance with all applicable Federal Standards, State of New Mexico Statutes and standard practices.

II. PURPOSE

A. It is the purpose of this policy to hire personnel who will provide a professional, effective and proficient service to the community as a police officer. It also serves as guidelines during this process in order to hire persons who are capable of obtaining certification through the State of New Mexico Law Enforcement Academy. The persons who are hired will, through the selection process prove that they meet the standards dictated by the NM State Academy Board.

III. SELECTION AND HIRING

A. Each applicant must have a completed application on file prior to being hired.
B. Each applicant must meet the minimum requirements for the position applied for.
C. Each applicant must pass a background check that includes a minimum requirement found in New Mexico State Statute 29-7-6 if applicable.
D. Each applicant must pass a written exam and oral exam if applicable.
E. Non-certified applicants will be subject to a physical agility test for the position of Police Officer prior to any written and oral examinations.
F. Each applicant will receive written notice as to testing dates. Upon successful completion of the written test, an oral interview will then be conducted. The date, time and location for the interview will be provided to the applicant in advance.
G. Any non-certified applicant successful at being hired as a police officer must also pass a psychological test, physical and/or other tests required by the New Mexico Law Enforcement Academy and the City of Truth or Consequences/Police Department. All non-certified applicants will be subject to a contractual agreement to be

entered between the City of Truth or Consequences/Police Department and the new officer outlining the conditions of employment for the non-certified officer.

H. Upon being hired the applicant must pass a drug screen test and pre-employment physical.
I. Any certified/lateral applicant successful at being hired as a police officer may not be required to take any additional test other than drug screen and pre-employment physical. The certified/lateral applicant will not enjoy seniority over any individual currently employed by the department based on his/her prior service with another agency.
J. Human Resources will maintain all applications that were not selected for the position for a period of three years.
K. Records on the testing results of each applicant shall be kept for a minimum of three years. The records will be kept by the City of Truth or Consequences Human Resource Director.
L. Unsuccessful applicants may re-apply after 90 days from the date of last application if a vacancy exists.

IV. PHYSICAL TESTING

A. A physical agility test will be given for all non-certified applicants who completely and properly filled out an application for Police Officer and were selected to advance in the hiring process.
B. This test will utilize the standards set by the New Mexico Law Enforcement Academy.
C. This test will be conducted by personnel designated by the Chief of Police and who are part of the hiring process.
D. Applicants who do not meet the exit standards of the Academy will not proceed to the next stage of the hiring process.

V. WRITTEN TEST

A. A written test may be given to all applicants. The Truth or Consequences Police Department does accept lateral hires and a written test may or may not be administered to help determine if the applicant may be a qualified candidate to serve as a police officer.
B. This test will be conducted by the City of Truth or Consequences and is scored by them. The Department establishes that any applicant with a score, in any one of the sections, of three or less will not proceed to the next stage of the selection process.

VI. ORAL INTERVIEW

A. The employees assigned to the hiring process will use current questions related to the specific opening. All applicants, regardless of experience, will be asked the same questions during that given hiring process. If questions are to be updated, amended or otherwise changed it will be done prior to any oral interview process being conducted within that hiring process.
B. There are 20 questions which the applicant will be assessed on. They will be

scored on a SCORE/COMMENT sheet ranging from 1-10 with ten being the best. These scores will then be averaged.

VII. BACKGROUND INVESTIGATION

A. All applicants will sign a Release of Information as a part of the application.
B. A current member of the Truth or Consequences Police Department certified to conduct the background investigation, will conduct the background investigation and document their findings.
C. Any backup documentation will also be attached.

VIII. CONCLUSION

A. Upon completion of the entire hiring process all applicants will be notified in writing of the applicant's disposition.
B. Any specialized testing deemed necessary by the Chief of Police will be conducted by a member of the department who can objectively interpret the testing process.
C. Any examination required of employees in permanent, full-time jobs must be provided at no cost to the employees.
D. Upon the Chief's review and approval of the hiring packet presented, the applicant may be offered a conditional offer of employment.
E. City of Truth or Consequences Human Resource Director will contact the successful applicant(s) in order to conditionally offer the position and arrange and schedule for pre-employment drug screen testing and pre-employment physical testing. Upon successfully completing those tests the candidate will be offered the position.

Policy Name: EMPLOYMENT DISCRIMINATION **POLICY #: TCPD 2C** **NMMLEPSC Standard PER.02.01-02.03**	
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☑ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY

This agency will be committed to complying with all laws, both State and Federal, pertaining to Equal Employment Opportunity, Affirmative Action, and discrimination or harassment of any type in the workplace.

II. PURPOSE

To establish and define the policy for this agency concerning fair employment practices and to ensure Equal Employment Opportunities, free from harassment or discrimination, to all employees and applicants for employment.

III. PROCEDURE

A. It shall be the policy of this Department to base all employment decisions on principles of equal opportunity. This agency will not discriminate against any employee or applicant for employment on the basis of the following:

1. Race
2. Color
3. Religion
4. Gender
5. National Origin
6. Disability
7. Age
8. Veteran Status
9. Handicap
10. Sexual Orientation
11. Marital Status

B. Employment opportunities will not be distinguished on the basis of age, national origin, or disability/handicap except for the position of Police Officer as defined by NMSA 29-7-6, the establishment of the State of New Mexico Law

Enforcement Academy Board. NMSA 29-7-6 establishes the following minimum requirements:

1. An applicant for certification shall provide evidence satisfactory to the board that he:

    a. is a citizen of the United States and has reached the age of majority;
    b. holds a high school diploma or the equivalent;
    c. holds a valid New Mexico driver's license prior to application
    d. has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding his application, to any violation of any Federal or State Law or Local Ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
    e. after examination by a licensed physician, is free of any physical condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement training required by the Law Enforcement Training Act;
    f. after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement Training Act;
    g. is of good moral character; and
    h. has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board.

A. This Department fully supports the Americans with Disabilities Act (ADA) and will respond to reasonable requests for job accommodations.
B. The administration of this Department will take affirmative action to recruit, hire, reassign, compensate, train, demote, and to advance in employment: minorities, women, qualified individuals with disabilities, and veterans. This agency is committed to making sustained, diligent efforts to identify and consider such individuals for employment and for opportunities arising during employment.
C. Harassment, in any form, against any employee of this agency or applicant for employment is unacceptable and will not be tolerated.
D. All employees must respect civil rights laws and refrain from discriminatory actions. It is everyone's responsibility to perform official duties in a way that maintains and fosters a non-hostile work environment free from discrimination.
E. Discriminatory actions or conduct may include remarks and jokes regarding race, color, religion, sex, national origin, age, physical/mental ability, marital status, sexual orientation, etc.

F. This agency prohibits any retaliatory action against an employee for opposing a practice which he/she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a State or Federal Civil Rights Enforcement Agency.
G. The Chief of Police, or his/her designee, will be responsible for educating employees on Equal Employment Opportunity, Affirmative Action, and discrimination/harassment issues. He/She will also be responsible for ensuring that staff members at all levels carry out the intent of this equal employment/affirmative action policy and take appropriate measures to correct any discrimination which might occur.
H. All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.
I. The Chief of Police or his designee will assign a supervisor within the agency to be responsible for investigating complaints of discrimination on a case-by-case basis. The supervisor will be responsible to report back to the Chief of Police a written report concerning the complaint. The contents in the report shall be kept confidential.

	Policy Name: COMPENSATION, BENEFITS AND CONDITIONS OF WORK **POLICY #: TCPD 3C** **NMMLEPSC Standard PER.03.01-03.06**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/12/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☑ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY

All compensation, benefits and conditions of work will fall under the current City Policy Manual. It is the policy of the Truth or Consequences Police Department to develop a pay plan and benefit packet that gives employees information they can rely on.

II. PURPOSE

To provide a fair and equitable compensation, benefit, and conditions of work for the employees of the Truth or Consequences Police Department.

III. SALARY PROGRAM

A. The Truth or Consequences Police Department will work with the city to develop pay plans that are comparable to other agencies in the area so that we can be competitive in the hiring process. The pay plan in place now has the following:

1. Entry level salary for certified officers and non-certified officers for the agency;
2. Salary differential within ranks based on steps;
3. Compensatory time policy;
4. Overtime Policy

B. All officers no matter what their job duties or titles, are still officers and fit in the pay plan with no additional money given for any specialty assignment unless approved by the City Manager at the Chief's request.

IV. LEAVE PROGRAM

A. The City of Truth or Consequences has a Personnel Policy (Section 1 and Section 5 Leave and Holidays) that outlines different leaves and who is eligible, they include:

1. Overtime, starts after the officers have worked 86 hours in a pay period;
2. Administrative leave
3. Holiday leave
4. Sick leave
5. Vacation (annual) leave
6. Compensation (Comp) time

V. OTHER BENEFITS

A. PERA (Retirement program)
B. Health insurance program
C. Disability and death benefits program
D. Liability protection;
E. Employee education assistance program;
F. Employee assistance program;
G. Shift bidding

1. In regards to the bidding of shifts the following process will be followed:

    a. Operations Lieutenant will issue a memo with a return date and allow each patrol officer the opportunity to request their favored shift.
    b. The number of patrol officers available will be divided by 2, in order to determine the number of officers that will be placed on each shift. Any extras, due to odd number of officers available, will be placed on either day shift (0600-1800) or night shift (1800-0600).
    c. Employees will submit their preference by the deadline.
    d. All submissions will be prioritized by seniority.
    e. The Lieutenant will then assign shifts according to the preference listed, as the shift is filled the second and then third choice will be utilized to fill the vacancies.
    f. Sergeants will continue to rotate shifts, as designated by the Lieutenant.

VI. POLICY

Employees of this agency are Customer Service Representatives of this City and in that capacity, it is very important that all employees, both sworn and non-sworn, present a professional image to the public. It shall be the policy of this agency that all employees will consistently maintain a neat and clean appearance at all times during the performance of Official duties or at any time that he/she is representing this agency in any manner.

VII. STATEMENT OF PURPOSE

The purpose of this policy is to provide all employees with guidelines concerning proper clothing, uniform, and grooming requirements when on duty or when representing this agency in any manner.

VIII. PROCEDURE

A. GROOMING

1. Employees will keep their persons clean and sanitary by practicing the following:

    a. Bathing daily and practicing good hygiene.
    b. Wearing clean clothes that are free of unpleasant odors.

2. Nails will be trimmed in a manner to avoid injury to officer and others, they will be worn in a manner that does not interfere with the dexterity of the officer. Coloring will be subdued in and nails will not have decoration or piercings.

B. FACIAL HAIR

1. It is the policy of the Truth or Consequences Police Department to allow facial hair (beards) as long as they are kept neat and clean. The length of the beard shall be no longer than a #5 clipper length, and shall be kept off the neck and cheeks.

C. HAIRSTYLE

1. Hair will be neat and clean in appearance at all times.
2. While on duty and in uniform, male Officers will keep their hair trimmed according to the following guidelines:

    a. The back will be neatly tapered, rounded, or squared and may extend down to the top of the collar.
    b. The length of the hair in front will not fall lower than one half inch above the tops of the eyebrows.
    c. The length of the bulk of the hair on the sides will not extend lower than half way down the ear.

3. While on duty and in uniform, female Officer's hairstyle shall be worn according to the following guidelines:

    a. Hair will not extend below the bottom of the collar.
    b. Hair will be styled in a fashion that will allow a cap to be worn over the hair.
    c. Hair shall be secured and prevented from hanging down at all times.
    d. Hair shall be neat, clean, trimmed, and present a groomed appearance.
    e. Hair shall not cover any part of the outside portion of the ear.
    f. Hair in front will be groomed so that it does not fall below the eyebrows and will not protrude below the band when the uniform cap is worn.

g. Color and style shall not be unusual or bizarre. Hair shall not be streaked in abnormal colors.
h. Conspicuous pins, barrettes, combs, bows or ornamentations are not authorized. Hair rubber bands, clips and pins that match the color of the hair are permitted.
i. Hair that is worn up must be styled in a manner to prevent any loose hair.
j. The wearing of a wig, hair extensions or hairpiece by uniformed personnel is prohibited except to cover or to accommodate a medical condition or physical disfigurement. If one is worn it must conform to the same standards required for natural hair. Hair shall not interfere with the performance of the employee's duties. Color and style shall follow above stated criteria.
k. Female Officers working in non-uniform positions may wear their hair in a style that is not as restrictive. However, the hair should be in a style and color that is non-offensive to the general public and will be neatly styled, trimmed, and well kept.
l. Civilians' hair will be neatly styled, trimmed, and well kept. It will not be of a style, length, or artificial color which is offensive to the general public.
m. Any employee whose current assignment may require any deviation from the above procedures, such as plain-clothes undercover work, may make a request to the Chief of Police for approval of an exception. The said approval will automatically expire upon completion of the assignment.

IX. UNIFORMS AND EQUIPMENT

A. All personnel will be held personally accountable for the return of Department issued uniform items.
B. Items lost or damaged during Law Enforcement activities will be reported to the Chief of Police through the chain of command utilizing the equipment request form as soon as possible.
C. It is the policy of the Truth or Consequences Police Department:

   a. Officers who have lost, damaged or have had CITY property stolen in the line of duty, regardless of the cost, will not be required to reimburse the City unless negligence is proven to the satisfaction of their chain of command and the Chief.
   b. The city will reimburse an officer for health aids and uniform apparel damaged in the line of duty as a result of a direct delivery of service that has been officially documented. Health aids and uniform apparel will be fully replaced by the city. This language is not intended to be used to replace old or worn-out health aids or uniform apparel.
D. Replacement of items of personal purchase which are lost or damaged in Law Enforcement activities will be determined on a case-by-case basis.
E. Property lost or damaged as a result of Law Enforcement activities in connection with the arrest of an individual will be promptly reported, replacement costs

determined, and the Officer involved will include, during prosecution of the individual, a request to the courts that any sentence include reimbursement of costs to the Department.

F. All Officers will be issued a body armor vest and carrier for use. All Officers assigned to routine uniformed field duty are required to wear body armor vest while on duty unless there is a medical issue or approval from the Chief of Police. Wear will be required for all personnel participating in raids, any barricade, or hostage situation, calls for service involving use or threatened use of deadly weapons, domestic violence calls, and firearms qualifications or in any situation deemed appropriate by the Chief of Police.
G. All Officers receive a clothing allowance in accordance with the city policy. It also designates how the allowance can be spent.

X. UNIFORM REQUIREMENTS

A. In accordance city policy upon hire each officer will be supplied with three long sleeved uniform shirts, three short sleeved uniform shirts and three pairs of uniform pants.
B. Also supplied upon hire are a duty belt, firearms, handcuffs, collapsible baton, handheld radio, boots, a camera and voice recorder.
C. All uniform clothing items will be clean and pressed.
D. **NO** uniform items will be torn, frayed, or patched.
E. All leather items, belt, holster, handcuff case, etc. will be issued; they will be black in color and style as determined by the Chief of Police. All leather gear shall be clean and polished and in good order.
F. All silver or brass items will be clean and properly polished.
G. When in uniform, all pieces of the uniform and all uniform equipment will be worn in good condition.
H. Shoes or boots will be black in color and styles as determined by the Chief of Police, and will be shined/polished appropriately on a regular basis.
I. Socks that are exposed will be an appropriate color that matches the uniform.
J. Officers who have tattoos exposed on their arms will ensure that they are not offensive in nature. Neck and face tattoos are prohibited.
K. Piercings in all locations will have the “earrings” removed while on duty to avoid injury.
L. Officer’s coats will be navy blue and have appropriate patches and identification displayed.

XI. CLASS A UNIFORM

A. Each officer will maintain a Class A uniform. This uniform will be designated by the Chief as will the time, location and events that it will be worn.
B. The following items are the minimum items designated by the Chief, for a Class A uniform, which will be worn by officers when directed.

1. The shirt will be navy blue, long sleeved, Flying Cross polyester "command shirt."
2. Rank Insignia or Collar brass will be worn by supervisors and will be gold/brass in color.
3. A navy-blue tie will be worn with a tie tack; gold for supervisory and command staff, nickel for all others.
4. A name plate will be worn; gold/brass for supervisory and command staff, nickel for all others. The plate will have no other ornamentation and will have only first initial and last name.
5. A polished leather duty belt will be worn with a minimum of; one handcuff case with handcuffs, magazine pouch with magazines, holster including firearm. These items will have a buckle and exposed snaps, they will be gold/brass for supervisory and command staff, nickel for all others. All will be basket weave.
6. Flying Cross polyester, Navy blue slacks will be worn these will not have side or "flashlight pockets."
7. Exposed socks will be navy blue.
8. The shoes/boots will be black and properly polished.
9. Ribbons and or pins of recognition may be worn if previously authorized by the Chief.

XII. CLASS B UNIFORM

A. Each officer will maintain a Class B uniform. This uniform will be designated by the Chief; it will be worn for normal patrol duties.
B. The following items are the minimum items designated by the Chief, for a Class B uniform, which will be worn by officers when on patrol.

1. At times of inclement weather, a solid black "beanie" may be worn. It will not display any sports team names or insignias. Only police designations will be allowed on this headwear.
2. Navy blue shirt. Shirts will match the pants in material and manufacturer.
3. Navy blue pants, side pockets optional. Shirts will match the pants in material and manufacturer.
4. Black boots/half boots, these will be polished appropriately and in good condition.
5. Exposed undergarments (socks or under shirts) will be navy blue or black. There will be no exposed insignias of bright or unusual colors.
6. No undergarment sleeves will be exposed past the hem of a short sleeve shirt when they are worn.

7. An exterior vest will be navy blue and of the brand and style authorized by the Chief. Only authorized undershirts will be worn beneath these and will have the Truth or Consequences Police patches on the sleeves.
8. The belt will be black and with basket weave imprint on it and all accessories, "hidden snaps" and Velcro are authorized for this uniform. The items carried on the belt will follow other rules and guidelines established. Firearms, radios, handcuffs, glove pouches, electrical incapacitation devices, batons and magazines pouches will be carried.
9. A name tag will be worn with the Class B uniform and will have the first initial and last name.

XIII. CLASS C

A. Class C will be designated by the Chief; it may be worn when appropriate (see Court Appearance section below) and special patrol duties as designated by the Chief (i.e., special detail.)
B. The following items are the minimum items designated by the Chief, for a Class C, when worn by officers when conducting patrol activities.

1. Black baseball cap or black "beanie." These will not display any sports team names or insignias. "POLICE" will be stitched in the front. Baseball caps will be of the fitted style or adjustable without netting.
2. Navy blue shirt. A polo styled shirt will be allowed, they will not be faded or have rips, tears or worn areas.
3. Navy blue pants. These may be of the BDU/TDU style.
4. Black boots/half boots, these will be polished appropriately and in good condition.
5. Exposed undergarments (socks or under shirts) will be navy blue or black. There will be no exposed insignias of bright or unusual colors.
6. No undergarment sleeves will be exposed past the hem of a short sleeve shirt when they are worn.
7. An exterior vest will be navy blue and of the brand and style authorized by the Chief. Only authorized undershirts will be worn beneath these and will have the Truth or Consequences Police patches on the sleeves.
8. The belt will be black nylon or leather and will match all accessories; "hidden snaps" and Velcro are authorized for Class C. All equipment will be carried when working patrol duties.
9. A name tag will be worn with the Class C external vest and will have the first initial and last name.
10. Officer's badge of office will be prominently displayed.

C. The following items are the minimum items designated by the Chief, for a Class C, when worn by supervisory, administrative, investigations staff or for training.

1. Dark Navy Blue baseball cap or black "beanie." These will not display any sports team names or insignias. "POLICE" will be stitched in the front. Baseball caps will be of the fitted style or adjustable without netting.
2. A polo styled shirt will be allowed, they will not be faded or have rips, tears or worn areas. They may be of different colors than navy blue. When conducting Patrol duties as a part of overtime activities navy blue will be worn.
3. The pants may be of the BDU/TDU style. They may be of different colors than navy blue. When conducting Patrol duties as a part of overtime activities navy blue will be worn.
4. Boots/half boots, these will be polished appropriately and in good condition.
5. Exposed undergarments (socks or under shirts) will be coordinated appropriately. There will be no exposed insignias of bright or unusual colors.
6. No undergarment sleeves will be exposed past the hem of a short sleeve shirt when they are worn.
7. An exterior vest will be of the brand and style authorized by the Chief. Only authorized undershirts will be worn beneath these and will have the Truth or Consequences Police patches on the sleeves. A ballistic vest may not be worn with the Class C clothing if not on patrol duties.
8. The belt will be of sturdy construction and not discolored by wear or damaged.
9. When worn for non-patrol activities the officers may wear a belt with only the authorized pistol, ammunition and handcuffs.
10. If the shirt is exposed the officer's name and rank may be embroidered on the right chest in gold or black thread, in lieu of a name tag.
11. The badge of officer will be prominently displayed.
12. This is a non-uniform identification of personnel.

XIV. COURT APPEARANCE

A. The Police uniform is authorized dress for any court appearance except District Court.
B. Male Officers may substitute a suit for the uniform when appearing in court. Minimum requirements for non-uniforms court attire include:

1. Municipal Court:

    a. Polo styled shirts (NO t-shirts or tank tops)
    b. Clean presentable plain jeans (no shorts, holes or frayed areas, no decorative stitching or beading)
    c. Clean presentable footwear (no sandals, flip flops or holes)
    d. Headwear WILL NOT be worn inside the courts.

2. Magistrate

    a. Collared shirt (tie preferred)
    b. Clean presentable jeans (no shorts, holes or frayed areas)

c. Clean presentable footwear (no sandals, flip flops or holes)
d. Headwear WILL NOT be worn inside the courts.

3. District Court

a. NO FIREARMS
b. As per the Judge NO UNIFORMS.
c. Dress slacks
d. Dress shirt
e. Suit jacket or sports jacket
f. Dress shoes
g. Headwear WILL NOT be worn inside the building.

C. Female Officers may substitute in a manner consistent with the above-described clothing.

XV. NON-UNIFORM APPEARANCE

A. Officers assigned to plain clothes duties will have their dress codes dictated by their supervisor based on their assignments.

XVI. NON-SWORN PERSONNEL

A. All non-sworn personnel whose duties require interaction with the public will wear conservative clothing which is at all times clean and free of holes or frays.
B. If work performed requires specific clothing to be worn it should be authorized by the supervisor prior to the items being worn.
C. Any non-sworn employee subpoenaed to appear in a court of law shall dress appropriately as outlined above.

XVII. GENERAL HEALTH AND PHYSICAL FITNESS POLICY

General health and physical fitness are a voluntary, though supported and recommended for the personnel of the Department. To assist the Department allows one hour during the working day in which personnel is paid while they perform some type of physical fitness training.

XVIII. PURPOSE

The city recognizes that a healthier and fit officer receives fewer injuries and heals faster from an injury which is a benefit both to the employee and employer. As such it is the Department's policy that it allows each person in their employment an opportunity to create a healthier lifestyle.

XIX. PROCEDURE

A. Time will be allowed, maximum of one hour, by supervisor as calls for service and need of personnel dictate.

B. Officers may train at the Truth or Consequences Police Department facility, any of the local gyms or at another facility designed for the physical training of a person, to include any of the walking paths or tracks throughout the city.
C. In the event that the officer's activities come into question it will be the responsibility of the on-shift supervisor to monitor, investigate and document any abuse of this program.
D. If it is proven that an abuse has occurred that individual officer will be disciplined accordingly.
E. Physical examinations will be conducted in accordance with Truth or Consequences City Policy.

	Policy Name: OFF DUTY EMPLOYMENT **POLICY #: TCPD 4C** **NMMLEPSC Standard PER.04.01-04.02**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/13/2023** **Revision Date: 12/13/2022**
☑ Sworn Personnel ☑ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. POLICY

The policy of this department is to provide guidelines to law enforcement employees to inform them of the types of off-duty employment which are appropriate and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the department and for the protection of the community.

II. TYPES OF OFF-DUTY EMPLOYMENT

A. REGULAR OFF-DUTY EMPLOYMENT

Employees may engage in off-duty employment that meets the following criteria:

1. Employment of a non-Law Enforcement nature in which vested Police powers are not a condition of employment; the work provides no real or implied Law Enforcement service to the employer and is not performed during assigned hours of duty.
2. Employment that presents no potential conflict of interest between their duties as a Law Enforcement Officer and their duties for their secondary employers. Some examples of employment conflict of interest are:

    a. As a process server, re-possessor, or bill collector, towing of vehicles, or in any other employment in which Law Enforcement authority might tend to be used to collect money or merchandise for private purposes.
    b. Personnel investigations for the private sector or any employment which might require the Law Enforcement Officer to have access to Law Enforcement information, files, records, or services as a condition of employment.
    c. In a Law Enforcement uniform in the performance of tasks other than that of a law enforcement nature.
    d. Employment which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.

e. For a business or labor group that is on strike.
f. In occupations that are regulated by or must be licensed through the Law Enforcement Agency or its civilian boards.

3. Employment that does not constitute a threat to the status or dignity of Law Enforcement as a professional occupation. Examples of employment representing a threat to the status or dignity or the Law Enforcement profession are:

   a. Establishments which sell pornographic books, magazines, sexual devices, or videos that otherwise provide entertainment or services or a sexual nature.
   b. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
   c. Any gambling establishment not exempted by law.

B. EXTRA-DUTY EMPLOYMENT

Law Enforcement Officers may engage in extra-duty employment as follows:

1. Where a government, profit-making or not-for-profit entity has a contract agreement with the Law Enforcement agency for Law Enforcement Officers in uniform that are able to exercise their Police duties.
2. Types of extra-duty services which may be considered for contracting are:

   a. Traffic control and pedestrian safety.
   b. Crowd control.
   c. Routine Law Enforcement for public authorities.
   d. Plainclothes assignments.

III. LIMITATIONS ON REGULAR OFF-DUTY EMPLOYMENT AND EXTRA-DUTY EMPLOYMENT ARE AS FOLLOWS:

A. In order to be eligible for off-duty and extra-duty employment, a Law Enforcement employee must be in good standing with the Department. Continued Departmental approval of a Law Enforcement employee's off-duty and extra-duty employment is contingent of such good standing.
B. Those Officers who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
C. Prior to obtaining off-duty employment, a Law Enforcement employee shall comply with Departmental procedures for granting approval of such employment or registration for extra-duty employment.
D. A Law Enforcement Officer may work a maximum of 24 hours of off-duty regular employment, or a total of 64 hours in combination with regular duty in each calendar week.

E. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the Law Enforcement Officer's performance of duty.
F. A Law Enforcement Officer engaged in any off-duty employment is subject to call-out in case of emergency and may be expected to leave his off-duty or extra-duty employment in such situations.
G. All reimbursements for **extra** duty assignments will be paid to the employee through their regular paycheck at their regular wage. No employee will be paid directly for this type of assignment
H. Permission for a Law Enforcement employee to engage in outside employment may be revoked where it is determined pursuant to Departmental procedure that such outside employment is not in the best interests of the Department.

IV. REQUESTING PERMISSION

A. Any employee considering *off-duty* employment must request permission in writing to the Chief of Police stating the working hours and duties of such employment. Such requests must be approved prior to the commencement of outside employment. E*xtra-duty* employment will be posted by a designee of the chief of police.

V. COORDINATION AND FOLLOW-UP

A. The Lieutenant will see that agreements between the department and government agencies, businesses or organizations are met and renewed as needed. The Lieutenant will also ensure that the department receives reimbursement for services.
B. The Lieutenant will be the point of contact for the department. The Lieutenant will coordinate with government agencies, businesses and organizations as needed for manpower needs and will oversee officers to ensure they are in adherence to department polices and matters in regards to extra-duty.

	Policy Name: CAREER DEVELOPEMENT **POLICY #: TCPD 5C** **NMMLEPSC Standard PER.05.03-05.04**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/13/2023** **Revision Date: 09/13/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

The City of Truth or Consequences understands that to have an educated, professional and effective law enforcement agency is paramount to the safety of the community. It is the purpose of this policy to assist officers within their career. The Department will assist as possible to locate and enroll officers.

II. POLICY

The Truth or Consequences Police Department encourages all sworn personnel of all ranks to obtain higher levels of certification to include but not limited to:

A. Intermediate, Advanced, First-Line Supervisor
B. Command Level training
C. Executive Level training
D. Officer Safety Training
E. NIMS/ICS

III. RECORDS

A. Officers will be responsible for delivering a copy of any relevant Certification documents to the Administrative Assistant
B. The Administrative Assistant will maintain training files of each employee in Department.
C. The Administrative Assistant will assist in the locating and posting of relevant training for each division.

IV. PROMOTION

*Any employee promoted in a new position the Department will seek out and/or show documentation of request for management training within a year of promotion.

	Policy Name:	**PERFORMANCE EVALUATIONS** **POLICY #: TCPD 6C** **NMMLEPSC Standard PER.06.01-06.04**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 09/14/2023**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

The purpose of this order is to outline and describe the departmental evaluation process.

II. POLICY:

The department bears an obligation to the public and its own personnel to hire and maintain the best qualified employees. To that end, the department regularly and formally evaluates the performance of officers and other employees. The evaluation system discussed herein serves both the interests of management and the department's employees. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of probationary employees; and (5) identify training needs.

III. PROCEDURES:

A. General

1. All employees shall be evaluated using the same form.
2. Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Nevertheless, personnel shall be rated according to unacceptable, acceptable or superior behavior. Specific guidelines for rating behavior are found in the appendix to this order.
3. At the discretion of the Chief of Police, each officer shall be evaluated either every six months or annually. To constitute a satisfactory score, an officer must receive an overall satisfactory. Officers who fail to receive an overall satisfactory shall be placed on probation for a period determined by the Chief of Police. Within the re-evaluation period, an officer shall receive remedial training in deficient areas, demonstrate proficiency (or satisfactory improvement) in deficient

areas, the training and improved behavior documented on the evaluation form. During a probationary period for remedial training, an officer shall receive evaluations weekly or bi-weekly, at the Chief's discretion. This process may also be referred to as a "Performance Improvement Plan."

4. All evaluations shall be placed in employees' personnel files.
5. All newly hired officers in their probationary year shall receive a 90 day and 11 month written evaluations if no significant deficiencies are observed.
6. Officers promoted or transferred to new assignments shall receive evaluations at 90 days and 11 months for the first year of assignment or promotion, or more often at the Chief's discretion.
7. All department personnel shall be evaluated as per their chain of command. In every case, the employee being evaluated will be evaluated by a supervisor of at least one rank higher. Civilian staff will be evaluated by the Lieutenant or designee.
8. An officer who receives an unsatisfactory mark he or she perceives unjust may protest same to the Chief of Police. The officer concerned must rebut the comments or marks in writing, submitted through the chain of command to the Chief of Police. In any case, final appeal extends as per the City of Truth or Consequences Employee Policy Manual in writing, through the Chief of Police.

B. Scale Value Application:

1. The most difficult task facing the person doing the rating is applying the numerical scale which accompanies categories of behavior. Two persons might not apply the same numerical values to the person under evaluation. To reduce such differences, the appendix to this instruction clearly defines what constitutes unacceptable, acceptable, and superior behavior.
2. The philosophy of the evaluation form focuses on observations of demonstrated proficiency in behavior relevant to the job. Proficiency may be demonstrated in a variety of ways:

    a. Performing the behavior in the field.
    b. Performing the behavior in a practical exercise or simulation, accompanied by written or oral testing.
    c. Written or oral testing (for subjects not amenable to field demonstration).

3. Any rating below satisfactory must be documented. Deficiencies in behavior must receive precise documentation. For example, an officer might receive an (unacceptable) under officer safety. In the comments section, the person rating personnel would write, "Officer consistently presents his gun to traffic violators and approaches stopped vehicles with objects in both hands."
4. The categories of behavior represent key areas of police behavior. The categories are aligned in four subjects: critical performance tasks, knowledge, attitude/relations, and appearance.

5. As a part of the evaluation process the supervisor should explore career topics of importance such as: goals, advancement, specialization and training appropriate to the employee's position.

C. Evaluation of Investigators, Sergeants, Lieutenants, and Civilian Employees.

1. Civilian employees shall be evaluated on forms used specifically for non-commissioned personnel.
2. Investigators shall be evaluated using the same form as that for the Officers. Under "comments," the person rating personnel shall specifically refer to the accomplishments, training, and behavior as an Investigator.
3. The Sergeants, and Lieutenants, shall be evaluated using the same form as that for officers. Under "comments" the rater shall refer to an attached page containing, in a narrative, comments concerning the supervisory performance. The rater shall address, at a minimum, the following points:

    a. Ability to instill in officers a high regard and respect for the rule of law, civil rights, and concern for victims.
    b. Ability to perceive performance weaknesses in his officers, conduct remedial training, and document improved proficiency.
    c. Command of patrol techniques, methods, and investigative procedures.
    d. Ability to reprimand, counsel, praise, or otherwise discipline his officers.
    e. Ability to take responsibility for the performance of his officers.

	Policy Name: PROMOTION **POLICY #: TCPD 7C** **NMMLEPSC Standard PER.07.01-07.02**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/14/2023** **Revision Date: 09/14/2023**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

It is the intent of the City of Truth or Consequences to promote the highest qualified person willing to accept the responsibility of leadership and management to vacant positions within the Truth or Consequences Police Department. This policy will serve as a guideline to accomplish this in a manner which is fair and impartial to all applicants.

II. POLICY

A. When a position of promotion opens up within the department it is encouraged that all qualified personnel apply for the position.

1. The vacancy shall be posted for ten (10) days.
2. Qualifications for the position will be set by the Chief of Police.
3. The employee must submit a letter of interest detailing his/her qualifications for the position to the Chief of Police or his designee.
4. Employees must qualify for the position in order to be considered or must request a waiver to be considered from the Chief of Police.
5. The candidate being selected for the promotion will be on probation for a period of one year.

B. The promotional process is calculated in the following manner:

1. 10% Overall evaluation by Chief of Police. This includes but is not limited to the employees last two years of annual evaluations being averaged.
2. 10% Meeting Job Qualifications as posted (points will be deducted if Minimal Qualifications are not met).
3. 40% Written examination;
4. 40% Oral Examination.

C. After all testing processes are completed, the candidates can review the results of their tests.

D. The Chief of Police will set minimal requirements.
E. The Chief of Police will ensure all elements used in the promotion process are job related.

III. ORAL INTERVIEW

The Chief of Police will appoint a board of four people to be involved in the interview process for the Truth or Consequences Police Department. The board may consist of Human Resource and outside agency personnel.

A. The questions will be standardized, concerning the current job tasks. Each assessor will give a score as to how the question was answered. A total of all points will be tallied and provided to the Chief of Police for his review.
B. Each applicant will receive a written notice as to testing dates and upon successful completion of the test, interview times will be advised.

IV. WRITTEN TESTING

The Chief of Police can request that a written test be given in the event that the process is competitive between one or more personnel. The Chief will have written tests designed by testing companies. These tests will remain sealed until testing time. Once applicants have taken the written test and turned them in for grading, the scoring will be done in accordance with the companies' recommendations. The results of the test will be forwarded to the Chief of Police for his review.

Any specialized testing deemed necessary by the Chief of Police will be conducted by a member of the department who can objectively interpret the testing process.

Upon completion of the testing process all applicants will be notified, in writing, by the Chief of Police or his designee of the candidates' disposition.

The Chief of Police will review the results of the entire promotional process and will notify the candidate about the promotion.

	Policy Name: GRIEVANCE PROCEDURE **POLICY #: TCPD 8C** **NMMLEPSC Standard PER.08.01-08.04**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***	**Reviewed Date: 09/14/2023** **Revision Date: 12/13/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel	**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

It is Truth or Consequences City Policy to attempt resolution of work-related problems in a prompt, positive, and impartial manner consistent with the spirit and intent of the city's personnel policies, practices and human relations philosophy, keeping in mind always that city employment exists for the explicit purpose of delivering services to the public.

II. POLICY FOR ALL TRUTH OR CONSEQUENCES PERSONNEL (CIVILIAN, LIEUTENANTS, ADMINISTRATIVE PERSONNEL, OFFICERS AND PROBATIONARY OFFICERS)

A. GENERAL INFORMATION

1. These procedures provide for a review of problems by City Officials in such a way as to make impartial and prompt decisions. These review procedures do not and should not interfere with or limit other forms of communication between employees and officials.
2. Efforts should be made by all parties concerned to be impartial prompt and sincere in seeking solutions to the problems.
3. See also City Personnel Policy Manual Section VIII: Grievance Procedures 8.1-8.11.

B. DEFINITIONS

1. Administrative leave with pay: Leave with pay granted at the City Manager's discretion after considering the department director and Human Resource Manager' s recommendation.
2. Administrative leave without pay: Leave without pay granted at the City Manager' s discretion after considering the department director and Human Resource Manager' recommendation.
3. Appeal: Written request that a decision of a formal grievance be reconsidered at a further stage in the grievance procedure
4. Complaints: Differences of opinion, disagreements or disputes arising out of the interpretation or application of the City's personnel policies as outlined in the current personnel policy and procedures manual. Complaints shall first be

discussed informally by the complainant and his/her immediate superior.

5. Demotion: An employee may be demoted to a position for which the employee is qualified when the employee would otherwise be terminated. The demotion may be a result of funding shortages. An employee who does not possess the necessary ability to render satisfactory performance in the position presently held may be demoted. Employees may voluntarily request such a demotion. Demoted employees may receive a reduction in pay, per City Manager approval and department head recommendation. Only a regular employee demoted due to disciplinary action is entitled to grievance procedures under City of Truth or Consequences Personnel Manual Section VIII, Grievance Procedures.
6. Dismissal: Dismissal means the involuntary separation or dismissal from employment for disciplinary reasons.
7. Due Process: The right granted to a regular employee to pre- and post-disciplinary hearings for actions of suspension, demotion or dismissal.
8. Grievances: A formal complaint by an employee concerning actions taken by management, which result in loss of pay and/or privileges to the employee including suspension, demotion, involuntary transfer or dismissal.
9. Grievance Hearing: A formal hearing conducted at the request of an employee grieving a promotion, suspension, demotion, involuntary transfer, or dismissal as set forth in these Personnel Rules and Regulations.
10. Hearing Officer: The individual charged with the responsibility of hearing and deciding allegations of improper promotion, or post-disciplinary action matters of demotion, suspension, involuntary transfer, and dismissal.
11. Pre-Disciplinary Hearing: A hearing conducted by the City Manager or his/her designee before the imposition of the disciplinary actions of suspension, demotion or dismissal.
12. Suspension: An involuntary leave of absence, with or without pay, for disciplinary reasons, or pending investigation of allegations made against an employee, or for pending determination of a grievance procedure.

C. THE REVIEW PROCESS

1. Nothing contained in this review process shall interfere, in any way, with the City's right to manage all city affairs.
2. These procedures shall be the sole and exclusive means of resolving all complaints and grievances.
3. All complaints will be processed on a timely basis.

D. CONDITIONS OR ACTIONS NOT GRIEVABLE

1. Disputes as to whether or not an established City practice or Rules are valid;
2. Matters in which a method of review is mandated by law;
3. Matters where the City is without authority to act or does not have the ability to provide a remedy;
4. Dismissal of temporary, casual or contract employees dismissed at any point

during their employment with the City;

5. Preferences for employment promotions, voluntary transfers, temporary assignments, and removal from temporary assignments, and layoffs;
6. Dismissal of a probationary employee prior to the expiration of the probationary period;
7. Letters of complaint when the employee's department director determines the letters are justified and appropriate to be placed in the employee 's personnel file, so long as the procedure for written reprimands are followed including the employee' s right to submit a rebuttal;
8. Verbal and written reprimands in the employee' s file, although within ten (10) days the employee is allowed a rebuttal of the information contained in the reprimand which will be attached to the reprimand;
9. Denial of permission for outside employment;
10. Performance evaluations/goals;
11. Suspension from employment for three days or less.
12. Denial of educational rewards or tuition reimbursement funding.

E. EMPLOYEES NOT ELIGIBLE FOR GRIEVANCE PROCEDURE

Unclassified, temporary, casual, probationary, or contract employees are not eligible to request a grievance hearing. Additionally, the City Manager is not entitled to the grievance procedure.

F. GRIEVANCE PROCEDURE

A regular employee may request, in writing, a hearing before a Personnel Hearing Officer within five (5) working days of receiving the City Manager's decision resulting from the pre-disciplinary process or from other action as may be grievable under this Policy. The request will state with specificity the reason for the grievance and the remedy requested.

G. APPOINTMENT OF PERSONNEL HEARING OFFICER

After receiving the grievant notification of intent to pursue a disciplinary hearing, the City Manager will provide the grievant with the name of the Hearing Officer.

H. HEARING OFFICER QUALIFICATIONS

Hearing Officers shall be personnel professionals, be familiar with public or private personnel systems, or have pertinent experience in the field of management, education or law. The Hearing Officer shall be disinterested in the subject matter of the hearing. The City Manager shall verify the qualifications of

the hearing officer. The hearing officer is not required to reside in the city.

I. GRIEVANCE HEARING SCHEDULE

The City Manager or Hearing Officer will schedule a hearing to be held as soon as practicable after receiving the notification that the employee wants to pursue a grievance hearing. At a hearing, the grievant and City shall have an opportunity to present witnesses and physical evidence and cross-examine the witnesses before a neutral hearing officer. The City shall be represented by its attorney and the grievant may have an attorney or representative of their choice.

J. GRIEVANCE HEARING PROCEDURES – RULES OF PROCEDURE

1. The hearing will not be open to the public, unless the grievant requests a public hearing.
2. The formal Rules of Evidence shall not apply to the hearing.
3. The hearing officer shall:
    a. Make rulings on procedural and substantial issues of the hearing;
    b. Determine the admissibility of evidence and testimony, all of which must have a direct bearing on the issue before the hearing officer; and
    c. Issue a written ruling, including findings of fact, which form the basis of the hearing officer's conclusions of law.
4. The grievant, the grievant' s legal representative, if any, and the City Attorney are required to be present at the hearing unless otherwise excused by the hearing officer or by agreement of the parties.
5. The hearing officer shall determine reasonable timelines that the parties or their representatives shall prepare and provide copies of all exhibits and evidence, confidential statements identifying the issues to be heard, a witness list, and a complete list of documents to be admitted as evidence for the hearing officer as well as the opposing party. The hearing officer shall exclude from consideration exhibits and evidence, statements, witness lists, and other documents if not supplied in the manner detailed above.
6. Each party will be responsible for ensuring that their witnesses are present for the hearing.
7. Witnesses in grievance hearings are not permitted in the hearing room until called upon to testify, unless the witness is a party (i.e., the grievant, the grievant' s department director and/or supervisor, the City Manager, Human Resources Manager, or City Attorney).
8. An audio, audio-video record or transcript of all grievance hearings will be made.

K. CONDUCT OF HEARING

The Grievant shall present an opening statement of issues involved in the case, followed by the City. Opening statements are limited to the pertinent issues of fact and law and shall not exceed ten minutes without the permission of the hearing officer.

L. ORDER OF PRESENTATION

1. The city will present first. Witnesses for the City may be called and questioned concerning their involvement in or knowledge of the case. Following each witness's testimony, the Grievant will have the opportunity to cross-examine the witness. The hearing officer will then have an opportunity to question the witness. The hearing officer shall restrict all questions to those necessary to clarify the testimony previously given. Follow up or redirect questioning will be allowed at the discretion of the hearing officer.
2. Witnesses for the Grievant may be called and questioned concerning their involvement in or knowledge of the case. Following each witness's testimony, the city will have the opportunity to cross-examine the witness. The hearing officer will then have an opportunity to question the witness. The hearing officer shall restrict all questions to those necessary to clarify the testimony previously given. Follow up or redirect questioning will be allowed at the discretion of the hearing officer.
3. Following the presentation of the City's and the Grievant positions, rebuttals may be offered. Such testimony shall be brief and shall address only the issues brought forth in the City or Grievant presentation.
4. The City's closing statement shall be presented followed by the Grievant closing statement. These statements shall not exceed ten (10) minutes without the permission of the hearing officer and shall contain a request for the desired outcome.

M. COMMUNICATION OF HEARING OFFICER'S DECISION

The hearing officer' s decision will be issued as timely as possible following the hearing and will be signed by the hearing officer, and transmitted to the grievant, the City Manager and department director. The hearing officer may uphold, modify or reverse the decision of the City Manager or designee, and may reinstate the employee and award back pay and benefits. No attorney's fees, costs or other damages may be awarded. The standard of proof in a grievance hearing is a preponderance of the evidence.

The record of the proceedings will be retained by the City Human Resource 's office for a period of not less than five (5) years from the hearing date, along with all of the physical evidence admitted by the hearing officer. The verbal record may be transcribed only in the case of appeal to the District Court by one of the parties. The party requesting the transcription shall pay for the transcription.

N. APPEAL OF HEARING OFFICR'S DECISION

Either party may appeal the hearing officer ' s decision to the District Court by filing with the District Court and the Human Resources Manager a Notice of Appeal within thirty (30) calendar days of the hearing officer's decision. A party may cross-appeal within thirty (30) days of the date another party files a Notice of Appeal. Both parties shall be forever estopped from appealing the hearing officer' s decision after thirty (30) calendar days from the hearing officer' s decision if no Notice of Appeal is timely filed.

1. These Rules, if certified to be complete by the City Clerk, and in effect at the material times, may be included in the record on appeal at the request of any one of the respective parties at any time before forwarding the record to the District Court.
2. The appeal shall be one of review of the record (transcript) along will all the exhibits as admitted. No trial de novo will be accorded.

F. TIME LIMITS

If any time limits identified in this grievance process are not met the grievance shall be considered untimely and no further action shall be taken with respect to that grievance.

G. GENERAL INFORMATION

1. The grievant will pay any expenses he/she incurs during the processing of grievances.
2. The city's representative will be responsible for making necessary arrangements for all hearings.
3. Grievant shall be permitted to call a reasonable number of witnesses during grievance meetings providing they can give testimony pertinent to the case under review.
4. Complete records should be kept of grievances, including the manner in which they were resolved.
5. The city will advise the grievant of the time, date and place of hearings. If the grievant fails to attend any grievance hearing, the grievance will be resolved on the basis of the facts known to the city.
6. The formal rules of evidence and civil procedure applicable to judicial proceedings shall not apply to this grievance process.

	Policy Name: DISCIPLINARY PROCEDURES **POLICY #: TCPD 9C NMMLEPSC** **Standard PER.09.01-09.05**	
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 12/13/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

It is the policy of the Truth or Consequences Police Department to foster a program of discipline which defines the word "discipline" as "training or development through instruction," in order to provide a framework for the fair and consistent administration of discipline. This will enable the department to retain its discretionary authority for the "individualized" imposition of disciplinary action while ensuring a systematic and consistent administration of discipline to all personnel of the Truth or Consequences Police Department.

II. OBSERVATION OF DEPARTMENT RULES

The Truth or Consequences Police Department maintains a set of rules to encourage professional standards. Knowledge of the rules is imperative to produce an ethic in which all personnel of the department follow a code of conduct. All personnel shall observe rules, regulations, policies and procedures which have been set forth in the both the City of Truth or Consequences Personnel Manual and the Department Rules and Regulations. The fair and impartial enforcement of the rules shall serve as a cornerstone for a professional police department.

The disciplinary and grievance systems are designed to provide fairness in resolving personnel problems. Personnel shall familiarize themselves with the procedures as outlined in the City of Truth or Consequences Personnel Manual and the Department Rules and Regulations.

III. RESPONSIBILITY

A. Support of the discip1inary system is a responsibility shared by all department personnel.
B. Supervisor(s) are responsible to motivate, counsel, and train individuals toward self-discipline. Supervisors are charged with the responsibility of initiating corrective action when violations are committed within the guidelines of the Department policies.

C. Failure of a supervisor to immediately initiate corrective and/or disciplinary action against an employee for a violation of the rules and regulations shall constitute dereliction of duty on the part of that supervisor.
D. Sergeants/Supervisors have the authority to initiate disciplinary action on employees through the chain of command. All requests for disciplinary action must be made in writing with all documentation attached.
E. Sergeants/Supervisors have the authority to relieve an employee from duty status pending review through the chain of command.
F. Sergeants/Supervisors shall request the type of disciplinary action; written reprimand suspension, demotion or termination.

IV. SPECIAL PROCEDURES

A. The Chief of Police may circumvent all formal disciplinary procedures to render an immediate decision when he deems it necessary to preserve the integrity of the Department.

V. PROBATIONARY EMPLOYEES ARE AT-WILL EMPLOYEES

A. Employees who have not completed their probationary period have no right of appeal through the City Grievance Procedure.
B. All non-certified police officers shall serve a probationary period of eighteen months commencing with the first day of employment. Certified officers hired will serve a probationary period of 12 months. All non-commissioned personnel will serve a 12-month probationary period or as outlined by the City of Truth or Consequences Personnel Manual.
C. In addition, any employee who is promoted, demoted or otherwise transferred from one position to another position shall be on probation for a period of twelve months.

VI. PERFORMANCE COUNSELING FOR LESS SERIOUS INFRACTIONS OF RULES

A. Performance Counseling provides immediate disciplinary action against employees who fail to conform to certain departmental standards of conduct and appearance. This procedure does not require a subsequent investigation. Performance Counseling may be imposed within the employee's chain of command by an oral reprimand or performance counseling.

    1. Oral reprimands will be documented by the supervisor.
    2. A copy of performance counseling will be sent to the employee's Division Commander.

B. Action under this section will not bar a recommendation for a more severe penalty by higher authority when it is felt that performance counseling is being used to cover a transgression warranting a more severe penalty.

VII. LETTERS OF REPRIMAND

When the recommended disciplinary action is a written reprimand, the employee's immediate Supervisor will prepare a request and send it up the chain of command to the Division Commander. The Division Commander will have the opportunity to write the letter or reprimand or refer it back to the Supervisor for informal review. If a letter of reprimand is written it will be addressed to the employee and contain the following information:

1. A brief description of the incident involving the employee.
2. The specific rules violated.

A. Written reprimands issued to sworn personnel will close with the following statement:

A COPY OF THIS REPRIMAND WILL BE PLACED IN YOUR PERSONNEL FILE. ANY FUTURE VIOLATION BY YOU OF THE CITY PERSONNEL RULES, OR DEPARTMENTAL RULES OR REGULATIONS ISSUED BY THE CHIEF OF POLICE WILL RESULT IN THE APPROPRIATE PENALTY FOR SUCH VIOLATION AND MAY RESULT IN MORE SEVERE DISCIPLINARY ACTION. A LETTER OF REPRIMAND IS NOT GRIEVABLE UNLESS PAY OR BENEFITS ARE AFFECTED.

B. Upon receiving a written reprimand, the employee will acknowledge receipt by signing the document. The original of the letter will be given to the employee and a copy will be put in the officer's personnel file.
C. The Officer can refuse to sign the document and the refusal will be acknowledged by a third party.
D. Officers receiving discipline have the option to add, within 30 days, a rebuttal letter which will be attached to the filed document.

VIII. ADMINISTRATION LEAVE WITH PAY

A. Pending an investigation of employee misconduct, including a pre-determination hearing, if it is determined by the Chief of Police or his designee, that it would be in the best interest of the City for the employee not to perform his regular duties, the employee may be placed on leave of absence with pay.

IX. SUSPENSIONS

A. If the situation warrants and for cause, the Chief of Police, in consultation with the City Manager, may suspend without pay.

1. Suspensions without pay will normally apply to a period as determined by the Chief of Police or by existing City Policies which may apply.
2. If an employee shall become a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.

3. Suspensions resulting from criminal investigations may be prolonged pending court action.

    a. In no case shall an employee convicted of a felony continue to work for the TRUTH OR CONSEQUENCES POLICE DEPARTMENT.
    b. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.

4. Any member suspended for a period five days or longer shall return all department-owned property to the Chief of Police through the Division Commander. On any suspension, the officer must return to the Chief his or her badge, identification card, and issued firearm.
5. During a suspension, the employee shall not undertake any official duties, unless directed by law such as responding to a subpoena for testimony in a criminal proceeding.
6. Demotion shall be to the next lowest rank, if this position is available, or the rank held previous to promotion.
7. An employee may grieve a suspension as prescribed by the Truth or Consequences Employee Policy. An employee may appeal a suspension as per the existing appeal process which will be made available upon such action.

X. REDUCTION IN RANK

If the situation warrants and for cause, the Chief of Police, in consultation with the City Manager, may demote an employee, measures normally considered coequal.

Reduction in rank may be used with other disciplinary action.

XI. TERMINATION

Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.

A. Employees may protest or appeal a dismissal within the time prescribed by City Policy.
B. Whenever dismissal or suspension is contemplated, the department shall provide notice to the employee as well as written directions with regard to the appeals process.
C. At the time of the employee's termination and prior to the final payment of wages the employee shall return all records, uniforms, badges, identification cards, keys and all other police department property in the employee's custody. The final paycheck will be withheld until return of all property.

XII. REPORTING ARRESTS

Any employee arrested for, charged with, or convicted of **any** crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets or minor traffic offenses. Employees must report citations or arrests for reckless driving, DUI, second or more violations for speeding, or any other traffic offenses. Failure to notify the department of the foregoing shall be cause for punishment.

XIII. APPEAL

A. Employees who have completed their probation period have a right to appeal:

   1. Upon receipt of written notification from the Chief of Police for a definite suspension, reduction in rank, and/or termination an employee will have a right to appeal in accordance with the City Grievance Procedure as applicable.

XIV.MAINTENANCE OF RECORDS OF DISCIPLINARY ACTION

A. All formal disciplinary actions must be in written form.
B. The record of disciplinary action shall reflect where the record will be filed:

   1. Personnel file
   2. Supervisor's file

C. All written disciplinary actions will remain in the employee's personnel file.

XV. INFRACTIONS AND PUNISHMENTS

A. Except for gross breaches of discipline, supervisors shall attempt to begin employee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each employee be dealt with justly, and in a manner which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.
B. Employees are reminded that all appeals are governed by law, as specified under the Law Enforcement Officers' "Bill of Rights" and "Garrity."
C. Unacceptable conduct is divided into three categories according to severity of misbehavior.

   1. Category I.

      Examples:

      a. Excessive absences, tardiness.

b. Abuse of duty time (too much time away from established duties; too much time for personal business).
c. Abusive or obscene language.
d. Inadequate or unsatisfactory job performance.
e. Disruptive behavior.

Category I offenses are of minor severity yet require correction in the interest of maintaining a productive and well managed department.

Category I offenses normally result, in the first offense, in informal measures such as counseling, or perhaps by oral reprimand/formal counseling. Two Category I offenses in one-year results in a written reprimand or suspension of up to five days. A third instance in one year shall provide grounds for longer suspension or dismissal.

2. Category II.

Examples:

a. Failure to follow supervisor's instructions, perform assigned work, or otherwise comply with policy. (Insubordination)
b. Violating safety rules without a threat to life.
c. Unauthorized time away from work assignments without permission during duty hours.
d. Failure to report to work without proper notice to a supervisor.
e. Unauthorized use or misuse of department property.
f. Refusal to work overtime.

Category II offenses include more severe acts and misbehavior. Category II offenses normally result, in the first instance, an issuance of a written reprimand. A subsequent infraction within two years shall result in suspension of up to ten days or demotion or dismissal.

3. Category III.

Examples:

a. Absence in excess of three days without notice to a superior.
b. Use of alcohol or unlawful possession or use of a controlled substance while on duty.
c. Reporting to work under the influence or when ability is impaired by alcohol or the unlawful use of controlled substances.
d. Insubordination or serious breach of discipline.
e. Falsification of any reports such as, but not limited to, vouchers, official reports, time records, leave records, or knowingly making any false official statement.

f. Willfully or negligently damaging or destroying city property.
g. Theft or unauthorized removal of departmental records or city or employee property.
h. Gambling on any Property of the City of Truth or Consequences.
i. Acts of physical violence or fighting (except official police actions).
j. Violating safety rules where there is a threat to life.
k. Sleeping on duty.
l. Participating in any kind of work slowdown or sit down or any other concerted interference with police department operations.
m. Unauthorized possession or use of firearms, dangerous weapons, or explosives.
n. Threatening or coercing employees or supervisors.
o. Criminal convictions for acts of conduct occurring on or off the job which are plainly related to job performance and consequently to continue the employee in the assigned position would constitute negligence regarding the agency's duties to the public.
p. Failure to take physical or mental examinations as required. The Chief of Police may require mental or physical examinations of a member or employee by a designated psychiatrist, psychologist, or physician when, in the Chief's estimation, it is in the best interest of the member, employee, or the department.
q. Using public office for private gain.
r. Engaging in criminal conduct on or off the job.
s. Engaging in dishonest or immoral conduct that undermines the effectiveness of the agency's activities or employee performance, whether on or off the job.
t. Willful disobedience of a lawful/ethical command of a supervisor.
u. Disclosure of confidential information to any person except those who may be entitled to such information.
v. Taking any action, that will impair the efficiency or reputation of the department, the City of Truth or Consequences, its members, or employees.
w. Acceptance of any bribe, gift, token, money, or other things of value intended as an inducement to perform or refrain from performing any official act, or any action of extortion or other means of obtaining money or anything of value through his position.
x. Manifesting cowardice, feigning illness, or otherwise attempting to shirk official duty.
y. Involvement in any compromise between persons accused of crime and the person or persons who may have suffered from criminal acts with the purpose of allowing the accused to escape punishment.
z. Failure to answer questions specifically directed and related to official duties or job fitness.

aa. The use of unnecessary force during an arrest/custody procedure.

bb. Deviation from established procedures in the disposition of summons or arrest cases.

Category III offenses include acts of such severity as to merit suspension or dismissal at a single occurrence. Category III offenses may be punished by suspension or as determined by the Chief of Police with approval of the City Manager or dismissal.

D. Probationary Employees

Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal.

1. In the case of a dismissed probationary employee, the official record will merely indicate that the person was dismissed during probationary employment.

E. Sexual Harassment and Other Discrimination

Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) may result in disciplinary action up to and including termination.

1. Sexual harassment is defined in City of Truth or Consequences Policy and Policy of the Truth or Consequences Police Department.
2. Discipline Checklist

	Policy Name:	**COMMUNICABLE DISEASE** **POLICY #: TCPD 10C** **NMMLEPSC Standard PER.10.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 12/13/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** **Chief of Police Luis A. Tavizon**

I. PURPOSE

Because of work in environments that provide inherently unpredictable risks of exposures, general infection control procedures shall be applicable to all work situations. Exposures are unpredictable; therefore, protective measures often may be used in situations that do not appear to present risk.

II. POLICY

These general infection control procedures have been developed to minimize the risk of patient acquisition of infection from contact with contaminated devices, objects or surfaces and of transmission of an infectious agent from health-care workers to patients. These procedures also should protect health-care workers from the risk of becoming infected. These procedures are designed to prevent transmission of a wide range of microbiological agents and to provide a wide margin of safety in the varied situations encountered in the health-care environment.

III. INFECTIOUS DISEASE

A. DEFINITION: An infectious or communicable disease is one that can be transmitted from person to person or from an infected animal or the environment to a person.
B. IDENTIFICATION: A person should be considered infectious if he/she displays any of the following

1. Current history of infection.
2. Fever.
3. A rash, open sore or skin lesion anywhere on the body.
4. Diarrhea.
5. Vomiting.
6. Coughing or sneezing, especially with chest pain.
7. Draining wounds (pus, blood or other matter oozing, flowing or spurting from open wounds anywhere in the body).

8. Profuse sweating.
9. Abdominal pain.
10. Headache accompanied by stiffness in the neck.
11. Signs of jaundice (yellowish discoloration of the skin or in the sclera of the eyes).

IV. EXPOSURE

Contact with blood or potentially infectious body fluids through the following methods:

A. Needle sticks.
B. Contact of blood or blood-contaminated body fluids with chapped or non-intact skin, open wounds or mucous membranes.
C. Saliva in a human bite.

V. TREATMENT FOR EXPOSURE

A. Immediately wash the affected area with soap or a decontaminating solution.
B. Consult the proper medical authority for assessment, counseling and preventive treatment as appropriate.
C. Some types of exposure, for example human bites, require attention to prevent other types of infection.
D. All exposures occurring on duty and reported properly will be treated in accordance with medical recommendations. The treatments directly related to the exposure will be paid by through the appropriate process i.e., workman’s comp.

VI. REPORTING EXPOSURES

A. Notify immediate supervisor.
B. Document the time and nature of exposure and submit exposure report to your immediate supervisor as soon as possible after the incident.

VII. RECORD KEEPING - MEDICAL RECORDS

A. The employer shall establish and maintain an accurate record for each employee.

This record shall include:

1. Name and social security number of the employee.
2. A copy of the employee's Hepatitis B vaccination records and medical records relative to the employee's ability to receive vaccination or the circumstances of an exposure incident.
3. A copy of all results of physical examinations, medical testing and follow-up procedures as they relate to the employee's ability to receive vaccination or to post-exposure evaluation following an exposure incident.
4. The employer's copy of the physician's opinion.

5. A copy of the information provided to the physician.

B. The employer shall assure that employee medical records are kept confidential and are not disclosed or reported to any person within or outside the work place.

C. The employer shall maintain this record for at least the duration of employment plus 30 years in accordance with "29 CFR 1910.20, Access to Employee Exposure and Medical Records."

VIII. TRAINING

Personnel shall attend a training session each year on the prevention and spread of infectious diseases. As part of the training, employees will receive:

A. Information as to the location of the written Infection Control Policy as well as any applicable OHSA standards.
B. A general explanation of the epidemiology and symptoms of blood-borne diseases.
C. An explanation of the modes of transmission of blood-borne pathogens.
D. An explanation of the Infection Control Policy.
E. An explanation of the appropriate methods for recognizing tasks and activities that may involve exposure to blood and other potentially infectious materials.
F. An explanation of the use and limitations of practices that will prevent or reduce exposure, including appropriate engineering controls, work practices and personal protective equipment.
G. An explanation of the basis for selection of personal protective equipment.
H. Information on the Hepatitis B vaccine, including information on its efficacy and safety and the benefits of being vaccinated.
I. Information on the appropriate actions to take and persons to contact in the event of an emergency.
J. An explanation of the procedures to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.

IX. ADHERENCE TO INFECTION CONTROL POLICIES

A. Hepatitis B Vaccination (HBV) and Post-Exposure follow-up

1. GENERAL POLICY

a. This employer will make available Hepatitis B vaccination to all employees who have occupational exposure on an average of one or more times per month and post-exposure follow-up for all employees with an occupational exposure incident.
b. All medical evaluations and procedures will be performed under the supervision of a licensed physician and all laboratory tests will be conducted by an accredited laboratory.

c. All evaluations, procedures, vaccinations and post-exposure management will be provided at a reasonable time and place and according to standard recommendations for medical practice.

2. Hepatitis B vaccination shall be offered free of charge to all employees occupationally exposed to blood or other potentially infectious materials on an average of one or more times per month unless the employees have a previous HBV or unless antibody testing has revealed that the employee is immune. If the employee initially declines HBV, but at a later date, while still covered under the standard and still employed by this employer, decides to accept the HBV vaccine, the employer shall provide the vaccine at that time. Should a booster dose(s) be recommended at a future date under the same conditions listed above, such booster dose(s) shall be provided free of charge according to standard recommendations for medical practice.
3. Following a report of an exposure incident, the employer will make available a confidential medical evaluation and follow-up, including at least the following elements:

   a. Documentation of the route(s) of exposure, HBV and HIV antibody status of the source patient, if know, and the circumstances under which the exposure occurred.
   b. If the source patient can be determined and permission is obtained, collection and testing of the source patient's blood to determine the presence of HIV or HBV infection.
   c. Collection of blood from the exposed employee as soon as possible after the exposure incident for the determination of HIV and/or HBV status. Actual antibody or antigen testing of the blood or serum sample may be done at that time or at a later date if the employee so requests.
   d. Follow-up of the exposed employee including antibody or antigen testing, counseling, illness reporting and safe, effective post-exposure prophylaxis according to standard recommendations for medical practice.

4. For each evaluation under this section, the employer shall obtain and provide the employee with a copy of the evaluating physician's written opinion within 15 workings days of the completion of the evaluation. The written opinion shall be limited to the following information:

   a. The physician's recommended limitations upon the employee's ability to receive Hepatitis B vaccination.
   b. A statement that the employee has been informed of the resulting medical evaluation and that the employee has been evaluated for any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
   c. Specific findings or diagnoses which are related to the employee's ability to receive HBV. Any other findings and diagnoses shall remain confidential.

*****SPECIAL GUIDELINES FOR LAW ENFORCEMENT PERSONNEL*****

Law enforcement officers may face the risk of exposure to blood during the conduct of their duties. For example, at the crime scene or during processing of suspects, law enforcement officers may encounter blood-contaminated hypodermic needles or weapons or be called upon to assist with body removal. Officers similarly may be required to search prisoners or their cells for hypodermic needles or weapons or subdue violent and combative inmates.

The following section presents information for reducing the risk of acquiring HIV and HBV infection by law enforcement officers as a consequence of carrying out their duties. However, there is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent or psychotic behavior. Therefore, informed judgment of the individual officer is paramount when unusual circumstances or events arise. These recommendations should serve as an adjunct to rational decision marking in those situations where specific guidelines do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

The following guidelines are arranged into three sections: a section addressing concerns shared by both law enforcement and detention facility officers, and two sections dealing separately with law enforcement officers and detention facility officers, respectively.

X. LAW ENFORCEMENT CONSIDERATIONS

A. FIGHTS AND ASSAULTS

Law enforcement officers are exposed to a range of assaults and disruptive behavior through which they potentially may become exposed to blood or other body fluids containing blood. Behaviors of particular concern are biting, attacks resulting in blood exposure, and attacks with sharp objects. Such behaviors may occur in a range of law enforcement situations including arrests, routine interrogations, domestic disputes and lockup operations, as well as in detention facility activities. Hand-to-hand combat may result in bleeding and thus may incur a greater chance for blood-to-blood exposures, which increases the chance for blood-borne disease transmission.

Whenever the possibility for exposure to blood or blood-contaminated body fluids exists, appropriate protection should be worn, if feasible under the circumstances. In all cases, extreme caution must be used in dealing with the suspect or prisoner if there is any indication of assaults or combative behavior. When blood is present and a suspect or an inmate is combative or threatening to staff, gloves should always be put on as soon as conditions permit. In case of blood contamination of clothing, an extra change of clothing should be available at all times.

B. CARDIOPULMONARY RESUSCITATION

Law enforcement personnel also are concerned about infection with HIV and HBV through administration of cardiopulmonary resuscitation (CPR). Although there have been no documented cases of HIV transmission through this mechanism, the possibility of transmission of other infectious diseases exists. Therefore, agencies should make protective masks or airways available to officers and provide training in their proper use. Devices with one-way valves to prevent the patients' saliva or vomitus from entering the care giver's mouth are preferable.

XI. LAW ENFORCEMENT CONSIDERATIONS

A. SEARCHES AND EVIDENCE HANDLING

Criminal justice personnel have potential risks of acquiring HBV or HIV infection through exposures which occur during searches and evidence handling. Penetrating injuries are known to occur, and puncture wounds or needle sticks in particular pose a hazard during searches of persons, vehicles or cells, and during evidence handling. The following precautionary measures will help to reduce the risk of infection:

1. An Officer should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand, should determine if a suspect or prisoner should empty his own pockets or if the officer should use his own skills in determining the contents of a subject's clothing.
2. A safe distance should always be maintained between the officer and the suspect.
3. Wear protective gloves if exposure to blood is likely to be encountered.
4. Wear protective gloves for all body cavity searches.
5. If cotton gloves are to be worn when working with evidence of potential latent fingerprint value at the crime scene, they can be worn over protective disposable gloves when exposure to blood may occur.
6. Always carry a flashlight, even during the daylight shifts, to search hidden areas. Whenever possible, use long-handled mirrors and flashlights to search such areas (e.g., under car seats).
7. If searching a purse, carefully empty contents directly from purse by turning it upside down over a table.
8. Use puncture-proof containers to store sharp instruments and clearly marked plastic bags to store other possibly contaminated items.
9. To avoid tearing gloves, use evidence tape instead of metal staples to seal evidence.
10. Local procedures for evidence handling should be followed. In general, items should be air dried before sealing in plastic.

Officers and crime scene technicians may confront unusual hazards, especially when the crime scene involves violent behavior, such as a homicide where large amounts of blood are present. Protective gloves should be available and worn in this setting. In addition, for very large spills, consideration should be given to other protective clothing, such as overalls, aprons, boots, or protective shoe covers. They should be changed if torn or soiled, and always removed prior to

leaving the scene. While wearing gloves, avoid handling personal items such as combs and pens that could become soiled or contaminated.

Face masks and eye protection or a face shield are required for laboratory and evidence technicians whose jobs entail potential exposures to blood via a splash to the face, mouth, nose or eyes.

Airborne particles of dried blood may be generated when a stain is scraped. It is recommended that protective masks and eye wear or face shields be worn by laboratory or evidence technicians when removing the blood stain for laboratory analyses.

While processing the crime scene, personnel should be alert for the presence of sharp objects such as hypodermic needles, knives, razors, broken glass, nails or other sharp objects.

B. HANDLING DECEASED PERSON AND BODY REMOVAL

For detectives, investigators, evidence technicians and others who may have to touch or remove a body, the response should be the same as for situations requiring CPR or first aid: wear gloves and cover all cuts and abrasions to create a barrier and carefully wash all exposed areas after any contact with blood or other body fluids. The precautions to be used with blood and deceased person also should be used when handling amputated limbs, hand or other body parts. Such procedures should be followed after contact with the blood of anyone, regardless of whether they are known or suspected to be infected with HIV or HBV.

XII. DETENTION FACILITY CONSIDERATIONS

A. SEARCHES: Penetrating injuries are known to occur in the detention facility setting, and puncture wounds or needle sticks in particular pose a hazard during searches of prisoners or their cells. The following precautionary measures will help to reduce the risk of infection:

B. A detention facility officer should use great caution in searching the clothing of prisoners. Individual discretion, based on the circumstances at hand, should determine if a prisoner should use his own skills in determining the contents of a prisoner's clothing.

1. A safe distance should always be maintained between the officer and the prisoner.
2. Always carry a flashlight, even during daylight shifts, to search hidden areas. Whenever possible, use long-handled mirrors and flashlights to search such areas (e.g., under commodes, bunks, and in vents in jail cells).
3. Wear protective gloves if exposure to blood is likely to be encountered.
4. Wear protective gloves for all body cavity searches.

**NOTE: Not all types of gloves are suitable for conducting searches. Vinyl or latex rubber gloves can provide little, if any, protection against sharp instruments, and they are not puncture-proof. There is a direct trade-off between level of protection and manipulability. In other words, the thicker the gloves, the more protection they provide, but the less effective they are in locating objects. Thus, there is no single type or thickness of glove appropriate for protection in all situations. Officers should select the type and thickness of glove which provides the best balance of protection and search efficiency.

B. DECONTAMINATION AND DISPOSAL

Prisoners may spit at officers and throw feces; sometimes these substances have been purposefully contaminated with blood. Although there are no documentation of cases of HIV or HBV transmission in this manner and transmission by this route would not be expected to occur, other diseases could be transmitted. These materials should be removed with a paper towel after donning gloves, and the area then decontaminated with an appropriate germicide. Following clean-up, soiled towels and gloves should be disposed of properly.

*****SPECIAL CONDITIONS FOR OFFICERS*****

XIII. INTRODUCTION

Blood is the single most important source of HIV, HBV and other blood-borne pathogens in the occupational setting, and preventing transmission must focus on blood and other body fluids containing visible blood. Precautions apply to semen, pleural, peritoneal, pericardial, urine, feces and amniotic fluid.

XIV. GENERAL PROCEDURES

A. When working in an environment in which body fluids are known to be present, the measure of protection will be barriers of protective clothing and universal precautions.
B. Protective clothing consists of gloves, boots, goggles and face masks. Goggles and face masks are to be used only in environments in which body fluids become aerosolized or splattering is likely to occur.
C. Work environments include but are not limited to sewers, open sewers, bathrooms, rendering first aid and CPR, and assisting the public.
D. Whenever possible, one must not come in contact with any body fluids
E. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids or after having been in contaminated areas.
F. Body fluid spills should be hosed down a drain or wiped up and cleaned with a disinfectant solution when wearing the proper protective equipment.
G. Needles and sharp instruments should not be recapped. Do not remove used needles from syringes. Do not bend, break or otherwise manipulate any needle.

Place syringe and needle combinations and other sharp items in puncture-resistant containers for proper disposal.

XV. PROTECTIVE CLOTHING

After working in an environment in which body fluids are known to be present, the protective barriers (gloves and galoshes) should be cleaned and disinfected prior to removal, if possible. Other barriers may be removed prior to cleaning and disinfecting.

In the event that uniform clothing does come into contact with any infected material the officer will be responsible for the safe transport of these items to the Sierra Vista Hospital. There the items will be appropriately cleaned and returned to the officer. If the items cannot be cleaned safely the items will be disposed of properly and a memo will be sent as directed for lost/damaged property. All articles of clothing to be disposed of will be done so by utilizing the large "Biohazard" canister located by the back door. No other exceptions of disposal will be accepted due to possible cross contamination and/or re-contamination.

The Lieutenant will be responsible for the coordination of all training on the communicable disease program. He will work with City Hall and the Safety Officer for the City in obtaining training programs.

All employees will be advised of any health fairs offered by the city.

All new hires will be offered inoculations for communicable diseases at the time of hire.

	Policy Name:	**EMPLOYEE ASSISTANCE PROGRAM** **POLICY #: TCPD 11C** **NMMLEPSC Standard PER.11.01-11.02**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 12/13/2022**
☐ Sworn Personnel ☐ Civilian Personnel ☑ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis A. Tavizon**

I. PURPOSE

The purpose of the Policy is to define the services offered by the Employee Assistance Program (E.A.P.).

II. SCOPE

The services established by this Policy are available to all regular full- or part-time, benefits eligible employees and their dependents.

III. PRINCIPLES

The Employee Assistance Program offers referral to individual counseling and other providers of services for employees who need assistance dealing with problems in their personal life, that in turn, affect their job performance. Employee problems remain personal until they begin to affect the employees' work, the morale of other employees, and/or the overall effectiveness of the organization. This program is designed to help prevent problems from escalating.

IV. SERVICES

A. *Employee Assistance Program provider and city services may include:*

1. confidential assessment, counseling, additional referral, and follow-up;
2. access to counselors;
3. training seminars and workshops for senior-level management, supervisors, and employees;
4. consultation with supervisors to assist with employees "at risk";
5. critical Incident Stress Debriefings that respond to traumatic events in the workplace such as robberies, sudden deaths, violence in the workplace, or natural disasters;

6. orientations that introduce EAP services to employees; and confidentiality and security of information.
7. The terms and conditions of the EAP, including services offered may change depending upon the EAP provider.

V. SELF-REFERRAL

A. Employees and their dependents may confidentially refer themselves to the EAP for assessment and in some instances referral to treatment.
B. Supervisors may suggest self-referral if an employee approaches them with a personal problem and no work performance problem is involved. In this instance, whether the employee utilizes the EAP will remain completely confidential unless the employee chooses to disclose this information.
C. Employees who refer themselves to the EAP will not be penalized for utilizing the EAP, nor will EAP records be made part of the City's Personnel records.
NOTE: The City of Truth or Consequences has a zero tolerance Drug and Alcohol Policy. Situations involving possession, use or being under the influence of alcohol or drugs while on duty, and/or a confirmed positive drug/alcohol test result are covered under the City of Truth or Consequences Administrative Regulation (AR) DM09-10. Any provisions of AR DM09-10, above and beyond this policy, not specifically stated or covered, remain in effect for all employees. Discipline, up to and including termination will be taken, and relevant documentation in this regard, will be made a part of the employee's official personnel record.
D. Self-referral to the EAP does not excuse an employee from disciplinary measures associated with poor performance or violations of policies, procedures, or safety rules.
E. If employees refer themselves and have an appointment with the EAP during working hours, they must take leave as defined in Policy on Leave. If employees utilize Sick Leave for this purpose, they may be asked to provide documentation as defined in Procedure on Sick Leave.

VI. SUPERVISORY REFERRAL

A. Supervisors are responsible for detecting and attempting to correct unsatisfactory job performance.
B. A supervisory referral to the EAP may be used as an effective tool when chronic employee problems show no consistent improvement, particularly when other supervisory attempts have failed.

1. Supervisory referrals will utilize the chain of command and will notify their supervisor for direction to continue.
2. The Chief or his designee will make the ultimate decision for referral.

C. When supervisors are going to refer an employee formally to the EAP, they must contact the Director of Personnel and Human Resources, contact will then be made to inform the EAP staff in advance of the specific performance problem. With this formal referral supervisors will receive information regarding the date, time, and duration of the appointment only.
D. The EAP is an additional resource for supervisors to assist employees and improve job performance and not designed to replace any normal supervisory or disciplinary procedure.
E. Employees who have been referred by their supervisor to the EAP may be placed on Official Leave for their initial visit. After the initial visit leave must be taken in accordance with the Leave Policy.
F. The City reserves the sole discretion in evaluating situations on a case-by-case basis.

VII. EAP PROVIDERS

A. There are several providers in the area to assist employees. They are listed below and copies of this will be given to each officer in policy and also a copy will be displayed within the department:

1. Sierra Vista Hospital: 800 E. 9th Ave. Truth or Consequences, N.M. 87901 (575)894-2111
2. Ben Archer Health Center: 1960 N. Date St. Truth or Consequences, N.M. 87901 (575)894-7662
3. Alcohol Anonymous: 1-888-388-1802 or (575)546-4066
4. Southwest Counseling: 100 W. Griggs Ave., Las Cruces NM 88011, (575)647-2800
5. NAVA Treatment Center: 225 E Idaho Ave #34, Las Cruces, NM 88005-3260, (575)496-6515
6. Mesilla Valley Hospital: 3751 Del Rey Blvd., Las Cruces, NM 88012, (575)382-3500

B. HOTLINES- Help and Referrals:

1. Alcohol 24-hour Help Line: 1-800-252-6465
2. Drug Intervention Services of America: 1-800-752-6432
3. Substance Abuse National 24hr. Help and Referral Network: 1-800-966-DRUG (3784)
4. Alcohol and Drug Helpline: 1-800-821-4357
5. Alcohol and Drug Referrals: 1-800-454-8966
6. Betty Ford Center: 1-800-434-7365
7. Presbyterian: Mental Health/Substance Abuse Services: 1-800-453-4347 nurse line: 1-866-221-9679
8. Lovelace: nurse line: 1-877-852-2552
9. Blue Cross/Blue Shield: nurse line: 1-800-973-6329

VIII. PAYMENT

The City of Truth or Consequences is not responsible for payment for services rendered by a provider to an employee. Payment for services rendered is the responsibility of the employee.

IX. STATEMENT OF PURPOSE

This system is designed to assist supervisors in identifying police department employees whose performance indicates that intervention may be required. A review may be necessary to determine appropriate action. It does not relieve the supervisor of the normal responsibility to monitor and initiate a review and remedial action as warranted, of his/her assigned employees' performance related issues.

A. The purpose of this system is to:
   1. Provide a means to identify patterns of complaints, use of force or misconduct incidents to enable supervisors to address training or other needs and improve employee performance.
   2. The Professional Standards Office (the Chief of Police) maintains all complaints and use of force records.

X. ACT IVATION AND PROCEDURE FOR REVIEW

A. The Personnel Early Warning System shall activate when an employee has three or more sustained complaints of misconduct within three years.
B. The Office of Professional Standards shall notify, in writing, the Division Commander of the involved employee that the Personnel Early Warning System has been activated. The Chief of Police shall retain a copy of the notice. The notification should include:

   1. The date of the incident(s)
   2. The general allegations
   3. The disposition of the incident(s)
   4. Any discipline administered

C. The Division Commander shall notify the supervisor of the involved employee that the Personnel Early Warning has been activated. The supervisor should then review the employee's files consisting of, but not limited to:

   1. Use of force
   2. Sick or other leave use
   3. Performance evaluations
   4. Chronological file

XI. REPORTING AND RECOMMENDATIONS

A. The supervisor shall submit a written response, through the chain of command, to the Division Commander with their findings, and a plan for improvement, if applicable. Possible corrective measures may include, but are not limited to:

1. Counseling by peers, supervisors or commanders
2. Referral to an agency authorized mental health professional
3. Remedial training to address identifiable problems
4. Reassignment or transfer

B. The Division Commander shall review the written response and forward to the Chief of Police for approval of the recommended action.

1. The Division Commander shall be responsible to ensure that any corrective measures are accomplished, and submit a report to the Chief of Police with the final results.
2. All corrective measures shall be implemented within applicable Truth or Consequences Police Department Rules and Regulations and the City of Truth or Consequences Personnel Manual.

C. The Personnel Early Warning System shall be reviewed annually to evaluate the system's effectiveness and make changes as required.

D. The employee's supervisor will notify the employee of the review when it is initiated and the basis for the review. The employee shall be notified in writing of the final determination.

TRAINING POLICY

	Policy Name:	**RECRUIT/OFFICER TRAINING** **POLICY #: TRN 01 D** **NMMLEPSC Standard TRN.01.01-04.01**
Effective Date: 01/25/2023 ***Approved by the City Commission on this date***		**Reviewed Date: 09/14/2023** **Revision Date: 09/14/2023**
☑ Sworn Personnel ☐ Civilian Personnel ☐ All Personnel		**Authorizing Signature:** _____ **Chief of Police Luis Tavizon**

I. PURPOSE

The Department has an obligation to provide a professional standard of law enforcement for the City of Truth or Consequences. In fulfilling this responsibility, it is essential that personnel are properly trained. This begins at entry level with required basic training, prior to conducting police duties and continues throughout the officer's career on an ongoing basis. Training is provided to accommodate Department needs and to actualize the interest and concern the Department has for the self-improvement and personal development of its employees.

II. TRAINING GOALS

A. Provide job-related training to all personnel.
B. Train employees to be prepared to act decisively and correctly in a broad spectrum of situations.
C. Enhance employee productivity and effectiveness through greater job knowledge.
D. Foster cooperation and unity of purpose among personnel through common training.

III. RESPONSIBILITIES

A. The Lieutenant has the following responsibilities:

Review and revise any in-service training requirements on an annual basis to ensure they meet the standard requirements set forth by the New Mexico Law Enforcement Academy.

1. Ensure every officer is trained frequently in policies, including use of force, use of force reporting, search and seizure, search and seizure reporting; Terry detentions (including the different evidence required at each of the two distinct phases: the detention and then any pat down that might occur); citizen complaint procedures, and training on any New Mexico appellate court decisions which affects police conduct.

2. Supervise the training instructors and ensure they receive adequate training to enable them to carry out their duties.
3. Coordinate with the Field Training Officers regarding FTO training being provided;
4. Review complaints of police misconduct on a semi-annual basis to gauge the effectiveness of policies and training and to detect the need for new or further training, then report to the Chief of Police or his designee
5. Maintain appropriate records documenting all training of officers

B. The Field Training Officer has the following responsibilities:

1. Coordinate all FTO training with new Officers.
2. Supervision of any field training provided by FTO's;
3. Ensure the annual performance evaluations of FTOs cover their demonstration and proficiency

C. Immediate Supervisors have the following responsibilities:
D. To ensure any Field Training Officers and any officers under their command who are certified instructors maintain and demonstrate on a regular basis their proficiency in their areas of instruction through annual evaluations.

IV. BRIEFING TRAINING

A. Briefing training is utilized to keep officers up-to-date between formal training sessions or disseminate information that may be specific to shift activities.
B. Each Patrol Shift should utilize briefing training at least twice a month. Criminal Investigations should utilize briefing training at least once every three months.
C. Anytime briefing training is utilized, each officer shall sign the approved documentation indicating his/her attendance. Attendance at briefing training is for duty personnel therefore the Lieutenant should schedule briefing training to ensure compliance.
D. The Patrol Sergeant is responsible for preparing topics and involving shift personnel in the instruction of such topics.
E. At the end of each month, the Patrol Sergeant provides necessary documentation to the shift staff detailing each topic covered and attendance records.

1. It is the Patrol Sergeant's responsibility to correctly, and in a timely manner, log the information in the training records.
2. The original documentation of briefing training is submitted to the Lieutenant for filing.

V. IN-SERVICE TRAINING

A. All sworn personnel are required to complete at least 40 hours of in-service training every two years. This training consists of all training as designated by the State of New Mexico Academy.
B. All scheduled in-service training should be posted on all department bulletin boards at

the earliest possible time prior to the training date, when possible. In addition, a schedule of upcoming classes will be made available to all employees through the Administrative Assistant.

C. The Administrative Assistant or his designee is responsible for locating, scheduling, or making available such training that meets the mandates.
D. It is the responsibility of the instructor to ensure that any lesson plans include a review of any appropriate policies. If the instructor is from an outside vendor, it is the responsibility of the Lieutenant to ensure any appropriate policies are reviewed.
E. The City of Truth or Consequences also requires 16 hours of Safety Training for non-supervisory personnel and 8 hours for the supervisors. This is mandatory training and will be completed by set dates. Discipline may be implemented by the city for failure to attend training.

VI. TRAINING PROGRAM PROCEDURES

A. Performance Objectives

Training programs must relate to job task analysis and incorporate performance objectives. These acquaint the trainee with the information he/she is required to know, the skills that must be demonstrated, and the circumstances under which such skills are used. Performance objectives should include:

1. a focus on the elements of the job task analysis for which formal training is needed;
2. clear statements of what is to be learned;
3. a basis for evaluating participants in a given course of instruction;
4. a basis for evaluating the effectiveness of the training program, by use of critiques and other accepted evaluating methods.

B. Instructors

1. Department personnel assigned to an instructor position should meet the requirements as specified by the New Mexico Law Enforcement Academy.
2. Officers with disciplinary records or three sustained complaints over the prior three years for constitutionally significant issues, including but not limited to, race discrimination, sexual harassment, excessive force, unlawful searches, seizures, or filing false charges shall be disqualified as instructors until two years have elapsed without such discipline or complaints in any areas in which they conduct training. If instructor privileges are revoked or suspended disciplinary action will be at the discretion of the Chief of Police.
3. Instructors will be provided adequate training to enable them to carry out their duties.
4. Instructors will be required to maintain and demonstrate proficiency in their areas of instruction on a yearly basis through their annual performance evaluation.

C. Lesson Plans

1. Lesson plans are made for all in-service training which is conducted by the Department. The instructor is responsible for developing the lesson plan to be used in any course he/she instructs.

    a. Lesson plans are filed for permanent record in the Training Section and include the following:
    b. statement of course objectives;
    c. Major points to be addressed;
    d. Instruction aids to be used;
    e. location of instruction;
    f. and type of training conducted.

2. All lesson plans must be approved by the Chief of Police prior to instruction to ensure that they are completed and that they meet Department guidelines on lesson plan development.

D. Testing

1. In order to evaluate the participants of a training program, a pre-test or post-test may be required. Instructors use competency-based testing that uses performance objectives and measures the participant's knowledge of job-related skills. Passing and failing scores must be incorporated into the lesson plan.
2. Test scores are utilized in evaluating training effectiveness and in the development of future training programs.
3. Test scores are confidential and are maintained by the Lieutenant.

E. Evaluations

Trainees participate in the evaluation and critique of instructors and the training course upon completion of instruction.

F. Remedial Training

1. In order to ensure that Department personnel do not suffer deficiencies in basic skills, knowledge, and abilities required to perform assigned tasks, a remedial training function is employed.
2. Any employee who fails to demonstrate understanding imparted through any Department-sponsored training is scheduled for remedial training in the area of deficiency.
3. Training plans are developed for the correction of noted deficiencies. These plans contain, at a minimum,

    a. training goals and skills to be achieved;

b. specific instruction to be provided;
c. time frame in which goals are to be accomplished; and
d. a review of remedial training at the conclusion of instruction.

4. A supervisor may identify by testing or observing job performance that an employee has demonstrated a deficiency in basic ability to perform assigned tasks. If the supervisor believes that the deficiency may be corrected, he/she may direct the employee in writing to attend a specific remedial training program. The supervisor identifies such programs through the Training Section.
5. the affected employee takes part in a training session to address the noted deficiency as soon as possible.
6. Participants are evaluated upon completion of the remedial training program to determine if existing deficiencies have been alleviated. The results of the evaluation shall be forwarded to the assigning supervisor so that the status of the employee can be evaluated.
7. Any remedial training will be coordinated through the Shift Supervisor to ensure prompt completion and appropriate documentation.

G. Records Maintenance

1. Training, documentation, and records maintenance is the responsibility of the Chief of Police. All training records are maintained by him.

a. Personnel attending training programs;
b. types of training, subject matter, course content;
c. school or agency providing the training if other than TCPD;
d. measured performance, if testing is administered and scores available.

2. It is the responsibility of the trainee, upon completion of training from an outside source, to submit the proper documentation of such training to the Administrative Assistant.
3. It is the responsibility of the Administrative Assistant to update training records as needed.
4. Training records shall only be released to someone other than the affected employee by the Chief of Police.

VII. RECRUIT TRAINING

A. Newly hired recruits will be trained and certified in accordance with the regulations set forth by the New Mexico Law Enforcement Academy.
B. Those officers who do not require attendance at the academy will be assigned to the Field Training Program for at least six weeks minimum and with a 12-week maximum unless extended by the Chief of Police where they will be given instruction which includes agency policies, procedures, rules and regulations.

C. To supplement this training, they may also be required to attend specific classes made available through the Truth or Consequences Police Department. This ensures that all recruits regardless of their experience or training receive agency-specific training.
D. The curriculum provided to new recruits is based on requirements of the New Mexico Law Enforcement Academy and developed around the most frequent assignments of officers. A variety of evaluation techniques have been designed to measure competency in the required skills, knowledge, and abilities. These guidelines are set forth in the New Mexico Law Enforcement Academy Handbook

VIII. FIELD TRAINING PROGRAM

In keeping with the strictest levels of performance requirements, the Department strives to train professional police officers. The guidelines set by the Field Training and Evaluation Program serve as standards for the acceptance of a recruit as a permanent officer at the end of the field training process.

A. A non-certified recruit will not be assigned to a Field Training Officer program.
B. Recruit officers are not allowed to act on their own until they have completed a prescribed Field Training Program. Recruits do not work overtime alone or at off-duty jobs without prior approval from the Chief of Police.
C. The Training Section has the ultimate responsibility for the training received by a recruit from the time of hire through the Field Training Program.

    1. The Lieutenant is responsible for maintaining a liaison with the academy staff.
    2. Truth or Consequences Police Department FTO program consists of three phases. An evaluation is forwarded to the Lieutenant at the completion of each phase.

D. During the Field Training Program, a recruit will remain in the FTO program or be assigned an officer to ride with until satisfactory completion and released or entry into the Law Enforcement Academy.

    1. The Field Training Program is based upon sufficient training necessary to accomplish the training requirement of the department.
    2. At the completion of each phase, a recruit is normally rotated to another FTO, if practical.

E. During each phase of training the recruits will follow the Training Manual which is designed to provide a guide in which the recruit will be trained. In theory, each recruit should be receiving the same training at the same time. The recruit and the FTO will both be responsible for signing off on the training manual. This will help ensure that the recruit is receiving and understanding the information that is being presented to him/her and establishes accountability for the training.

F. At the completion of each work day, the FTO shall complete a Daily Observation Report (DOR). This evaluation is completed using the standardized evaluation guidelines found in the Field Training Manual. This evaluation is designed to measure competency in the required skills, knowledge, and abilities. Once this evaluation is complete, it shall be reviewed by the recruit and then by the on-duty shift supervisor. A copy is forwarded to the Lieutenant and Lieutenant, the original is retained in the recruit's training file.

G. At the end of each phase, an evaluation is completed by the assigned FTO. This evaluation should cover the following:

1. The progress of the recruit-whether ahead of, behind, or on schedule;
2. Any significant strengths displayed;
3. Any significant weakness;
4. Any remedial training received and outcome; and
5. Recommendation from the FTO on progressing to the next phase.

H. At the end of the Last phase, an evaluation is completed by the assigned FTO. This evaluation should cover, in addition to the above information, a recommendation from the FTO on the probability of the recruit's success and whether he should be released from the program.

I. At the conclusion of the second phase if there is a high probability of success, the recruit will be placed into the third phase. Movement from the second phase into the third phase is not automatic. This decision will be made and recommended by the FTOs and the Shift Supervisors and approved by the Lieutenant.

J. The third phase consists of one week. This is a time provided to the recruit to review with the FTO any training issues that have occurred during the first two phases and clarify any questions/problems that might exist (this is also a shadow phase). At the conclusion of phase three the recruit will be recommended for assignment to a shift at the discretion of the Lieutenant.

K. If at any time in the three phases of training the FTO recognizes a problem area that he/she is unable to correct through remedial training, it may become necessary to remove the recruit from the FTO program for additional training in the specified area. If this occurs and the recruit is removed, a certified instructor in the problem area and the Lieutenant will provide remedial training and then forward the results of that training to the FTO supervisors

1. If the recruit completes the training satisfactorily, the recruit will be placed back into the field training program and continue the process, where he/she left.
2. If the recruit cannot complete the training at a proficient level, a determination will be made regarding the status of the recruit by the Lieutenant, Lieutenant and the Chief of Police.

L. At the conclusion of each phase of training, the Field Training Officers and the Lieutenant will have a meeting to discuss the following:

1. Any problem areas that have been encountered;
2. A recruits strong and weak points; and
3. Any suggestions that might assist the next FTO in his/her phase of training.

M. A training file on each recruit is maintained by the Field Training Officer assigned to the recruit. The file follows the recruit to his/her next shift. The training file consists of the following originals:

1. Daily Observation Reports;
2. Any documentation concerning remedial training;
3. Completed Weekly Training Guide;

N. Upon completion of the Field Training Program, the recruit's training file is forwarded to the Lieutenant where it is maintained.

IX. FIELD TRAINING OFFICER SELECTION

A. The requirements for the position of FTO are as follows:

1. Written recommendation from a supervisor
2. Three Years of Law Enforcement Experience
3. Successful completion of Instructor Development and/or FTO certification program as soon as possible after appointment.

B. Officers with disciplinary records or three sustained complaints over the prior three years for constitutionally significant issues, including but not limited to, race discrimination, sexual harassment, excessive force, unlawful searches, seizures, or filing false charges shall be disqualified as FTO until two years have elapsed without such discipline or complaints in any areas in which they conduct training.
C. Field Training Officers will be required to maintain and demonstrate proficiency in their areas of instruction on a yearly basis through their annual performance evaluation.
D. In the event, that additional FTOs are required to train recruits; an officer may be temporarily assigned as an FTO. He/she must still meet the requirements listed in the job description to be assigned.
E. Upon appointment, an FTO is assigned to a shift and works under the direct supervision of that shift's supervisors.

X. CIVILIAN TRAINING

A. Indoctrination will be given to newly hired civilian employees which covers the following:

1. the Department's role, purpose, goals, policies, and procedures;
2. working conditions and regulations;
3. responsibilities and rights of employees; and
4. public relations.

B. This training will be the responsibility of the supervisor in the affected division. Any documentation of such training will be forwarded to the Administrative Assistant,
C. On-the-job training will be given to the following civilian positions:

    1. Records technician

    This training shall include the legal, procedural, and equipment familiarization for this position.

D. Specialized In-Service Training

    1. Any officer who is promoted or assigned to a new position will receive specialized training through an accredited course of instruction for the specific area they are assigned.
    2. If the Truth or Consequences Police Department develops any specialized units those officers assigned will receive the necessary training to ensure that the specialized unit is effective. Personnel assigned to Specialized Units shall engage in regularly scheduled training and readiness exercises.

E. The Administrative Assistant will maintain all training files on all employees of the Truth or Consequences Police Department. These records will show the following:

    1. The title of the training received
    2. The dates and hours of attendance;
    3. The identification of trainers or agencies presenting the course; and
    4. The names of all agency personnel receiving the training.

F. Any new employee coming from another agency or military must provide the Truth or Consequences Police Department a copy of all training files and certificates.