



## RESOLUTION 2020-29

### **Adopting Roosevelt County Sheriff's Office Policies and Procedures**

**WHEREAS**, the Roosevelt County Commission pursuant to §4-41-6 NMSA, has been authorized to implement policies relating to the hiring, promotion, discharge and general regulation of the deputies and employees of the County Sheriff's Office; and,

**WHEREAS**, the citizens of Roosevelt County have duly elected the Roosevelt County Sheriff to enforce and uphold the laws of the State of New Mexico as well as the United States and New Mexico Constitutions; and,

**WHEREAS**, the Roosevelt County Commission in its risk management function wishes to lessen and minimize Roosevelt County's exposure to an ever-increasing number of lawsuits, and claims which can negatively impact the County's finances, and public coffers; and

**WHEREAS**, the implementation of uniform policies relating to the day to day operations at the Roosevelt County Sheriff's Office is necessary as well as mandated and required to be enacted by the Legislature in many circumstances to ensure that proper practices will be followed in law enforcement activities; and

**WHEREAS**, the Roosevelt County Sheriff has recommended implementation of the following Roosevelt County Sheriff's Policy and Procedures Manual which shall relate to and shall govern the day to day operations of the Roosevelt County Sheriff's Office including law enforcement actions and activities undertaken by the deputies and the employees of the Sheriff's Office; and

**WHEREAS**, this policy as originally adopted, shall be reviewed annually and revised as needed by the Roosevelt County Sheriff and as approved by the Board of County Commission.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Roosevelt County Commissioners that:

The Roosevelt County Sheriff's Department Policy is hereby approved and it shall be implemented effective January 1<sup>st</sup>, 2021.



**PASSED, APPROVED, and ADOPTED** on this 6th day of October, 2020 by the Board of Roosevelt County Commissioners in an open meeting in Portales, New Mexico.

**BODY OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:

Nath Baca  
Nath Baca, Roosevelt County Deputy Clerk

absent  
Matthew Hunton— District II  
Voted: ☐ Yes ☐ No ☐ Abstained

Tina Dixon  
Tina Dixon, Vice Chairman – District IV  
Voted: ☒ Yes ☐ No ☐ Abstained

Dennis Lopez  
Dennis Lopez— District I  
Voted: ☒ Yes ☐ No ☐ Abstained

absent  
Lewis (Shane) Lee, Chairman— District III  
Voted: ☐ Yes ☐ No ☐ Abstained

Paul Grider  
Paul Grider— District V  
Voted: ☒ Yes ☐ No ☐ Abstained



Roosevelt County Sheriff's Office

# Policy Manual

2020 Revision



Sheriff Malin Parker  
9-29-2020

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



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**SECTION 1**  
***Organizational Structure, Mission, and Ethics***



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Mission Statement*

*Policy Number: 1-1*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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- **POLICY**

It is the basis of any good organization to have an effective mission statement. In accordance with that, the following is the mission statement for this Agency.

- **MISSION STATEMENT**

### **OUR MISSION**

The Roosevelt County Sheriff's Office is committed to providing the residents of Roosevelt County with Law Enforcement services in a compassionate, fair and professional manner while holding the priorities and needs of every individual in the highest possible regard

### **OUR VISION**

The Roosevelt County Sheriff's Office believes that the protection of life and property is our highest priority. We will strive for excellence in our delivery of law enforcement services and will utilize training, technology, and innovation to achieve that goal.

### **OUR VALUES**

Will respect and protect the rights and dignity of all persons and conduct all citizen contacts with courtesy and compassion.

Recognizes its interdependent relationship with the communities it serves and

Will remain sensitive to the various communities of Roosevelt County.

Will enforce the law impartially throughout the communities' priorities and needs.

Recognizes the individual worth of each of its members.

## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Code of Ethics*

*Policy Number: 1-2*

*Effective Date: 01-01-2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

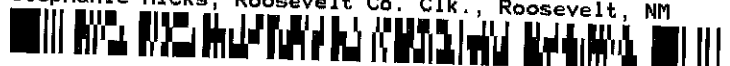
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### **I. POLICY**

Ethical behavior by employees of this agency is imperative in maintaining the trust and respect of the citizens within this community. Should this trust or respect ever be compromised for allegations of unethical conduct, a full scale internal investigation will be initiated and vigorously pursued. An internal investigation will serve to uncover any alleged law enforcement practices/behavior, which are considered to be undesirable or dispel any citizen speculation of its existence. To the extent that this policy conflicts with the Roosevelt County Ethics Ordinance, the Roosevelt County Ethics Ordinance shall control.

### **II. PROCEDURE**

- A. Employees of this Agency will provide courteous and professional law enforcement services to citizens within this community, being ever mindful that our primary mission is to serve mankind and to be civil and respectful in our contacts with all persons.
- B. Employees of this Agency will remember that he/she is a public servant. Our conduct, therefore, in the presence of the public shall always be in accordance with the highest degree of morality that is required of the law enforcement profession.
- C. Law Enforcement Deputies will remember that he/she is sworn to protect and serve all citizens of this community equally. Race, color, religion, age, gender, political beliefs, sexual orientation, or other personal opinions shall not interfere with the equal administration of justice to all citizens within this jurisdiction.
- D. Law Enforcement Deputies will always remember that he/she is sworn to uphold the law, abide by the law, and protect the rights



of all people as afforded by the Constitution of the United States and the Constitution of the State of New Mexico.

- E. Employees will be truthful in his/her conduct toward all persons.
- F. Each employee will assume the responsibility for his/her act or omission to act.
- G. Employees will not indulge in obscenity or profanity of speech or action during the performance of official duties and will conduct his/her private life in a manner that will not bring discredit to this agency.
- H. Employees will not intimidate, use, or direct unjustifiable violence, force, threats, or coercion against any person.
- I. Employees will not accept anything of apparent or prospective value from any person that may influence him/her in the performance of official duties.
- J. Employees will not knowingly associate with any person(s) notoriously suspected of illegal activities, except in the performance of official duties.
- K. Employees will always be neat and clean in person and dress and while on duty shall be attired and equipped according to the nature of his/her duties and environmental conditions.
- L. Employees will not consume alcoholic beverages while on duty except in extreme circumstances while on special assignment.
- M. Employees will not consume alcoholic beverages prior to their scheduled work time which will render him/her unfit for duty.
- N. Employees will not use drugs other than over the counter medications or those prescribed by a reputable physician.
- O. Employees will be respectful when addressing co-workers and the public.
- P. Employees will promptly obey an order received from a superior deputy.
  - 1. An exception to this rule will apply if the order given is in violation of a policy or procedure of this agency or in violation of any law.





- a. If this situation should occur the subordinate Deputy will respectfully decline the order bringing the violation to the attention of the superior supervisor.
  - b. Should the supervisor insist on the subordinate carrying out the order the subordinate will respectfully decline and immediately contact a higher supervisor to report the incident.
- Q. Insubordination from any employee will not be tolerated and will be grounds for disciplinary action.
- R. The Law Enforcement Code of Ethics is reproduced as a part of this policy in order to stress the importance of ethical conduct and to provide further guidance for Law Enforcement Deputies of this Agency to follow

### **The Law Enforcement Code of Ethics**

AS A LAW ENFORCEMENT OFFICER, MY FUNDAMENTAL DUTY IS TO SERVE MANKIND; 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 MEN TO LIBERTY, EQUALITY AND JUSTICE.

I WILL KEEP MY PRIVATE LIFE UNSULLIED AS AN EXAMPLE TO ALL; 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 IN BOTH MY PERSONAL AND OFFICIAL LIFE, I WILL BE EXEMPLARY IN OBEYING THE LAWS OF THE LAND AND THE REGULATIONS OF MY AGENCY. 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 IN THE PERFORMANCE OF MY DUTY.

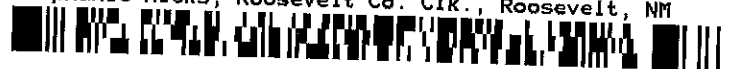
I WILL NEVER ACT OFFICIOUSLY OR PERMIT PERSONAL FEELINGS, PREJUDICES, ANIMOSITIES, OR FRIENDSHIPS TO INFLUENCE MY DECISIONS. WITH NO COMPROMISE FOR CRIME AND WITH RELENTLESS PROSECUTION OF CRIMINALS, I WILL ENFORCE THE LAW COURTEOUSLY AND APPROPRIATELY WITHOUT FEAR OR FAVOR, MALICE OR ILL WILL, NEVER EMPLOYING UNNECESSARY FORCE OR VIOLENCE AND NEVER ACCEPTING GRATUITIES.

I RECOGNIZE THE BADGE OF MY OFFICE AS 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 CONSTANTLY STRIVE TO ACHIEVE THESE OBJECTIVES AND IDEALS,  
DEDICATING MYSELF BEFORE GOD TO MY CHOSEN PROFESSION - LAW ENFORCEMENT.

- S. Any violation of this policy is subject to disciplinary  
action, up to and including dismissal.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Limits of Authority*

*Policy Number: 1-3*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Of all the actions a deputy might take during the course of duty, the ones with the most severe consequences concern constitutional rights. The use of deadly force might result not only in injury or death but a review of the constitutionality of the act. Similarly, the arrest of a person for a misdemeanor shoplifting, by contrast, invokes the law of arrest and search and seizure issues that are controlled by the Constitution. The U.S. Constitution and the Bill of Rights guarantee every individual certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of law enforcement to enforce the laws of the United States, State of New Mexico, and the County of Roosevelt. The agency expects deputies to observe constitutional safeguards scrupulously and knowledgeably. The agency further expects that deputies understand the limits and prerogatives of their authority to act. Respect for the civil liberties of individuals shall be the paramount concern in all enforcement matters.

### **II. LAW ENFORCEMENT AUTHORITY**

1. *New Mexico State Statute 4-41-2* authorizes the County Sheriff to be the conservator of the peace within his county; shall suppress assaults and batteries, and apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them.
2. *New Mexico State Statute 4-41-9* authorizes deputies to discharge all the duties which belong to the office of Sheriff, which may be placed under their charge by their principals, with the same effect as though they were executed by the respective sheriffs.
3. *The Constitution of New Mexico article XX sec.1* requires that all deputies, before performing their duties, take an oath whereby they swear to support

the Constitution of the United States and the Constitution and the laws of New Mexico.

### **III. OATH OF OFFICE**

All personnel, prior to assuming sworn status, must take and subsequently abide by an oath of office to enforce the law and to uphold the Constitution of the United States and the State of New Mexico.

- A. The Oath of Office differentiates the deputy sheriff from the civilian. It imposes levels of accountability and responsibility on the deputy that are not made of the general public.
- B. the oath of each person, assuming sworn status for the Roosevelt County's Sheriff's Office shall sign their oath and the same shall be filed with the County Clerk's Office
- C. The oath consists of:

#### **OATH OF OFFICE STATE OF NEW MEXICO COUNTY OF ROOSEVELT**

I, \_\_\_\_\_ having been appointed Deputy Sheriff, in and for Roosevelt County, State of aforesaid, do solemnly swear that I will support the constitution of the United States and Laws of the State of New Mexico, and that I will faithfully perform all the duties pertaining to my office to the best of my ability and belief. SO HELP ME GOD:

\_\_\_\_\_  
\_\_\_\_\_  
Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. \_\_\_\_\_  
\_\_\_\_\_, County Clerk  
\_\_\_\_\_, Officer

### **IV. LIMITS ON LAW ENFORCEMENT AUTHORITY**

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the attorney general and, Agency policies/rules and regulations, and county administrative decisions.

A. Statutory limitations include, but are not limited to

1. Enforcement of laws outside of the county limits. *NMSA 31-2-8* grants authority to enforce state criminal laws beyond the boundaries of the county during fresh pursuit.
2. *NMSA 29-8-3* allows sheriff's deputies to be sent to other New Mexico jurisdictions by use of a mutual aid agreement to assist another locality in meeting an emergency involving any immediate threat to life or public safety, as outlined in the statute. Further, *NMSA 29-8-3* allows localities to enter into reciprocal agreements with localities to provide mutual aid. Notwithstanding the provisions of this statute, New Mexico Law allows the Sheriff, in a declared emergency, to call upon other chief law-enforcement officers of towns or counties to provide law-enforcement assistance without a need to deputize officers from other jurisdictions.

B. Limitations on law enforcement authority by the district attorney

1. Occasionally, the district attorney may issue opinions to the agency imposing limitations on deputies. These areas include, but are not limited to:
  - a) Prosecution of certain cases
  - b) Extradition
  - c) Enforcement of certain statutes pending opinions from the Attorney General's Office
2. Changes in laws/interpretational limitations

Periodically, changes take place which may impose new limitations on law enforcement authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the District attorney. In case immediate changes in agency operations are required, the district attorney's office may provide information orally and confirm it in writing.

C. Constitutional Requirements

Compliance with constitutional requirements during criminal investigations:



1. All deputies when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Deputies shall ensure that:
  - a. All statements or confessions during interviews and interrogations are voluntary and non-coercive.
  - b. All persons are advised of their rights in accordance with this general order.
  - c. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
  - d. They observe constitutional guidelines when conducting search and seizures.

## **V. ON DUTY**

The questions of the authority and responsibility of deputy sheriff is one that must be considered in light of the following factors: whether the deputy is on duty or off duty and whether the incident takes place within the jurisdiction of the deputy's agency. The statutory provisions and the recent judicial determination have established an amorphous outline, of which deputies should be aware. In addition, deputies 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 agency.

### **A. On duty authority**

1. While on duty, within the County of Roosevelt, deputies have the full authority granted peace officers by New Mexico Statute. (refer to NMSA 4-41-9)
2. While on duty, outside the County of Roosevelt, a deputy's authority is limited to actions directly related to his official duties as a deputy sheriff with Roosevelt County.

### **B. On duty responsibility**

1. Deputies, while on duty within the County of Roosevelt, 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 County of Roosevelt.
  - c. To adhere to 4-41-9 NMSA 1978.



2. On duty deputies outside the County of Roosevelt should avoid overzealous involvement in law enforcement situations.
  - a. If an incident arises in which the deputy reasonably believes his or another person's safety is jeopardized, he should make every effort practicable to cause appropriate action to be effected by the responsible law enforcement agency.
  - b. 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 County of Roosevelt.

## **VI. OFF DUTY**

### **A. Off duty authority**

1. While off duty, within the County of Roosevelt, deputies have the same authority granted on duty peace officers under New Mexico Statute.
2. Due to recent court rulings, and ambiguity within the New Mexico Statutes, off duty deputies, outside the County of Roosevelt, are advised to consider their authority to make arrests to be that of a citizen.

### **B. Off duty responsibility**

1. While off duty deputies observing a situation indicating a need for law enforcement action, both inside and outside the County of Roosevelt, should give first consideration to causing the appropriate action to be effected.
  - a. By on duty personnel (within the County of Roosevelt).
  - b. By the responsible law enforcement agency (outside the County of Roosevelt).

- C. Law enforcement 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.

## **VII. DISCRETION**

- A. Deputies are expected to use discretion and authority only in compliance with law, in furtherance of agency goals and objectives, and in compliance with the agency Code of Ethics.
- D. When confronted with situations involving traffic and ordinance violations deputies should examine reasonable alternatives to arrest and

confinement. This is not meant to discourage the writing of traffic citations or ordinance citations.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM  




# ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Organizational Structure*

*Policy Number: 1-4*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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## **I. POLICY**

The agency's structure is designed to provide the most effective law enforcement service feasible while ensuring that such service is delivered in the most efficient manner possible, subject to alteration in response to changing community demands

## **II. PURPOSE**

To provide the policies and procedures for establishment of a formal organizational structure through which agency components and functions are arranged, directed, and coordinated.

## **III. PROCEDURE**

### **a. PRINCIPLES OF ORGANIZATION**

1. Each Agency employee shall be accountable to only one (1) supervisor at any given time.
2. Each organizational component is under the direct command of only one (1) supervisor.
3. At the scene of any crime, accident, or other Law Enforcement incident, where procedure is not clearly defined or indicated by Agency Policy or Procedure, the assigned Deputy present shall assume command and direction of agency personnel in a manner to provide for the most orderly and efficient accomplishment of the Law Enforcement task.

### **b. SPAN OF CONTROL**

1. In order to achieve efficient direction, coordination and control, the number of employees under immediate control of a



supervisor shall not exceed ten (10), except during periods of emergency or temporary assignment

2. Other factors, which may determine the proper span of control, include:
  - a. The abilities of the supervisor and the subordinates
  - b. The complexity of the tasks to be performed
  - c. Separation by time and/or location of the supervisor and the immediate subordinates
  - d. The time required by the supervisor's schedule for administrative and management task and duties.

c. **AUTHORITY AND RESPONSIBILITY**

1. Agency personnel shall be given the authority to effectively complete assigned Law Enforcement functions
2. Personnel may not be given responsibility for a function or task without the commensurate authority to carry it to conclusion.
3. All levels of the Agency supervision are required to delegate the necessary authority to subordinates to allow all Agency members to fulfill their responsibilities.
4. All Agency members will be accountable for the use of authority that is delegated to their position.

d. **JOB DESCRIPTION**

1. Each position and job assignment shall have a written job description that details the duties and responsibilities of that position or assignment.
2. Job descriptions, based upon job task analysis, will be annually reviewed, and revised, when necessary.

**IV. AGENCY ORGANIZATION**

a. **CHAIN OF COMMAND WITHIN THE AGENCY**

1. All Deputies/employees will adhere to the proper Chain of Command while performing their official duties. The Chain of

Command represents the level of authority associated with each rank beginning with the Sheriff at the highest level and descending downward to levels of first line supervision.

2. The Chain of Command of the Sheriff's Office in descending order is as follows:

- Sheriff
- Undersheriff /Chief Deputy
- Lieutenant
- Sergeant (Certified Deputy)
- Administrative Secretary / Desk Sergeant  
(Appointed position / Reports directly to the Sheriff)



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Agency Jurisdiction and Mutual Assistance*

*Policy Number: 1-5*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Although situations involving law enforcement action in areas of jurisdictional boundaries are not a common occurrence, it is important to establish guidelines designed to assist patrol personnel before such incidents arise. The following guidelines are intended to assist patrol personnel when confronted with questions regarding jurisdictional boundaries.

### **II. PROCEDURE:**

#### **A. JURISDICTIONAL BOUNDARIES**

##### **1. COUNTY BOUNDARIES**

- a. The common legal jurisdiction of the Roosevelt County Sheriff's Office is within Roosevelt County. Additionally, refer to "Limits of Authority".
- b. Personnel in doubt as to jurisdiction in any incident shall obtain clarification from a supervisor before taking action, except in emergency situations.

#### **B. AUTHORITY**

1. Roosevelt County Sheriff's Deputies are assigned, and normally will conduct law enforcement activities within the County of Roosevelt.

#### **C. RESPONSE TO INCIDENT AT JURISDICTIONAL BOUNDARY AREAS**

1. Personnel are expected to respond to all dispatched calls, even though it may appear that the incident may not fall within the jurisdictional boundaries of the county.



2. Upon arrival at an incident, if it is determined that the incident is not within the jurisdictional boundaries of the county, deputies shall take the following actions.
  - a. Advise the dispatcher of the situation.
  - b. Summon medical assistance for the injured person (if appropriate).
  - c. Request response by law enforcement agency having jurisdiction.
  - d. Unless advised to the contrary by a supervisor, stand by the scene of the incident until relieved by the appropriate law enforcement agency.

### **III. CONCURRENT JURISDICTION:**

#### **A. NEW MEXICO STATE POLICE**

1. New Mexico State Police have jurisdiction anywhere in the State of New Mexico, except federal property.
2. Nothing prohibits the New Mexico State Police from taking action in situation which occur in their presence in Roosevelt County.

#### **B. PORTALES POLICE DEPARTMENT**

1. Roosevelt County Sheriff's Office personnel are authorized to assist and cooperate with law enforcement agencies of the incorporated area of the City of Portales when requested.
2. Roosevelt County Sheriff's Office policy promotes the coordination of investigative and enforcement activities and enforcement activities with Portales Police Department.

#### **C. EASTERN NEW MEXICO UNIVERSITY POLICE DEPARTMENT**

1. Roosevelt County Sheriff's Office personnel are authorized to assist and cooperate with law enforcement agencies of the Eastern New Mexico University when requested.
2. Roosevelt County Sheriff's Office policy promotes the coordination of investigative and enforcement activities with ENMU Police Department.

#### **D. ELIDA POLICE DEPARTMENT**



1. Roosevelt County Sheriff's Office personnel are authorized to assist and cooperate with law enforcement agencies of the incorporated area of the town of Elida when requested.
2. Roosevelt County Sheriff's Office policy promotes the coordination of investigative and enforcement activities and enforcement activities with Elida Police Department.

**E. GENERAL PROCEDURES FOR JURISDICTIONAL DISPUTES**

1. In any situation where a question arises concerning jurisdiction with another agency, the responding Roosevelt County Sheriff's Deputy shall make every attempt to resolve the matter in the most professional manner possible.
2. If the matter cannot be resolved, the Sheriff or his designee shall make the final decision concerning jurisdiction.

**IV. EMERGENCY ASSISTANCE FROM STATE AND FEDERAL AGENCIES**

**A. EMERGENCY ASSISTANCE**

1. The Sheriff will determine if it is necessary to contact state and/or federal authorities for emergency assistance during a disorder or for a specialized emergency.
2. The above procedure for obtaining emergency assistance from state or federal agencies does not preclude or affect routine matters normally coordinated with such agencies by Roosevelt County Sheriff's Office.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Conduct and Abuse of Power*

*Policy Number: 1-6*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. PURPOSE:**

The purpose of this policy is to provide guidelines for deputies confronted with situations that, if not managed properly, would result in abuse of an authoritative position. To the extent that this policy conflicts with the Roosevelt County Ethics Ordinance, the Ethics Ordinance shall control.

### **II. POLICY:**

No deputy shall use his/her official position or relationship with this agency to secure special privileges or exemptions for themselves or for any other person. Other persons include but are not limited to:

- a. Spouse
- b. Child
- c. Parent
- d. Other family member/relative
- e. Friend
- f. Acquaintance
- g. Non-acquaintance

### **III. PROCEDURE:**

#### **1. AUTHORITATIVE POSITION**

All Sheriff's Deputies have a position of authority that is afforded to him/her by society. This authority allows Deputies to perform many functions including making arrests or even to the extent of using deadly force in the performance of their duty. Because of this authority, Deputies are in a position to influence the citizens within a community.

#### **2. CONFLICT OF INTEREST**

An individual involving oneself in a situation for which the individual will have a specific self interest in the outcome.

#### **3. ABUSE OF AUTHORITY**

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



A. No policy could address all situations that might occur which could possibly influence a Deputy's decision to abuse their authority. However, abuse of authority does include, but is not limited to:

1. Becoming involved in situation that is a conflict of interest.
2. Use of authority for the purpose of financial gain.

**IV. CONFLICT OF INTEREST:**

- A. It shall be the responsibility of each individual Deputy to always conduct himself/herself in a professional manner and to use their authority specifically for the benefit of the citizens they are sworn to serve and protect. All Deputies will avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present.
- B. If a Deputy responds to a call for which a conflict of interest presents itself, the Deputy will control the situation, request a supervisor to respond, and cease any further involvement in the situation after being properly relieved.

*EXAMPLE: A Deputy is dispatched and responds to a traffic accident. Upon arrival it is noted that a member of the Deputy's family is involved in the accident. The Deputy will evaluate the scene and take any action necessary such as requesting emergency assistance, assisting injured citizens, facilitating traffic flow, etc. The Deputy, however, will not investigate the accident since it could be considered as a conflict of interest.*

**V. USE OF AUTHORITY FOR THE PURPOSE OF FINANCIAL GAIN:**

- A. Deputies of this agency will not use their position of authority in any manner for the purpose of financial gain.
- B. Deputies, under no circumstances, will accept payment or cash or property for services delivered in their capacity as a Law Enforcement Officer nor will he/she attempt to influence another person/institution, because of his/her position, when negotiating any type of financial transaction.

action.\*\*

**\*\*NOTE:** Any abuse of this authority will be subject to disciplinary

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM





**SECTION 2**  
**PATROL ACTIVITIES**

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Patrol Operations in General*

*Policy Number: 2-1*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. On patrol, deputies engage in a wide variety of activities including enforcement of traffic and criminal laws, answering complaints, conducting investigations, community relations activities, transporting prisoners, and preventing crime. The department expects deputies to conduct patrol vigorously to prevent crime, improve community relations, and detect and apprehend offenders.

### **II. PURPOSE**

To define and outline procedures for handling commonly encountered patrol situations.

### **III. DEFINITIONS**

Patrol can be defined in terms of its component activities:

- A. Crime prevention
- B. Response to requested services
- C. Investigation of crime, offenses, incidents, and conditions, including arresting offenders
- D. Traffic direction and control
- E. Regulation of certain businesses or activities as required by law
- F. Maintenance of public order

G. Provisions of emergency services

H. Development of relationships between citizens and the Agency

I. Reporting of information to appropriate entities

#### IV. PROCEDURES

##### A. Patrol coverage

1. The Roosevelt County Sheriff's Office operates 22 hours a day, seven days a week to provide citizens with law enforcement services. The Agency will provide, generally, the same services at all hours of the day or night in relation to answering calls for service, emergencies, preventive patrol, or traffic enforcement.

##### B. Patrol activities

1. Response to some calls may require several Deputies to deal effectively and safely with the situation. Circumstances requiring the response of at least two Deputies include:
  - a. potential or actual assault on a deputy
  - b. possibility of or actual on-scene arrest for a felony or violent misdemeanor
  - c. potential or actual resistance to arrest
  - d. possibility of or actual use of force
  - e. crime in progress
  - f. fleeing suspect

##### C. Incidents requiring presence of a supervisor

A supervisor shall be notified and shall assist with the following incidents:

1. Serious injury to a deputy.
2. Accident involving an Agency vehicle.
3. Major crimes to include murder, bank robbery, jail escapes, or a heinous crime or assault where death may occur.
4. Barricade/hostage situations.

5. Disasters, catastrophes, or severe weather producing emergency conditions.
6. Serious complaint or incident involving a Deputy.
7. Other incidents where a supervisor is requested or needed.

D. Hazards

A wide variety of hazardous situations such as bad road/weather conditions, unsafe structures, and potentially dangerous calls for service will normally be identified by patrol Deputies or announced by local media. Information about any of these hazardous or potentially hazardous situations shall be reported, shared among Deputies and other agencies that ought to know, and passed on to subsequent shifts.

E. Highway maintenance/public utilities

At any time when one of the below hazards exists, the Deputy shall request the dispatcher to notify the proper agency. Hazards may be grouped into two categories.

1. Hazards requiring immediate notification of the proper agency:
  - a. Essential traffic light in need of repair.
  - b. Large holes in road.
  - c. Electrical power lines down.
  - d. Large debris, etc.
  - e. Breaks in water, gas, or other utility mains.
  - f. Snow/ice on road.
  - g. Fire hazards needing immediate attention.
2. Hazards requiring notification at beginning of next business day:



- a. Non-essential traffic lights in need of repair.
  - b. Street lights in need of repair.
  - c. Telephone/video cables down but not creating hazard.
  - g. Potential fire hazards not requiring immediate attention.
  - h. Excessive growth of weeds, grass, etc.
3. Some hazardous situations may demand immediate notification of local radio stations in order to request public service announcements. The Sheriff or his/her designee shall contact local media for this purpose.
- F. Deputies shall acquaint themselves with traffic hazards, geography of their territory, and particularly the location of highways. Deputies shall also ascertain the names and addresses of habitual criminals and law violators, First Aid stations, hospitals, ambulances, Magistrates and District Court Judges, and any other public or private officials that prove helpful in the administration of their duties.
- G. Deputies shall employ the utmost care to protect themselves when stopping violators for infractions of laws. Consideration must also be given to stopping of vehicles from a safety standpoint, during inclement weather, on hills and curves, in dense traffic, or in any instance where life and property may be endangered.
- H. When a Deputy observes a violation of the law, he or she shall either (1) warn, (2) arrest, or (3) issue a citation to the violator to appear before the court having jurisdiction.
1. Any controversy incident to the warning, arrest, or summons shall be avoided; the Deputy shall merely inform the offender:
- a. Of the nature of the offense
  - b. Why the offense was detrimental to the safety of the public, if this is appropriate

- c. The specific charge if a charge is made
  - d. The procedure the violator must follow in order to bring the matter to a conclusion.
- I. Deputies conducting transports shall notify the dispatcher of the transport. The notification shall include the point of origin, vehicle odometer reading, and the destination when transporting members of the opposite sex. Upon arriving, the deputy shall so notify the dispatcher and give the odometer reading
- J. To the capabilities of their training and qualifications, Deputies shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Deputies shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the Deputy is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, Deputies may transport a motorist to a place of safety.
- K. Hospital response

Deputies may respond to calls for assistance from hospitals, or they may take prisoners to medical facilities for treatment, or they may interview hospitalized subjects. Deputies must understand that they are not required to give up their firearms upon request by hospital personnel.

  - 1. Mental patients:
    - a. In the absence of a court order for mental commission, or criminal charges of any nature, Deputies responding to any medical facility requesting their assistance in detaining a mental patient must not initiate such action. The responsibility for detaining such a patient rests with the hospital staff and security personnel. However, the Deputy responding to



the hospital shall provide assistance should the situation escalate to a confrontation where the safety of the staff or preservation of peace becomes a law enforcement problem.

- b. When a court order for mental commission is present, the Deputies must take whatever action is necessary to enforce the court order.

2. Handcuffed prisoners

Unless necessary to remove handcuffs in order for a prisoner to receive medical treatment, or at the request of the attending physician the handcuffs or restraints shall remain. Deputies should document any requests to remove restraints.

3. Interviews of patients/employees

- a. Deputies entering a hospital for the purpose of interviewing a patient in the emergency room shall notify hospital personnel on duty of their presence and the identity of the party to be interviewed.
- b. Deputies entering a hospital for the purpose of interviewing a patient in the patient's room or ward shall notify hospital personnel on duty at the nurses' station responsible for the care of that patient of their presence and the identity of the party to be interviewed.
- c. Deputies who must interview an employee of a hospital shall make every effort to conduct the interview away from the hospital unless the purpose of the interview is in conjunction with the person's employment.

L. Residential security checks

The Agency shall honor requests from citizens to conduct security checks of their homes when the owners are on vacation.

M. Shoplifting arrests:

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1. NMSA 30-16-29 through 30-16-23 concern detention of shoplifters and arrests without warrants. Deputies shall consult these statutes for guidance.

2. Handling juveniles

The Deputy shall verify the age of the offender. If the offender contends that he or she is a juvenile, and verification cannot be made immediately, he must be treated as such until a determination to the contrary is made. Ascertaining an offender's age and identification shall be through whatever means are available to the deputy at the time, but caution shall be taken to assure that a juvenile is not processed as an adult offender.

- a. Felony: If the offense is a felony

1. Obtain all available information on the offender, and provide that information to the complainant.
    2. Transport the juvenile to the sheriff's office. Contact a parent to pick up the child. Advise the parent that a referral to Juvenile authorities is being sought.

- b. Misdemeanor

1. Every effort shall be made from the store to contact a parent or legal guardian. Request the parent to respond to the store for release of the juvenile.
    2. If a parent responds, or if the Deputy is assured of proper identification, the deputy may release the juvenile at the scene after advising the parent or juvenile that a juvenile referral shall be sought. Factors to be considered in this action are the same as those for the release of an adult on a misdemeanor citation.

3. Evidence: Special Considerations.

*Rules of evidence* allows for the introduction of a photograph of shoplifted property as competent evidence. The decision to use a photograph shall be made only after careful



deliberation, not merely at the request of the merchant. Contact the district attorney for assistance. Deputies shall consider:

- a. Is the item perishable?
- b. Would impounding the item represent an undue hardship to the merchant?
- c. Does the size or nature of the item make impounding impractical?

N. Special populations

1. Mentally ill/abnormal behavior.

*[NOTE: Procedures regarding the handling of persons displaying abnormal behavior should be formulated in cooperation with the local Community Services. Agencies should have specific procedures based on the agreements generated through this body, and refer to them in this policy where appropriate. Agencies should include in their policy references cautioning deputies regarding making hasty determinations of the mental condition of subjects and reminding deputies that several physical conditions (e.g. epilepsy, diabetes, and dementia) may be exhibited by abnormal behavior. NMSA 43-1-1 through 43-1-22]*

2. Public inebriates: general

Deputies coming into contact with persons displaying drug or alcohol intoxication may

- a. take the subject into protective custody NMSA 43-2-8

Public inebriates: procedures

- b. Before placing a person into protective custody for being intoxicated under NMSA 43-2-8 the deputy, in his or her discretion, may inform the offender that he or she may voluntarily choose to be transported to the detoxification center. If the offender refuses, then the deputy may take them into protective custody as provided by the

Detoxification Reform Act NMSA 1978§ 43-2-1 through 23. If the offender has any of the following he or she should be transported to a hospital for medical clearance

1. Is intoxicated as a result of drugs
2. Exhibits violent or suicidal behavior
3. Needs immediate medical attention
4. Appears to suffer from a major disease such as diabetes or pancreatitis
5. Is unconscious or unable to walk
6. Ambulance/EMS personnel may be summoned to the scene to conduct a medical assessment of the person being taken into protective custody prior to transport.

## **V. PRELIMINARY DEATH INVESTIGATIONS**

### **A. Preliminary death investigations**

1. After arriving at the scene and until convinced to the contrary, all deputies shall consider every D.O.A. call as a possible homicide.
2. Deputies shall, as circumstances permit, check the victim's vital signs (breathing, pulse, muscle reflexes). Further, deputies shall ensure the safety of any other persons in the vicinity, as necessary, to prevent injury or death. Whenever feasible, deputies shall summon EMT personnel to establish the fact of death. In the incident report, deputies shall document the name of the EMT, his or her identification number, and arrival time.

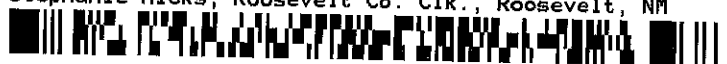
### **B. Procedures**

1. Responsibilities of first deputy on scene. Before moving the corpse:
  - a. Preserve the scene and possible evidence

- b. Notify the Sheriff and immediate supervisor.
  - c. Take photographs of the body and the immediate area. If the body is that of a child, carefully note the child's position and the presence of any toys or objects near the child
  - d. Identify and interview witnesses
  - e. Have dispatch contact the medical examiner, if appropriate
2. If death appears to be the result of natural causes, contact the victim's physician and family (if possible) to determine medical history.
- b. All deaths must be pronounced by a physician or medical examiner which may happen at the scene, at a hospital, or any other place designated by the medical examiner. The deputy shall include in his or her report the time of pronouncement, the name of the physician/medical examiner, and where the body is to be taken.
3. If the circumstances of death fall into any of the following categories or if there is any doubt as to the death's inclusion in one of these classifications, the medical examiner shall be contacted as soon as possible.

#### Classifications

- a. By violence; that is, accident, trauma, fire, injury, poisoning, suicide, or homicide.
- b. Suddenly, when in apparent good health.
- c. When unattended by a physician.
- d. When in jail or in custody.
- e. By unusual, suspicious, or unnatural means.
- f. Sudden death of an infant under eighteen months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome.



5. When the medical examiner is not immediately available
  - a. The assistance of the fire department may be requested in emergency situations requiring the immediate removal of a body.
6. Under no circumstances shall deputies transport dead bodies.

C. Childhood death procedures

1. In the event that the death victim is a child, deputies shall obtain and document the following information in addition to the measures outlined above:
  - a. List the other people who reside at the victim's residence (noting their age, gender, relationship, and state of health)
  - b. Conduct records checks on other family members
  - c. Contact the Department of Social Services and obtain any records on the child or his or her family
  - d. Ascertain what prenatal care the mother received, the name/address of the delivering physician, and the name/address of the current physician
  - e. Ascertain if the child had been taking medication and whether he or she had shown any symptoms before death
  - f. Ascertain whether any other household members were recently ill or injured
  - g. Ascertain the child's diet and what and when the child last ate
  - h. Ascertain who last saw the child well, and whether death was observed
  - i. Any suspicious fumes or odors
  - j. If the child sleeps with another person, obtain as much background information about that person as possible.

## **VI. CLOSE PATROL OF HIGH CRIME AREA**

### **A. General guidelines**

Under some circumstances, the sheriff may deem it necessary to operate a close patrol on high-crime areas.

### **B. Procedures**

1. Deputies will concentrate their efforts to enforce traffic violations on high crime areas and when complaints on a certain area have been made
2. Deputies should make citizen contacts in high crime areas and be visible to deter any further criminal activity
3. When feasible deputies should also use a "dummy unit" to deter traffic and criminal violations.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Arrest Procedure*

*Policy Number: 2-2*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY:**

Short of the application of force, an arrest is the most serious action a deputy 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 a deputy 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. Deputies 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. Deputies shall consider alternatives to arrest consistent with their law enforcement mission.

### **II. 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 deputy'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. A deputy must have probable cause to make an arrest.



2. The aim of probable cause is to make a formal charge. When a deputy 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

### **III. Discretion:**

- A. Deputies, by the nature of their job, are required to exercise discretion in the performance of their duties. The department provides deputies with written policies, rules, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
- B. With the exception of rules and regulations, general orders (SOP) give deputies procedures to follow for common or critical enforcement tasks. By definition, general orders afford deputies a window of discretion within which to act. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, deputies shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual deputy to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.
- C. Deputies shall not make arrests based on or affected by a person's gender, sexual orientation, race, creed, color, general attitude, ethnicity or natural origin.
- D. Deputies have five forms of discretionary authority when making arrests: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, 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. Criminal Citations/Summons may be issued for violations in accordance with NMSA 31-1-6.
- E. The decision to apply one or more enforcement methods must account for the totality of the circumstances and must be consistently applied.

- F. Supervisors shall review each arrest report to ensure that proper action was taken under the circumstances.

#### **IV. ARRESTS WITH A WARRANT:**

- A. Who may issue: An arrest warrant may be issued by any municipal, magistrate, or district judge, Probation Office, or Juvenile Court who has jurisdiction for the case.
- B. 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 to appear at an appointed place and time as with a warrant.
- C. Issuance of summons in place of warrants in misdemeanor cases.
1. Deputies may request that the court issue summonses for Petty Misdemeanor and Misdemeanor offenses committed in their presence.
  2. Any person refusing to give a written promise to appear under the provisions of this section shall be taken without unnecessary delay by the arresting deputy before a magistrate.
- I. Copy of process to be left with accused:
- Criminal procedures require that in most circumstances the deputy shall leave a copy of the criminal process with the person charged.
- II. 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.

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2. NMSA 31-1-5 requires a deputy 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.

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

1. NMSA 29-1-4 allows a deputy, with or without a warrant, to pursue within his jurisdiction an escapee from custody. If the deputy 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 deputy shall deliver him or her to the judicial authority of local jurisdiction.
3. NMSA 31-2-1 authorizes a law enforcement officer from any other state 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 without unnecessary delay 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 Roosevelt County Deputy who leaves his jurisdictional boundary while in fresh pursuit of a misdemeanor whom he would otherwise have authority to arrest shall have the authority to arrest that misdemeanor anywhere within the state and return him to the jurisdiction in which the fresh pursuit began without further judicial process.

IV. Arrest of suspect inside dwelling:

A deputy with an arrest warrant may search for the defendant in his or her own home provided that the warrant was valid; the deputy searches the defendant's home (and not someone else's); and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.

V. Return of warrant:

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

**V. ARREST WITHOUT A WARRANT:**

**A. Authority:**

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, deputies 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 deputy's presence;
2. when the deputy has reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence when exigent circumstances exists;
3. at the scene of any motor vehicle crash when the deputy 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 the scene of a domestic disturbance and has probable cause to believe that a crime was committed (31-1-7 NMSA);
5. at any hospital or medical facility to which any person involved in a motor vehicle crash has been transported, provided the deputy has reasonable grounds to believe, based upon personal investigation, that a crime has been committed by that person;
6. on a highway when charged with a theft of a motor vehicle; (66-8-125 NMSA)
7. when any person is charged with a crime in another jurisdiction and the deputy has received one of the following that has been confirmed through dispatch:
  - a. a photocopy of a warrant;
  - b. a teletype
  - 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.
8. when the deputy 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);
9. when the deputy has probable cause based upon a reasonable complaint of a misdemeanor not committed in the deputy's presence involving shoplifting, or falsely obtaining services or accommodations, (30-16-23, 30-16-16 NMSA).
10. Under NMSA 31-1-7, deputies may 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 deputy's presence, provided the deputy has probable cause.

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

1. Upon arrest based on a photocopy of the warrant, computer or facsimile printout, or teletype message that has been confirmed through dispatch, the arresting deputy shall serve a copy of the document on the accused.
2. 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 fugitive complaint must be made against the accused under oath setting forth the grounds for arrest.

D. Criminal Citations:

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

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

2. If, after issuing a citation the suspect continues the unlawful act, then the deputy shall without unnecessary delay take him or her before the appropriate judge.
3. If the deputy believes that the suspect is likely to disregard a citation, or may cause harm to himself or another person, then the deputy shall without unnecessary delay 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.

## **VI. POST-ARREST PROCEDURES:**

### **A. Constitutional considerations:**

Refer to RCSO Search and Seizure Policy 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, deputies shall observe the following procedures:

1. Transport the suspect to the jail and begin booking process. Complete all booking paperwork required by the detention facility
2. Complete a criminal complaint and probable cause statement for each adult charge. (Multiple charges may be on same form) Magistrate Court requires the original Criminal Complaint and Probable Cause statement and/or the original warrant.
3. The deputy needs to provide defendant with a copy of the criminal complaint or warrant and be advised of his bond.

4. Subject is released to the appropriate Detention Facility.
5. The criminal complaint and probable cause statement must be submitted to the appropriate court during the next court business day to ensure compliance with the 48 hour arraignment rule.
6. If the court or the district attorney's office rejects the criminal complaint and probable cause statement and it is returned to the Sheriff's Office, the criminal complaint and probable cause statement will be returned to the deputy for immediate correction and resubmission, with copies to his/her immediate supervisor who will ensure the criminal complaints are corrected and resubmitted in a timely manner. In the event the deputy is on days off or leave, he/she will be called in to make the corrections and resubmit the amended criminal complaint and probable cause statement. A supervisor shall submit the amended criminal complaint to the court on behalf of the deputy on the same day they are corrected by the deputy.
7. If the charges filled require that the criminal complaint and probable cause statement be submitted to the district Attorney's office for review, the deputy shall submit a copy to the district attorney's office and all original criminal complaints and probable cause statements shall still be submitted to the appropriate court.

C. Injury before or during arrest:

If a person receives an injury before or during an arrest and either requests medical attention or, in the deputy's judgment, medical attention is needed, deputies 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

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Must be completed by the deputy prior to the conclusion of their shift, unless approved by a supervisor.

The report will be reviewed and approved by a supervisor. Supervisors will approve all reports in a timely manner.

## 2. Arrest/booking forms

Must be completed by the deputy when defendant is arrested. Booking forms will be scanned into the RMS and attached under the "files" folder of the appropriate incident number

## 3. Copies of warrant

Once the defendant has been arrested and booked into the detention facility the deputy shall provide the defendant a copy of the warrant.

The deputy shall provide the detention facility a copy of the warrant.

The deputy shall return the signed original warrant to the communications operator who will return it to the appropriate court or sign it into the appropriate Court folder that is located in the Deputies room of the RCSO.

A copy of the warrant will be scanned into the RMS and attached under the "files" folder of the appropriate incident number

When an arrest is made on a warrant that is outside the State of New Mexico the deputy must complete a Fugitive Complaint form. A copy of the Fugitive Complaint along with a copy of the out of state warrant will be left with the detention center. The original Fugitive Complaint will be taken to Magistrate court or signed into the Magistrate court folder that is located in the deputies room of the RCSO. A copy of the Fugitive Complaint and warrant will be scanned into the RMS and attached under the "files" folder of the appropriate incident number.

## E. Further processing

Items seized as evidence shall be logged in as per the RCSO Property and Evidence policy.

## **VII. ALTERNATIVES TO ARREST:**

A. Under certain circumstances, deputies are faced with situations where an arrest and pre-arraignment confinement will not be possible. In such cases, deputies may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply to give a warning. Examples:

1. Mentally or emotionally disturbed persons.
2. Domestic situations where counseling may be appropriate except where probable cause requires an arrest.
3. Juvenile offenders.
4. Transient persons who need shelter and food.
5. Certain misdemeanor cases.

B. Authority to issue summonses in lieu of arrest/confinement:

1. NMSA 31-1-6 authorizes law enforcement officers to issue a citation in lieu of arrest for persons charged with a petty-misdemeanor criminal offense. Additionally, NMSA authorizes the use of citations when enforcing Game and Fish violations found in Chapter 17 NMSA.
2. In determining whether a citation should be used, the deputy shall:
  - a. Decide whether the offense committed is serious.
  - b. Make a judgment as to whether the accused poses a danger to the public or himself.
  - c. Decide, based on circumstances, whether the person may disregard a citation.



C. Informal handling of criminal matters:

Deputies often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the deputy a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the individual to a social services agency.

D. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the deputy shall consider:

1. the seriousness of the offense;
2. the likelihood that the violator will heed the warning;
3. the reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.





## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Use of Force*

*Policy Number: 2-3*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. PURPOSE**

To provide guidelines for Sheriff's Deputies of this agency to follow in the use of force, either deadly or non-deadly, to bring an incident under control.

### **II. POLICY**

The Roosevelt County Sheriff's Office will establish guidelines governing the use of force and its limitations, and to describe prohibitive activities. All Deputies will be trained and issued copies on the Departments Use of Force Policy before being authorized to carry a firearm.

### **III. DEFINITIONS**

#### **A. 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.

#### **B. 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.

#### **C. FIREARMS**

Any weapon from which a projectile is forcibly ejected by gunpowder.

#### **D. REASONABLE BELIEF**



Facts or circumstances known to the Deputy at the time, which would cause another reasonable and prudent Deputy to act or think in a similar way under similar circumstances.

#### E. 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.

#### F. EXCESSIVE FORCE

1. Force is excessive when its application is inappropriate to the circumstances, resulting in injury to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene Deputy reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

- a) the severity of the crime;
- b) the nature and extent of the threat posed by the suspect;
- c) the degree to which the suspect resists arrest or detention; and
- d) any attempts by the suspect to evade arrest by flight.

2. In evaluating the reasonable application of force, a Deputy must consider their own age, size, strength, skill level with department weapons, state of health, and the number of Deputies opposing the number of suspects.

### **IV. RULES AND PROCEDURES**

A. Deputies are often confronted with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the Deputy perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the Deputy reasonably believes that it is necessary;

1. To prevent the escape from custody, make an arrest or an investigative detention of a person the Deputy believes has committed a crime; or

2. To defend himself or herself or another from what the Deputy believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.
- B. Facts or circumstances unknown to the Deputy shall not be considered in later determining whether the force was justified. The Roosevelt County Sheriff's Office expects Deputies to observe the following three guidelines in all applications of force:
1. Employ the minimum force reasonably necessary to accomplish a legal purpose.
  2. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.
  3. When a confrontation escalates suddenly, Deputies may use any means or device at hand for self-defense provided that the use of force is reasonable.
- C. The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive tactics (e.g., baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately.
- D. When applying deadly force, the Deputy's objective shall be to use the amount of force necessary to stop the aggression or threat of aggression. The objective of the use of any force is to overcome the suspect's resistance to a Deputy's lawful purpose. Deputies shall avoid unnecessary or excessive applications of force.
- E. Deputies shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

#### **V. PROCEDURES – NON-DEADLY FORCE:**

The Roosevelt County Sheriff's Office does not enforce the use of force "continuum" (Reactive Control Module) which was previously taught at the NMLEA, but rather uses the REASONABLENESS STANDARD. Most instances



in which force is applied are non-deadly. Deputies shall assess the incident to determine which technique will best bring the situation under control. **Following the application of any method of force, once the situation is contained, Deputies shall provide or arrange to provide medical help as needed.**

#### A. Verbal Control

Verbal control refers to the manner in which the Deputy speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the Deputy's speech may also contribute to control without having to resort to another method of force. The Agency urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior. Where lesser levels of force appear ineffective, Deputies may employ hands, fists, feet, knees, and so on in striking an adversary, according to methods sanctioned through training.

#### B. Compliance Techniques

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, or control holds with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to Deputies, bystanders, or the person being placed in custody.

#### C. Chemical Agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray" issued by the Agency. Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as concussion grenades or tear gas shall be used only by personnel trained in their application, and then only under direct orders of the on-scene supervisor upon consultation with the Sheriff or his designee.

##### 1. Use of chemical spray

- a) Chemical sprays shall not be used to threaten, to elicit information, or persuade people to comply with orders, nor will

they be used on people who are handcuffed, secured, and properly in custody.

- b) Keep the application to the absolute minimum required to effectively control the subject.
- c) Chemical spray is target specific and should result in the Deputy's ability to gain control of the suspect.
- d) The target area will consist of the face.

## 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 Deputy's safety concerns should be taken into consideration.
- c) Medical personnel will be notified to perform a cursory check of the suspect, to remove contact lenses if necessary.
- d) 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.

## **VI. DEFENSIVE TACTICS**

### A. Baton/Asp

The Agency-approved baton is a tool that can provide a means by which a Deputy can defend himself or another from injury and a means of controlling offenders when a Deputy is facing resistance in the form of active aggression or aggravated active aggression. This level of control employs the use of Agency approved tools that provide a method of controlling subjects when deadly force is not justified, but when empty hand control techniques are not sufficient in effecting an arrest. Whenever a Deputy uses an intermediate weapon for control, it should always be with the intent to temporarily disable an offender, and never with the intent of creating permanent injury. When intermediate weapons are used, it is quite likely that some form of skin irritation, bruising, soft or connective tissue damage to bone fractures may occur.

1. No Deputy shall carry a (Baton) in which he/she has not been certified.
2. At no time shall a Deputy unnecessarily brandish or use the impact weapon as an intimidation device unless the Deputy is attempting to prevent the further escalation of force.
3. Any time a Deputy finds it necessary to strike a subject with an impact weapon for purposes of control, the Deputy will immediately contact a supervisor and inform the supervisor of the incident.
4. The Deputy shall have EMS personnel evaluate the subject.

**B. Electronic Control Device**

1. In order to determine which technique or weapon will safely resolve the incident and bring it under control safely, Deputies should assess the situations where force is warranted. The Deputy should only use that force which is objectively reasonable to affect lawful objectives.
2. This policy is intended to provide general guidelines for the Electronic Control Devices (ECD), commonly referred to as a TASER. Hereinafter, ECD's shall be referred to as ECD and TASER shall refer to the ECD, manufactured by TASER international.
3. An Agency use of force review will be held following the deployment of an ECD. Each application of the ECD will be evaluated as an individual and separate use of force incident.
4. The ECD is an additional law enforcement tool and is not intended to replace firearms or replace other equipment, tools or techniques. The ECD should only be used when it is appropriate for the situation. The utilization of the ECD is considered a use of force and as such must comply with the Agency use of force guidelines. Any use of an ECD that is deemed unreasonable shall subject the Deputy to disciplinary action.
5. Deputies will only use the ECD after receiving training and certification in its proper use, and in accordance to Agency and manufacturer training guidelines.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



6. The ECD will be carried fully armed with an air cartridge installed and in the "safe" position in preparation for immediate use when authorized.
7. If practical, a warning should be given to a person prior to deploying the ECD to inform other personnel involved that a less-lethal weapon is being deployed.
8. The use of an ECD is authorized:
  - a) At the discretion of the Deputy where actions of a suspect places the suspect, citizen, and/or Deputies at risk of injury and/or where physical contact with the suspect would increase the likelihood of injury to the suspect, citizen, or Deputies.
    - i. In all instances, the Deputy will only use the reasonable number or cycles/applications of the ECD necessary to affect the arrest of the suspect or to control the situation.
    - ii. When using the ECD, the Deputy should normally use it for one standard cycle and stop to evaluate the situation and behavior of the suspect, unless it is not safe to do so.
  - b) To stop a suspect who is resisting custody by making aggressive movements, and/or escalating resistive force.
  - c) To stop potentially dangerous behavior.
  - d) To protect a person or Deputy from injury or death.
  - e) To protect a suspect from injuring him/herself.
  - f) To maintain order within a facility.
  - g) In situations that require gaining/maintaining control of a subject or situation.
  - h) Civil disturbances such as fights or riots.
  - i) Armed suicidal persons.
  - j) Mentally ill or emotionally disturbed persons.
  - k) Attempting to evade or flight from custody when a Deputy has a reasonable suspicion to believe a subject has committed a felony.

- l) In situations where a supervisor deems the use of the ECD to safely resolve a situation/incident.
- 9. Nothing in this policy should limit the Deputy to use the ECD in place of other force option.
- 10. The use of the ECD is a highly effective option to control a situation. However, no Deputy should place him/herself in unnecessary danger. When practical, the ECD should be used with lethal cover from another Deputy.
- 11. When a suspect is armed with an ECD and attacks or threatens to attack a Deputy, the Deputy may defend him/herself to avoid becoming incapacitated and risking the possibility that the suspect could gain control of the Deputy's firearm. When possible, Deputy's should attempt to place intermediate barriers between themselves and the ECD, and seek cover, as well as request backup Deputies to mitigate the danger.
- 12. Due to elevated risk factors for injury, special consideration should be given to the use of an ECD on:
  - a) Obviously pregnant females.
  - b) Persons with apparent debilitation illnesses or the elderly.
  - c) Children or persons under eighty (80) pounds.
- 13. The use of an ECD is not authorized:
  - a) To be used as a punishment or out of anger.
  - b) To be used on a handcuffed person(s) unless they are actively resisting, exhibiting active aggression, or attempting to harm themselves or others.
  - c) To be used when a suspect is in a location (Such as in a large amount of water or elevated structure) where a fall may cause substantial injury or death, unless deadly force would otherwise be authorized. An example of this would be a suspect on a balcony, riding a motorcycle/bicycle/moving vehicle or operating machinery, or standing in or near a swimming pool.



14. Extreme caution should be used upon deployment of the ECD in areas where there is potential for fire hazard such as flammable vapors, gasses, or electric spark hazard such as those encountered at filling stations and clandestine drug labs. The Deputy will follow the guidelines as established in Agency training.
15. Center mass of the suspect's back should be the primary target where reasonably possible. Below center mass of the suspect's chest or any place on the subjects arms or legs are the secondary targets. The head and face should not be targeted unless the appropriate level of force can be justified.
16. After deployment of the ECD and the suspect is safely in custody and under control, the Deputy should evaluate the situation and assess the suspect prior to TASER probe removal.
  - a) After deployment of the ECD, the probes may be removed by a Deputy in accordance with manufacturer's training. Medical treatment shall be immediately provided to the suspect at the scene. Follow-up medical treatment at an appropriate medical facility will be provided, if needed. When booking a subject that has received a Probe deployment, Deputies will advise Medical Personnel at the detention facility that the inmate has received a Probe Deployment.
  - b) Only Deputies who have completed the ECD TASER Training program will remove the probes unless the probes have penetrated a sensitive area such as throat, face, eye, breast or groin area. In this case, the Deputy will carefully cut the conductive wire leads connected to the probes and the probes will remain intact. The TASER probes will then be removed by medical staff at a hospital.
  - c) Since the probes will most likely have blood on them (biohazard) the Deputy should wear protective gloves when handling. The cartridge, wires and probes shall be placed into evidence.
  - d) The Deputy should inspect the probes after removal to ensure that the entire probe and barb has been removed. In the event that the probe or barb has broken off, the suspect should be provided with appropriate medical attention to facilitate the removal of the object.



17. The ECD may also be used in certain circumstances in a "drive stun" mode. This involves removing the air cartridge and pressing the ECD against an appropriate area of the body as described in training. It is important to note that when the device is used in this manner, it is:

- a) Primarily a pain compliance tool due to the lack of TASER probe spread.
- b) Less effective compared to deployment of an air cartridge and achieving Neuro-muscular Incapacitation. (NMI).
- c) Likely to leave small burn marks on the suspects skin.
- d) Subject to the same deployment guidelines and restrictions as those of the ECD in air cartridge deployments.

18. In all instances where an ECD is used on a suspect, the Deputy will:

- a) Complete a Taser Use of Force report. A copy of this report will be forwarded through the chain of command in accordance with the Use of Force Policy.
- b) Deputies shall specifically articulate the rationale in their incident report for any instances in which:
  - i. An ECD is deployed more than three times.
  - ii. More than one ECD is used against a suspect in any given incident.
  - iii. Ensure that photographs are taken of the probe impact sites and any other related injuries, both before (if practical under the circumstances) and after removal of the probes. If the drive stun technique is used, photograph any applicable marks.

In some instances, photographs may not be taken, such as in cases of juveniles or when the probes impact the genitals, female's breasts, etc. It is important to preserve evidence of ECD use; however, it is also important not to violate any medical, HIPAA, or privacy statutes or other legal restrictions.

- iv. Turn over the ECD to the TASER Instructor for downloading of event data to designated computer as soon



as practicable following the use of the ECD. A replacement cartridge will be issued to the Deputy.

19. Upon completion of training, each Deputy will be issued one (1) ECD, one (1) extended Digital Power Magazine (XDPM), one (1) holster designated for support, and two (2) Agency-issued air cartridges. If any problems occur with any of the issued equipment, notifications should be made to the Deputy's immediate supervisor and/or TASER Instructor.

A weekly "Spark test" will be conducted by the Deputy to ensure the ECD is functioning properly and to ensure the DPM has battery power above twenty percent (20%). The spark test will be performed in a safe manner consistent with training.

20. When the DPM reaches twenty percent (20%) battery life, the Deputy shall notify the TASER instructor so a replacement can be obtained. The DPM will then be recycled or used for training purposes.

- a) The ECD is designated for support side carry. It is the policy of this agency that the ECD be carried on the side of the body opposite the firearm. This is to help prevent the accidental drawing and/or firing of a Deputy's sidearm.
- b) The spare air cartridge will be carried in a manner consistent with training.

21. Misuse of the ECD by a Deputy will be reported to the immediate supervisor of that Deputy for disciplinary action. Misuse consists of, but is not limited to; unjustified deployment, excessive "Spark Tests", and the use of the ECD for activities not associated with the use of force situations and/or law enforcement.

## **VII. DEADLY FORCE**

### **A. Firearms-General**

Firearms may be used:

1. In defense of the Deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or

2. To prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur. No other reasonable means of capture must be available to the Deputy in this case without endangering the Deputy's life or the life of another person.
3. In evaluating a "significant threat," the Deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the Deputy or others if apprehension is delayed.
4. Where feasible, Deputies shall identify themselves and give a verbal warning before shooting.
5. Deputies may utilize deadly force 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. A supervisor's approval should be sought when possible.
6. In routine firearm training or practice at an approved range.

#### B. Limitations On Force

The following acts associated with the use of force are prohibited.

1. Firing into crowds.
2. Firing a warning shot.
3. Firing at or from a moving vehicle, except where the Deputy reasonably believes:
  - a) an occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
  - b) a vehicle is operated in a manner deliberately intended to strike a Deputy or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the Deputy's action.

- c) Deputies shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- 4. Firing into a building or through doors when the person fired at is not clearly visible unless the Deputy is being fired upon from such building or through such door.
- 5. Firing at a suspect when lesser force could be used and the Deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders.
- 6. Application of choke hold or carotid control holds, except when the Deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- 7. Use of flashlights as batons. A Deputy may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious physical injury or death and then only if departmentally sanctioned methods are not available or are impractical.
- 8. The carrying or use of saps, blackjacks, slapjacks.
- 9. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- 10. Any use of force not reasonably necessary in the light of the circumstances confronting the Deputy.

#### C. Reporting Use Of Force

- 1. Deputies shall document any application of force except for those arising in training or agency demonstrations. A Deputy who has taken the life of another person shall:
  - 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 Deputy 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 Deputy shall not leave the scene until replaced by other law enforcement personnel.

e) The Deputies should document the scene as quickly as possible and note any disturbances made by medical personnel.

f) The Deputy shall not investigate the event.

g) The Deputy shall notify the Sheriff as soon as it is safe to do so. In the event that the Sheriff cannot be reached the Deputy shall call the next available Command Staff.

2. If Deputies have employed chemical weapons or any higher degree of force, they shall:

a) Immediately notify their supervisor who will then notify the Sheriff of any use of physical force.

b) Submit an offense/incident report before the end of the shift describing the incident and any medical aid rendered, and shall substantiate the force used. Supervisors will ensure all reports/supplements are completed with a copy forwarded to the Sheriff.

#### D. Agency Response

1. Pending administrative review, any Deputy who has taken the life of another person shall be removed from line-duty assignment for a minimum of three days. This action protects both the Deputy's and the community's interests until the situation is resolved. The Deputy will complete a "Fit for Duty" review before being returned to line duty. The "Fit for Duty" will be performed per the Roosevelt County Personnel Ordinance.

2. The Sheriff shall review all reported uses of force to determine whether:

a) Agency policy were violated;

b) Relevant Agency policy was clearly understandable and effective to cover the situation; and

c) Agency training was adequate.

3. The Sheriff may direct an internal investigation to examine an incident in which force was applied. The internal investigation may also examine training and policy needs.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Prisoner/Patient Transport and Restraints*

*Policy Number: 2-4*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Persons in custody are usually transported initially to a detention facility and afterward are often transported to other locations as the need for transport arises. It shall be the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and promote the safety of the deputies, transport officer, the public, and the person in custody

### **II. PURPOSE**

To provide guidelines for all deputies and transport officers to follow when a person in custody is transported by this agency.

### **III. PROCEDURE**

#### **I. Handcuffing**

1. Use of restraints to secure prisoners is limited to the following agency approved restraining devices
  - a. Double locking handcuffs
  - b. Belly chain
  - c. Leg restraints
  - d. Double locking leg shackles
  - e. Plastic/nylon handcuffs (shall be used only with proper removal tool)
2. Deputies shall handcuff (double locked) all prisoners with their hands behind their backs and palms facing outward.
3. The deputy may handcuff the prisoner with his/her hands in front, or utilize other appropriate restraining devices where the prisoner:





- a. Is in an obvious state of pregnancy
  - b. Has a physical handicap
  - c. Has injuries that could be aggravated by standard handcuffing procedures
  - d. The transport will be lengthy.
4. Prisoners shall not be handcuffed to any part of the vehicle during transport.
5. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he poses a threat to himself, the transporting deputy/officer(s), or the public, or for administrative prisoner transport.
6. Restraining a prisoner through a procedure commonly known as 'hog-tying' shall not be utilized. Hog-tying is defined as any position that results in the arms and legs being bound, both tied behind the person and then connecting the hands and feet.

## **II. TRANSPORT**

1. Prior to transport, all prisoners shall be thoroughly searched for any weapons or tools of escape.
  - a. If practical, the protective search should be conducted by a deputy of the same sex of the prisoner.
  - b. If no person of the same sex is available for searches, every effort will be made to have a second person witness the search.
  - c. The transporting deputy/officer should search the prisoner.
2. All vehicles used in the transport of prisoners will be searched prior to use. The search will include an inspection of the prisoner area. The search shall be completed before and after transporting prisoners.
3. When transporting prisoners (immediately after arrest), the deputy shall provide the dispatcher with the following information when possible:
  - a. Identity of the prisoner, (this information, along with a DOB, should be given so a warrants check can be completed);

- b. Arrest locations and destination of transport; and
  - c. Time and mileage reading (if prisoner is of the opposite sex or juvenile) before and after transport.
- 4. The transporting deputy/officer should use care when assisting a prisoner into the vehicle for transport.
- 5. Prisoners shall be transported in the following manner:
  - a. Where the vehicle has a security screen, but only one transporting deputy/officer, the prisoner will be placed in the back rear on the right hand side of the vehicle. When the vehicle is not equipped with a security screen and has only one transporting deputy, the prisoner shall be placed in the right front seat.
  - b. When a prisoner is being transported in a two-deputy vehicle without a security screen, the prisoner shall be placed in the right rear seat. The second deputy shall sit in the left rear seat behind the driver. A deputy occupying the rear seat shall take extra precautions in securing a duty weapon.
  - c. Leg restraints shall be used when a prisoner is exhibiting violent behavior or a deputy believes the prisoner has a potential for violent behavior. Leg restraints should also be used for transports including but not limited to: court transports, medical evaluations, prison transports, mental health evaluations, etc...
  - d. One transporting deputy shall not transport more than one prisoner in a vehicle without a security screen.
  - e. All prisoners shall be secured in the vehicle by proper use of a seat belt except in situations where circumstances exist, such as violent behavior or unconscious/intoxicated persons that would otherwise present more danger to the transporting deputy/officer or person being transported.
  - f. Adults and juveniles shall not be transported together in the same vehicle.
  - g. Due to safety concerns and the ability to monitor prisoners, transporting deputies/officers shall take only one prisoner



at a time to the local courts unless other arraignments have been made with the court.

6. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with you, but not in the possession of the prisoner.
7. Transport of prisoners, for any reason after incarceration, will be accomplished by a sworn deputy or transport officer designated by the Sheriff.
8. Prisoners shall not be left unattended during transport.
9. Prisoners will not be permitted to influence, determine or know the travel itinerary.
10. Prisoners will not be allowed to speak to anyone except agency personnel, correctional officers, or other prisoners while in transit.

### **III. SICK/INJURED PRISONERS AND MEDICAL FACILITIES**

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the transporting deputy/officer shall seek medical attention immediately. When practical EMS should be dispatched. If a prisoner needs to be transported to a medical facility for an emergency complaint or is not mobile, the prisoner shall be transported by ambulance with appropriate law enforcement presence. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting deputy/officer shall use discretion in using restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless the attending physician asks to have them removed and it is safe to do so.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign an Against Medical Advice form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, two hospital staff must witness the refusal. The form must be given to the jail during booking.
4. If the prisoner needs to be admitted to the medical facility, the transporting deputy/officer will immediately contact a supervisor to

4. A thorough search of the facilities will be conducted prior to the prisoner being allowed to use them.
5. Restraining devices will not be removed.
6. Each time a prisoner is placed in or removed from a vehicle, a check of the restraints will be done.
7. Rest areas on interstates should be avoided and facilities should always be selected at random after leaving the interstate highway.
8. Prisoners being transported from the local detention center to a local court will not be allowed to use the restroom at the court unless a documented medical condition exists. The transporting deputy/officer shall allow the prisoner to use the restroom at the detention facility prior to transporting them to court.

## **VI. DOCUMENTATION**

1. 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
2. If the prisoner is being transported to another facility a certified transport order must accompany the transporting deputy/officer to the receiving facility.

## **VII. PRISONER SEARCHES**

1. The in-custody search is employed at the time of arrest, when assuming custody from another deputy/transport officer, or upon acceptance of a prisoner from a jail or prior to the removal from a cell block or a detention facility.
2. Agency personnel are required to personally search each prisoner upon each occasion of assuming custody of the person. Searches of prisoners and their property are for the purpose of identifying and removing any contraband. This includes illegal or controlled substances and weapons or other items which may cause or result in bodily injury to the transporting deputy/officer, the prisoner, or other prisoners. Articles which may be hazardous or may aid in the escape or attempted escape of a prisoner will also



make arrangements either for a release, or additional security measures.

#### **IV. ESCAPE OF PRISONER IN TRANSPORT**

1. Should a prisoner escape during transport, the transporting deputy/officer shall:
  - a. Immediately notify dispatch of the escape and request assistance in the search and apprehension of the escapee.
  - b. Notify the appropriate law enforcement agencies for assistance if the escape takes place outside Roosevelt County, the transporting deputy/officer shall cooperate with local authorities in completing any necessary reports.
  - c. Notify an immediate supervisor as soon as practical.
2. The transporting deputy/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.
3. 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.
4. If the prisoner is not recaptured, a deputy shall prepare the necessary paperwork to obtain a warrant.

#### **V. SPECIAL CONDITIONS ON TRANSPORTED PRISONERS**

1. Should it become necessary for the prisoner to use restroom facilities, Personnel shall park as close to the restrooms as possible.
2. Police facilities should be used when possible.
3. Prisoners will be removed from the vehicle one at a time.



be confiscated.

3. Prisoner searches require a professional, systematic and consistent approach. The transporting deputy/officer should have a professional attitude toward the search and the prisoner. This should be exhibited by a polite but firm demeanor. Prisoners should not be physically forced as long as they comply with the deputies'/officer's commands. The search should be systematic and methodical. Transporting deputies/officers also need to strive for consistency in searches as experienced prisoners may distract the transporting deputy's/officer's efforts and the repetitive nature of the work may dull the transporting deputy's/officer's search methods.
4. In-custody searches of female prisoners should be made by female personnel and of male prisoners by male personnel. Only in circumstances where a same sex deputy/officer is not available will an in-custody search by sworn personnel of the opposite sex be allowed and then the search will be done with the utmost discretion. Transporting deputies/officers must be mindful of the potential consequences such action could bring upon the agency.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Motor Vehicle Pursuits*

*Policy Number: 2-5*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Deputies engaged in emergency vehicle operations shall utilize both audible (siren) and visual (emergency lights) emergency warning equipment when engaged in a pursuit. All personnel operating Agency 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 Agency of such importance that they justify the reckless disregard of the safety of innocent persons. Agency personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

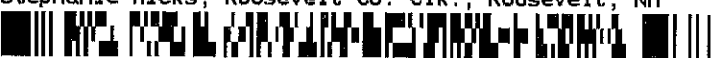
### **II. DEFINITIONS**

#### **A. Pursuits**

An active attempt by one or more Deputies to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed, but willfully failing to yield to the Deputies signal to stop.

#### **B. Violent Felony**

A felony that involves an actual or threatened attack which the Deputy has reasonable cause to believe could or has resulted in death or serious bodily injury, limited to murder; armed robbery; kidnapping; aggravated battery, involving serious bodily injury; shooting at an occupied dwelling, or at or from a motor vehicle, resulting in serious bodily injury; or criminal sexual penetration, as provided in Subsection C or Paragraph (5) or (6) of Subsection D of Section 30-9-11 NMSA 1978. Other types of violent felonies may be considered to fall within this definition, but only upon



approval of a supervisor, or in the absence of a supervisor, careful consideration by the Primary Pursuing Unit.

#### C. ROADBLOCK

1. Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

#### D. PRIMARY PURSUING UNIT

1. The Sheriff's Office unit that initiates a pursuit or any unit that assumes control of the pursuit.

### III. JUSTIFICATION FOR PURSUIT

#### A. A pursuit is justified only when:

1. The Deputy knows, or has reasonable grounds to believe, the suspect presents a clear and immediate threat to the safety of other motorists; or
2. Has committed or is attempting to commit a violent felony; or
3. When the necessity of immediate apprehension outweighs the level of danger created by the pursuit, as in the case of a DWI, where observed driving behavior presents a clear and immediate threat to the lives or safety of others.

### IV. INITIATING / PRIMARY UNIT RESPONSIBILITIES

#### A. The responsibility for the decision to initiate a pursuit rests with the individual Deputy. The Deputy initiating a pursuit shall, in all cases, notify dispatch as soon as reasonably possible that a pursuit is underway and provide the following information:

1. Unit identification
2. Location, speed, and direction of travel;
3. Vehicle description and license number;
4. The specific reason for the pursuit, including known laws violated;
5. Number of occupants;



6. Traffic and weather conditions.
- B. Failure to provide the above information may be cause for a supervisor to order termination of the pursuit.
  - C. The initiating or primary unit shall be in field command and bears operational responsibilities of 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 a 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 logical course of action. Deputies must continually question whether the seriousness of the crime justifies continuing the pursuit. **DEPUTIES ARE NOT OBLIGATED TO CONTINUE ANY PURSUIT.** A pursuit shall be terminated under any of the following circumstances:
    - 1. If, in the opinion of the pursuing Deputy or a supervisor there is a clear and unreasonable danger to the Deputy and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
    - 2. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
    - 3. The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
    - 4. There is a change in weather or traffic conditions that increases the likelihood of danger as a result of the pursuit.
    - 5. It becomes evident that the suspect cannot be apprehended when:
      - a. The distance between the pursuit vehicle and the fleeing vehicle increases to the point that the pursuing

Deputy reasonably believes that he cannot safely catch up.

- b. The pursuit vehicle loses visual contact with the fleeing vehicle to the extent that identification of the fleeing vehicle becomes uncertain.

## **V. ASSISTING UNIT RESPONSIBILITIES**

- A. Assistance will be coordinated by dispatch under the direction of on-duty supervisor, or in the absence of a supervisor, the primary Deputy. The 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. The backup unit
- C. If more assistance is specifically requested, the amount will be determined by:
  1. Nature of the offense;
  2. Number of suspects;
  3. Whether the participating units have more than one Deputy;
  4. Other clear and articulated facts that would warrant the increased hazard.
- D. Only a supervisor, or in the absence of a supervisor, the primary Deputy may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not respond or parallel the pursuit on adjacent streets, unless specifically authorized to do so.
- E. The assisting unit, upon joining the pursuit, shall immediately notify dispatch of his/her identity. The assisting unit may assume radio communications responsibilities, allowing the primary unit to devote full attention to driving.
- F. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.

- G. Assisting units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
- H. If the primary unit becomes disabled, the assisting unit will become the primary unit.

**VI. SUPERVISORS RESPONSIBILITIES (IF PRESENT)**

- A. Upon being notified of the pursuit, the supervisor shall verify the following:
  - 1. No more than the required or necessary units are involved in the pursuit;
  - 2. Proper radio frequency is being utilized;
  - 3. Affected allied agencies are being notified.
- B. The supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the supervisor may order termination of the pursuit.
- C. The supervisor shall pay particular continuing attention to their subordinates driving habits to ensure that they drive safely and reasonably and follow the regulations contained in this order. They shall implement continuing measures to ensure that improper driving behavior is recognized and corrected through counseling and training, or if necessary, disciplinary measures.
- D. As with any tactical field problem, it is not necessary that the field supervisor be physically present in order to begin coordination and assert control of the pursuit.
- E. The field supervisor will respond immediately to the point of termination of the pursuit (if on duty, otherwise, the Sheriff will be notified).

**VII. EMERGENCY VEHICLE OPERATION AND TACTICS**

- A. Offensive Tactics
  - 1. In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or

driving alongside the pursued vehicle while it is in motion should be avoided, unless such actions are specifically authorized by a supervisor. In the absence of a supervisor such actions may be initiated only when the use of deadly force would be authorized; or, the suspect is driving in such a way that using extreme measures to stop his/her vehicle is vital and necessary to prevent injury or death. The test of necessity is met when the Deputy can see at least one person who is in imminent danger of being struck by the pursued vehicle.

2. Pursuing Deputies should not discharge their firearms from moving vehicles, and should not discharge their firearms at the fleeing vehicle's tires in attempt to deflate them, unless deadly force is justified and it can be done in an area or location where there is no risk to others.
3. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.

B. Caravanning

1. There shall be no caravanning by field units not directly involved in the immediate pursuit.

C. Passing

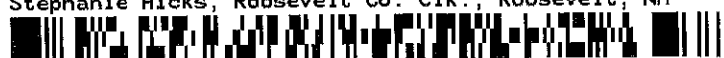
1. There should be no attempt by Deputies to pass other field units involved in the pursuit unless the passing Deputy received specific permission from a supervisor or it is determined to be tactically necessary and can be accomplished with relative safety.

D. Spacing

1. All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another Sheriff's unit, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

E. Number of Units

1. No more than two Sheriff's Office Units will become actively involved in a pursuit, unless specifically directed otherwise by a supervisor, or in the absence of a supervisor, the



primary Deputy. Other Deputies should be alert to the pursuit progress and location.

F. Unmarked Units

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

G. Controlled Access Roadways

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

H. Roadblocks

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

7. The roadway shall not be completely blocked unless the use of deadly force would be justified.

- I. Traffic Control Devices

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

## **VIII. INTERJURISDICTIONAL PURSUITS**

- A. All misdemeanor and non-violent felony pursuits will be abandoned upon entering the incorporated city limits of any city, unless, the Deputy knows, or has reasonable grounds to believe, the suspect presents a clear and immediate threat to the safety of others.
- B. Dispatch, with the approval of an Agency representative, will notify outside agencies if this Agency is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification, with no participation desired.
- C. Deputies shall not become involved in another agency's pursuit unless specifically authorized by a 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 Agency pursuit policies are in effect.

## **VIII. OVERTAKING / PURSUIT OF VIOLATORS**

- A. The responsibility for the decision to overtake rests with the individual Deputy. In arriving at his 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, Deputies intending to stop a vehicle, should, when practical, be within close proximity to the vehicle prior to activating the emergency lights and siren.
- B. 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.

## **IX. ACCIDENTS DURING PURSUITS**

- A. Generally, if a Deputy is involved in a traffic accident during the course of a pursuit, the Deputy will terminate his/her part in the pursuit.
- B. An on-duty supervisor will make the determination, as to whether the pursuit be terminated or continued with the backup Deputy moving up to the primary unit. If no supervisor is present, the pursuit may be continued only if it is determined that the Deputy involved in the accident has adequate assistance at the scene of the accident.
- C. A supervisor will insure that the accident involving the unit is investigated.

## **X. PURSUITS ACROSS STATE LINE**

- A. Under no circumstance will a Roosevelt County Sheriff's Office Deputy continue a misdemeanor pursuit across the Texas state line unless the fleeing vehicle presents an immediate and direct threat to human life.
- B. If a Deputy of this Agency is in a felony pursuit and the pursuit crosses the Texas State Line, the Deputy will have Dispatch notify the Texas authorities. Once the Texas authorities join the pursuit, the pursuit will be handled by them. Deputies will only assist if needed, abiding by our guidelines.
- C. The Texas authorities may arrest the felon, based on probable cause supplied by the Deputy. The Deputy shall petition the courts for an arrest warrant. Once the warrant has been issued, formal extradition proceedings can begin.
- D. Under no circumstances will a Roosevelt County Sheriff's Office Deputy transport any person apprehended in Texas back across the state line without proper extradition proceedings being completed.

## **XI. REPORTING REQUIREMENTS**

- A. The primary Deputy initiating the pursuit or a Deputy assuming the pursuit shall submit a report detailing the pursuit, prior to the end of shift. Supplemental reports shall be submitted by any assisting or backup Deputies detailing their involvement in the pursuit.



- B. If, during the course of the pursuit, a collision involving injury or death, or the use of deadly force is initiated, all involved Deputies will submit a memorandum directed to the Sheriff and a Use of Force Report through the chain of command.
- C. Within twenty-four (24) hours of a pursuit, a supervisor shall conduct an inquiry about the pursuit. The Deputies involved in the pursuit will write a complete report about all aspects of the pursuit and will have this to their supervisor prior to the end of the twenty-four (24) hour period. The investigating supervisor will prepare a report of his findings and submit the report to the Sheriff.
- D. A review of any pursuit will be conducted by the Sheriff 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.





## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Search and Seizure*

*Policy Number: 2-6*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### I. **PURPOSE**

The 4th Amendment of the United States Constitution affords that no person shall be subjected to unreasonable search and seizure. Unlawful searches and seizures are one of the most scrutinized aspects of police behavior.

### II. **POLICY**

It is the policy of the Roosevelt County Sheriff's Office to ensure compliance with 4th Amendment requirements of Search and Seizure.

### III. **PROCEDURES**

#### A. Searches:

There are three types of authorized searches that may be conducted.

1. A search authorized by a valid search warrant.
2. Consent to search.
3. Warrantless search.

Whenever a deputy conducts a search other than an authorized warrantless, or consent search, he will obtain a warrant for the search of the person or premises prior to commencing the search.

Police action is termed a search where (1) there is a "prying into hidden places by the peace officer" and (2) the person whose premises or person is being searched has a reasonable expectation of privacy.

#### B. Probable cause

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



Probable cause is deemed as facts and circumstances that are enough to satisfy a person of ordinary caution that a crime has been committed, or is being committed, that the particular thing to be seized in a search is reasonably connected to a crime, and that it can be found at a particular place.

1. Probable cause is more than bare suspicion.
2. Only a probability of criminal conduct need be shown.
3. According to the Supreme Court, "Probable cause exists where the facts and circumstances within the deputy's knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

#### **IV. SEARCH WITH A WARRANT**

- A. Approval of warrant - After the affiant has completed the affidavit, the following steps have to be followed to have the warrant approved:
  1. Take the affidavit to the district attorney's office for review.
  2. Take the affidavit to a magistrate or district court judge for review and authorization. District court approval should be used primarily for cases that have a high likelihood for federal prosecution. Searches that are out of local jurisdiction will be approved by a district court judge.
- B. At least one uniformed deputy with a marked unit should be present at the time the warrant is executed. Supervisors may authorize searches without a uniformed deputy or marked unit in a case by case basis.
  1. Any search warrant being conducted outside of the County of Roosevelt, the local jurisdiction must be notified prior to the search being executed.
- C. Documentation
  1. Photographs of the property searched will be made prior to the search.
  2. A complete inventory of all items being seized will be made.
  3. Provide a copy of the search warrant affidavit, warrant, and inventory of seized items to the defendant or his representative if present, or leave a copy within the premises along with a copy of the inventory of all items that were seized.



4. The return of the warrant, affidavit, and inventory of seized items will be filed with appropriate Court clerk in which the warrant was obtained within three (3) working days of the execution of the warrant.
- D. When executing a search warrant on residential or commercial property at least one Deputy in the execution of the warrant will utilize a recorder (audio or video) while securing the property.

## **V. CONSENT SEARCH**

- A. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. The sole justification for a consent search is the existence of voluntary consent.
1. Consent searches must observe the following rules:
    - a) Generally, the person granting consent must use, have access, or control of the property. A person having exclusive possession of some part of jointly-owned property can only give consent for a search of that part.
    - b) If two people have joint ownership of property, either may only give consent for search of common areas and their personal property.
    - c) A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
    - d) A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.
  2. Consent must be given knowingly, initially and voluntarily. If a Deputy requests consent from an individual under circumstances which a reasonable person would consider coercive, then Deputies must seek a warrant. The Deputy may have the burden of demonstrating voluntary consent.
  3. Deputies must ensure the person giving consent is in a physical position to withdraw consent from the searching Deputy, should they decide to withdraw consent at any time during the search.
  4. Deputies should obtain written consent.

## **VI. WARRANTLESS SEARCH**

- A. As a general rule, a search must be supported by a valid warrant or consent to search authorization. In some cases there are special exceptions to the rule. Deputies having questions on whether a warrantless search would be legal, should contact their supervisor, or



consult with the on-call Assistant District Attorney for advice. The following are the exceptions authorized by this agency:

1. Search incident to an arrest - Incidental to a valid arrest, a warrantless search of the arrested person at the time and place of his arrest will be made. The area into which the arrestee might reach for a weapon or to destroy evidence will also be searched.
2. Plain view - Deputies may, without a warrant, seize items unexpectedly found in plain view at the time of an arrest, and/or if the items are evidence of a crime and it is impractical to first obtain a warrant.
3. Fresh pursuit - If a Deputy is pursuing a person and the Deputy has probable cause to believe the person is armed, and has just committed a felony crime, the deputy may for the purpose of his/her safety, the safety of the public, and the prevention of escape, search the building into which the person has been pursued.
4. Open fields - Under the "open field" doctrine, a Deputy may enter and search any unoccupied or undeveloped area that lies outside the "curtilage of a dwelling".
5. Public places - There is no requirement that a Deputy obtain a warrant before seizing things brought into public places, open to public view.
6. Emergency searches "exigent circumstances" - Deputies may make a warrantless entry of anything, whether personal belongings, a vehicle, or building, anytime that the Deputies have good reason to believe it is necessary to save a life or prevent injury (i.e., cries for help from the inside of a building, assisting the fire department on a fire, to check on the welfare of the suspected abused child). However, once the emergency has passed, Deputies may not continue to search without first obtaining a warrant.
7. Abandoned property - Deputies may, without warrant, seize and search property that has been abandoned. To be considered abandoned property it must be voluntarily abandon and it was discarded outside and area in which someone has a reasonable expectation of privacy.
8. Inventories of vehicles - Deputies are required to inventory any lawfully impounded vehicle or a vehicle removed from the streets and placed into department custody. The purpose of an inventory is to ensure safekeeping of private property and to protect the agency from liability.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Body Armor Availability and Use*

*Policy Number: 2-7*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

It is the policy of the Roosevelt County Sheriff's Office that all sworn uniformed deputies of the agency wear a ballistic vest while on duty. It shall also be expressly understood that while body armor provides a significant level of protection, it is not a substitute for the observance of Office safety procedures.

### **II. PURPOSE**

The Law enforcement profession alone carries inherent risks. The purpose of this policy is to maximize the protection and safety of the deputies of the Roosevelt County Sheriff's Office. This policy is also intended to provide deputies with guidelines for the proper care and use of body armor.

### **III. DEFINITIONS**

- A. Ballistic Vest: Shall be Synonymous with body armor and is a specific piece of uniform equipment designed to offer a degree of protection to a deputy's torso from the terminal ballistics of firearms.
- B. Field Activities: Duty assignments and / or tasks that place or could reasonably be expected to place deputies in situations where they would be required to act in enforcement rather than administrative or support capacities.

### **IV. PROCEDURES**

#### **A. Issuance of Body Armor**

1. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.



2. Body armor that is excessively worn, damaged, or expired shall be replaced by the agency.
3. Body armor that must be replaced due to misuse or abuse by the deputy shall be paid for by the deputy.

#### B. Use of Body Armor

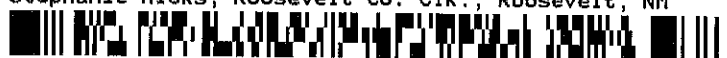
1. Deputies shall wear only agency-approved body armor.
2. Deputy's that are assigned to a uniformed function and non-uniformed function are required to wear body armor while engaged in field activities on duty unless exempt as follows:
  - a. When an agency-approved physician determines that a deputy has a medical condition that would preclude wearing body armor;
  - b. When the deputy is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor;
  - c. When the Sheriff determines that circumstances make it inappropriate to mandate wearing body armor.

#### C. Inspections of Body Armor

1. Immediate supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation,

#### D. Care, Maintenance and Replacement of Body Armor

1. Deputies shall routinely inspect personal body armor for signs of damage and cleanliness.
2. As dirt and perspiration may erode ballistic panels, each deputy shall be responsible for cleaning body armor in accordance with the manufacturer's instructions.
3. Deputies are responsible for the proper storage, maintenance and care of body armor in accordance with the manufacturer's instructions.
4. Deputies are responsible for reporting damage or excessive wear to their body armor, ballistic panels, or carrier to their supervisor.
5. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Body Worn Cameras*

*Policy Number: 2-8*

*Effective Date: 10/09/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. Purpose**

The purpose of this policy is to provide instructions on when and how to use body worn cameras (BWCs) so personnel required to wear BWCs may reliably record their contacts with the public in accordance with New Mexico law. All recordings captured by issued BWCs are the exclusive property of the County.

### **II. Policy**

It is the policy of the Sheriff's Office that BWCs be activated when responding to a call for service or at the initiation of any other law enforcement or investigative encounter. This policy does not govern the use of surreptitious recording devices used in undercover operations. This policy does not apply to personnel actively working in undercover operations.

### **III. References**

§ 29-1-18 NMSA (body-worn camera)

§ 30-12-1 NMSA 1978 (single party consent/ interference with communications)

### **IV. Definitions**

"Body-worn camera" means an electronic device worn on a person's body that records both audio and video data. "Body-worn camera" does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.



"Law enforcement or investigative encounter" means:

- (a) an enforcement stop;
- (b) a dispatched call;
- (c) a field interrogation or interview;
- (d) use of force;
- (e) execution of a warrant;
- (f) a traffic stop, including:
  - (i) a traffic violation;
  - (ii) stranded motorist assistance; and
  - (iii) any crime interdiction stop; or
- g) any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

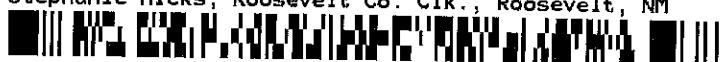
## **V. Procedures**

### **A. WEARING OF BWC**

1. All sworn personnel or employees authorized to carry a firearm in the course and scope of their duties and who routinely interact with the public will wear a Sheriff's Office issued BWC while on duty or performing law enforcement functions and will comply with this policy.
2. Only the BWC provided by this Office will be worn while on duty.
3. BWCs shall be positioned forward facing, in a position and manner consistent with the manufacturer's recommendations (e.g. chest, lapel, etc.) and shall be clearly visible to the person being recorded.

### **B. USE OF BODY CAMERA**

1. BWCs shall be activated prior to any law enforcement or investigative encounter.
2. BWCs will only be activated in conjunction with official law enforcement and court security duties.
3. If the immediate activation of the BWC is not feasible due to immediate risk to the safety of a deputy or others, the deputy will activate the BWC at the first available opportunity when the immediate threat has dissipated and it is safe to do so. In such situations, the Deputy will document in detail the immediate risk that





prevented activation.

4. In accordance with 30-12-1 NMSA, personnel are not required to inform every individual being contacted that the recording device is enabled; however, it is generally recommended they do so as part of their initial contact with members of the public and their arrestees.
5. Every contact required by this policy to be recorded will be recorded regardless of the objections made by the subject(s).
6. The BWC shall remain activated until the conclusion of the law enforcement or investigative encounter in order to ensure the integrity of the recording. Conclusion will depend on the type of incident and individual circumstances. Typically, the incident has concluded when contact with the individual terminates or the scene has been cleared.
7. Civilians shall not be allowed to view recordings at the scene unless doing so is necessary to further an investigation.

#### **VI. Restrictions**

Recording devices shall not be used to record:

1. Encounters with undercover personnel or confidential informants.
2. Personal activities or private conversations of Sheriff's Office personnel that do not involve a law enforcement or investigative encounter.
3. Conversations between Sheriff's Office personnel without all parties being aware of the fact that it is being recorded, unless authorized by the Sheriff as part of an internal affairs investigation.
4. Daily briefings or conversations between Sheriff's Office personnel that involve case strategy or tactics.

#### **VII. Training**

1. All personnel who are required to use BWCs must complete mandatory training to familiarize themselves with the devices and Sheriff's Office procedures prior to their use.
2. Recordings may be used for training purposes. If the involved personnel object to the showing of a recording, the objection(s) will be submitted to the Sheriff to determine whether the training value



outweighs the objection(s).

**VIII. Viewing and accessing recordings**

1. Personnel will be assigned access to the digital storage application appropriate to their rank and/or duties.
2. Personnel may review their own BWC recordings to use them for quality and accuracy in their reports and investigatory interviews.
3. Personnel may view and share BWC recordings only for legitimate law enforcement purposes and for authorized administrative review purposes with approval of the Sheriff. Recordings needed for discovery in a criminal case may be submitted to the District attorney's office without prior approval.
4. Accessing, copying, or releasing of BWC recordings for non-law enforcement purposes is strictly prohibited, unless authorized by law and approved by the Sheriff and County Attorney's Office.

**IX. Management of recordings**

All recordings must be properly identified by date, time, BWC identifier, assigned personnel and Report number if applicable.

**X. Duties of personnel**

Personnel shall:

1. Ensure, that BWCs assigned to them are functioning properly at the beginning and end of each shift according to the instructions of the system's manufacturer and shall report immediately any malfunctioning equipment to a supervisor. Personnel shall not be responsible for verified equipment failure during an incident if the BWC had no signs of malfunction prior to the incident.
2. In the event the BWC malfunctions or otherwise becomes inoperable, dispatch will be notified immediately and a supervisor will be notified as soon as possible.
3. Articulate on a BWC recording and in writing their reasoning for failing to activate their BWC, failing to record the entire contact, or interrupting required recordings.

4. Supervisors - In addition to the above responsibilities, shall:
  - a. Review at least two recordings per month from each assigned individual for policy compliance and incorporate any knowledge gained from this review into ongoing evaluation and supervision. Supervisors shall note if positive feedback and/or training opportunities rise during the reviews.
  - b. Review recordings of assigned personnel listed in any misconduct complaints made directly to the supervisor.
  - c. Review recordings of assigned personnel involving injuries, uses of force, shows of force, or foot pursuits.
  - d. Report equipment problems and seek to have equipment immediately repaired or replaced as needed. Supervisors shall be issued additional equipment in order to temporarily replace defective BWCs.
  - e. Supervisors shall refer assigned personnel, for investigation, who intentionally or repeatedly fail to activate their BWC for contacts required under this policy to be recorded. Intentional or otherwise unjustified failure to activate a BWC, when required by this policy, shall result in discipline.

**XI. Redaction, retention and release**

1. The Sheriff's Office will comply with all existing laws and regulations governing retention and disclosure of public information.
2. Recordings will be stored on a dedicated media storage system for a period of no less than 120 days. Recordings capturing a use of force, an incident that is the subject of a tort claim or public complaint or lawsuit, shall be stored for a minimum of three and a half years from the date of the recording and will not be destroyed without the approval of the Sheriff and County Attorney.
3. A recording may be redacted pursuant to applicable laws. Redaction should be narrowly tailored to the appropriate legal exemption from disclosure. Only the redacted recording shall be produced to the requesting party. There may be instances where the un-redacted recording shall be provided in criminal or civil proceedings. Personnel assigned to handle IPRA requests will consult with the custodian of public records and the County Attorney's Office prior to redacting or exempting recordings from public inspection.



## **XII. Intentional manipulation**

Personnel will not tamper, alter, or manipulate any BWC recordings. This includes intentionally positioning or obscuring the BWC so that the law enforcement or investigative encounter is not captured by the camera. Such intentional acts will result in disciplinary action to include termination.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Use of Emergency Vehicles*

*Policy Number: 2-9*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY:**

All personnel of this agency who operate sheriff's office vehicles will comply with safe driving procedures outlines herein with particular attention paid to procedures for responding to calls for law enforcement service. Emergency warning devices shall be used to a minimum, but consistent with both legal requirements and the safe performance of the law enforcement function and the safety of the public and law enforcement personnel.

### **II. DEFINITIONS:**

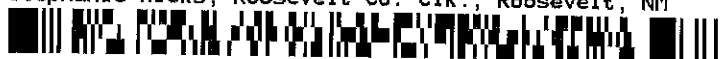
#### **A. RESPONSE CODES**

1. Code 1: Response in accordance with all traffic regulations without use of emergency equipment.
2. Code 2: Response using only emergency lights.
3. Code 3: Response with full emergency equipment in operation.

Note: Regardless of response code, a deputy is not relieved of responsibility for the safety to persons and the protection of property.

#### **B. AUTHORIZED EMERGENCY EQUIPMENT**

1. That equipment on authorized emergency vehicles, including, but not limited to: siren, flashing/rotating red, blue, white or amber lights.



### III. PROCEDURES:

#### A. AUTHORITY FOR CODE RESPONSE

1. When responding to an emergency call, or when in pursuit of an actual or suspected law violator, deputies are authorized to exercise the special privilege of right-of-way, as provided for by law, in NMSA 1978 [66-7-6] when:
2. The deputy is driving an authorized emergency vehicle and properly using authorized emergency equipment, as appropriate.
3. This section does not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

#### B. CODE RESPONSE RESPONSIBILITY

1. Regardless of the code response used, deputies are not relieved of responsibility for the safety of persons and the protection of property.

#### C. CODE 3 RESPONSE

1. 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 motorist.
2. When driving under emergency conditions, deputies of this Agency will conform to the rules of safe driving and maintain control of the emergency vehicle at all times.
3. In emergency conditions, when the posted speed limit must be exceeded, deputies will utilize emergency lights and siren, Code 3 operation, The posted speed limit may be exceeded with reason, keeping in mind the inherent dangers.
4. Deputies shall obey traffic control devices; such as: stop signs, traffic control signals, and railroad grade crossing signals. Deputies may proceed through such traffic control devices only after slowing to a safe speed and assuring themselves that they can safely proceed.
5. Deputies may operate their vehicle Code 3:
  - a. Upon a call for 'deputy needs assistance'; or



- b. When human life is known to be in danger such as an accident with injuries and they are the first unit dispatched, or the closest to the scene.

6. A deputy may be the subject of disciplinary action if it is determined that he/she failed to use reasonableness and disregarded established traffic laws.

**D. CODE 2 RESPONSE**

1. A Code 2 response will only be used to arrive at a scene where detection of the deputies presence would jeopardize officer safety, and only within a reasonable distance from the scene; or,
2. In other circumstances in which the deputy reasonably believes that a Code 2 response is justified and prior approval is obtained from a supervisor.

**E. CODE 2 OPERATION**

1. Certain conditions may exist where deputies need to only utilize emergency lights, Code 2 operation.
2. Deputies may operate their vehicle Code 2:
  - a. While conducting funeral escorts; or
  - b. While conducting a traffic stop; or
  - c. While stopped in the street for some reason, such as investigating an accident, assisting a stalled vehicle, or conducting traffic control.

**I. CODE 1 RESPONSE**

1. Code 1 response will be used for non-emergency calls for service.

**II. SUPERVISOR AUTHORITY**

1. A supervisor may direct response by a code other than as provided for, if the circumstances dictate.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Traffic Enforcement*

*Policy Number: 2-10*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

It is the policy of the Roosevelt County Sheriff's Office 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 about to commit, an infraction of the law.

### **II. PURPOSE**

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 deputies are expected to have a working knowledge of traffic laws and their proper application. All deputies share the responsibility of traffic law enforcement.

It is the intended purpose of this agency to insure compliance with regulations set forth by the New Mexico traffic code. This policy is intended to assist deputies 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 Law Enforcement.

### **III. PROCEDURE**

#### **A. TRAFFIC ENFORCEMENT**

1. Local government employees, including Roosevelt County Sheriff Office employees, are not exempt from traffic laws even when the employee is operating a county vehicle.
2. When an deputy observes a traffic violation, the deputy has the discretion to take one of these actions:





- a. Issue a verbal or written warning.
- b. Issue a traffic citation.
- c. Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.

3. A uniform traffic enforcement policy does not preclude the exercise of the deputy's discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.
4. Optional levels of enforcement may be utilized in incidents of:
  - a. Hazardous violations other than speed
  - b. Public carrier/commercial vehicle violations
  - c. Multiple violations
  - d. Newly enacted laws and regulations
  - e. Pedestrian and bicycle violations
  - f. Violations in Traffic Crashes
  - g. Equipment Violations
  - h. Operating a vehicle with suspended or revoked Driving privileges

## B. TRAFFIC STOPS

1. Motorists and pedestrians shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Upon observation of a violation, deputies will stop the vehicle in a manner and location that minimizes danger to the violator, the deputy and the public.
  - a. When checking out with a vehicle the deputy should relay the following information to dispatch:
    - 1) license plate number of vehicle
    - 2) description of vehicle
    - 3) location of traffic stop



- b. The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the deputy from traffic approaching from the rear.
- c. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the deputy a better view of what is happening inside the violator's vehicle.
- d. The agency recognizes that with experience, deputies may develop individualized approaches that they find work best for them.
- e. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The traffic citation form must be filled out by the deputy, fully and completely. If this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
- f. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person's voluntary consent.
- g. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- h. Deputies should maintain a professional image, in a pleasant, firm and businesslike manner.
- i. Driver's license and insurance cards shall not be accepted until they are removed from a wallet, billfold or purse, which will be returned to the driver upon completion.
- j. The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications on the driver.
- k. Upon completion of the traffic stop, deputies should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Deputies should allow the violator vehicle to leave first to afford protection from oncoming traffic.

## C. SPECIAL CIRCUMSTANCES IN TRAFFIC ENFORCEMENT

### 1. Non-Resident Violators

Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the deputy should be used in issuing verbal warnings as opposed to written citations, just as with any violator.

### 2. Legislators

Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and while going to and returning from the legislative house."

### 3. Military Personnel

Military Personnel will be treated in the same manner as other violators. The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:

- a. They hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service.
- b. They are stationed outside the geographical limits of this state.
- c. They are on leave from military service.
- d. Only while operating a motor vehicle in this state.

## D. CITATIONS

1. Deputies may give the violator the option to appear in court or sign the penalty assessment (The deputy must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)



- a. If the violator chooses to mail in the penalty assessment he/she should be advised that it must be mailed within 30 days. Deputies will ensure the violator has the correct address to use for mailing in the fine. If the violation is referred to Magistrate Court, the violator must be cited into court. Penalty assessments are applicable only for traffic citations.
  - b. If the violator is cited into Magistrate Court, he/she will be given a court appearance date and time.
2. The deputy will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, the violator shall be given a second opportunity to sign the citation, being advised that the failure to do so will result in a custodial arrest. If the violator still refuses to sign the citation, an arrest will be made. The citation will reflect in the signature area REFUSED.
3. If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section.

#### E. SPEED VIOLATIONS

1. In order to ensure that traffic safety goals and objectives are met, the Department uses speed measuring devices in traffic law enforcement.
2. Equipment used as speed measuring devices includes:
  - a. Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
  - b. Laser Radar (lidar) speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
3. At the beginning and end of each shift, radar/lidar tests shall be conducted on radar/lidar units to determine accuracy and proper functioning.
4. If a radar/lidar unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.



5. The radar/lidar unit will be turned in to the shift supervisor to ensure that the radar/lidar unit is repaired.

#### F. RESPONDING TO CRASHES

1. As a general rule, the first responding deputy should take charge of the scene until relieved of such duties.
2. Deputies responding to the scene of a reported crash have the following responsibilities:
  - a. Determine the need, if any, for EMS response;
  - b. Identify potential or actual fire hazards or dangerous conditions so that appropriate action can be taken;
  - c. Determine the need for additional assistance;
  - d. Protect the scene;
  - e. Establish safe movement of traffic around the crash scene;
  - f. Collect the necessary information to complete a thorough investigation and file a report.
3. It is the intent of this agency to expedite the removal of debris and vehicles from the roadway. A tow sheet will be completed and the vehicle removed as soon as practical. While, under normal circumstances, a diagram of the crash scene is standard procedure and the preferred response, exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report. Exigent circumstances may include, but not be limited to:
  - a. Severe weather
  - b. When public safety outweighs the need for a diagram
  - c. If the crash does not involve injury
4. If fire and/or hazardous materials are discovered to play an important role which could hamper the investigation, the crash investigation will become a secondary issue.

#### IV. CRASH REPORT

- A. The agency utilizes two traffic crash reports to investigate all motor vehicle crashes which occur within Roosevelt County.
  1. State Uniform Crash Report;



## 2. Private Property.

- B. Deputies are required to locate witnesses and record their statements on all crash reports. Deputies are also encouraged to obtain driver statements and record their statements on all crash reports.
- C. Items such as purses, wallets, jewelry, firearms, prescription drugs, and large sums of cash, shall be documented on a tow sheet during the inventory. The tow sheet shall be signed by the deputy and the tow truck operator. If large sums of money are located in the vehicle the two person rule will be in effect while documenting the money. All items that do not have any evidentiary value will be left inside of the vehicle.
- D. Vehicles which are disabled due to the traffic crash will be towed as authorized by the deputy, the driver or registered owner. If authorized by the deputy a completed tow sheet will be attached to the crash report and a copy will be given to the towing service.

## **V. CRASHES INVOLVING DAMAGE OVER \$500 OR INJURY**

- A. Upon arriving at the scene of a crash if the investigating deputy determines that the damage to the vehicles is over \$500.00 or an injury is reported, a State Crash Report will be completed.
- B. A diagram will be completed for all injury crashes if both vehicles are still in their final resting positions upon the deputy's arrival.

## **VI. 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 deputy will take the license plate from the uninsured motor vehicle and issue a "New Mexico Temporary Operation Permit for Uninsured Vehicle." The stub will be filled out and placed on the back of the license plate and delivered to a local M.V.D. Field Office
- 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.

## **VII. PRIVATE PROPERTY CRASHES**

- A. An investigation and report will be made on crashes occurring on private property in the following cases only; otherwise a Private Property Report will be utilized.
1. If there is injury as a result of the crash
  2. When enforcement action is taken due to the fact a person was driving under the influence of intoxicants or reckless driving.
  3. Hit and run crashes.
- B. If both parties are present at the crash scene, the Private Property report form will be completed. Each party involved is given a copy of the report. The parties involved will be advised that the Sheriff's Office does not investigate crashes that occur on private property.
- C. Nothing in this section applies to the investigation of motor vehicle crashes which originate on public roadways and come to final position within the bounds of private property. Crashes of this nature will be handled as any on the road type crash.

#### **VIII. FATAL CRASH INVESTIGATIONS**

- A. Once a deputy arrives at the scene and it is determined that the crash is a fatal, the on duty supervisor will be notified along with the Sheriff. The responding deputy will contact the New Mexico State Police and turn the investigation over to them. In the event the New Mexico State Police is not available, the on duty supervisor will supervise all activities at the scene of a fatal crash. The on duty supervisor will assign deputies to perform tasks relating to the crash, and make notifications to the District Attorney's Office if needed and OMI.
1. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating deputy.
  2. If the witness has been allowed to leave, the deputy receiving the information and statement from the witness will complete a supplement with the witness' statement.
  3. 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 deputy.
  4. The on duty supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.

5. The investigating deputy's supervisor will be responsible for ensuring that the proper paper work has been completed
- B. The on duty supervisor has the authority to call out additional units on any crash (with or without injury) if they feel additional units are needed
  1. The on duty supervisor will ensure the New Mexico State Police is notified if any Highway needs to be closed.

**IX. CRASHES INVOLVING COMMERCIAL TRUCKS OR BUSES**

- A. If a commercial truck or bus is involved in a crash, the deputy shall request the New Mexico State police for an inspection if available.

**X. DRIVING WHILE UNDER THE INFLUENCE**

- A. The Roosevelt County Sheriff's Office encourages deputies to enforce Driving While Under the Influence of Intoxicating Liquor or Drug statutes in order to remove persons suspected of driving under the influence of alcohol, or other substances, from public places. The procedures are intended to serve as guidelines in D.W.I. Enforcement.
- B. Deputies suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:
  1. Routine Traffic
    - a. Observe the suspect's driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle.
    - b. Stop the vehicle at a safe location for the protection of the suspect, deputy, and any vehicular traffic.
    - c. 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.
    - d. When it is determined that the person may be intoxicated, the suspect should be placed under arrest.





- e. The suspect's vehicle shall be towed, following the agency policy. The vehicle may be released to a responsible person at the deputy's discretion.
- f. Transport the suspect to the Roosevelt County Detention Center for processing and a breath test. If the person has indicated that he will submit to a breath test and the arresting deputy is not certified to perform the breath test, a certified operator will be requested to perform the test or the suspect will be taken for a legal blood draw
- g. 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.
- h. If a blood test is requested, the person will be transported to the Roosevelt General Hospital. The deputy will ensure the process of withdrawing blood will be conducted in accordance with New Mexico statutes. A blood kit approved by the New Mexico Department of Health shall be used.

#### C. SOBRIETY TEST

- 1. Standard Field Sobriety Tests (SFSTs) shall be administered unless medical/age impairment exists. Alternative sobriety tests will be administered if SFST's are not appropriate

#### D. DWI REQUIRED PAPERWORK

- 1. 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.
- 2. DWI Citation: A DWI citation and deputy's statement, on a form approved by the State, will be completed on each DWI arrest.
- 3. Criminal Complaint: A Criminal Complaint will be completed on each DWI arrest. If this is a second or subsequent arrest,

it must be annotated on the Criminal Complaint. The original complaint will be forwarded to the Court

4. Statement of Probable Cause: Unless the statement is contained within the Criminal Complaint a separate Statement of Probable Cause will be completed. The original will be forwarded to the Court
5. Intoxilyzer Report: A copy is attached to the MVD paperwork and forwarded to Records. A copy will be scanned in along with the report to the RMS. A copy will be forwarded to the DA's office for discovery. A copy will be forwarded to the Court.
6. 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.
7. 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.

#### E. BREATH TESTING INSTRUMENT OPERATION

1. Only deputies that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
2. 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.
3. After the deprivation period time has expired, the subject will be requested to provide a sample of his breath, blood, or both. If the subject refuses, he will be advised of the consequences for refusing to submit to chemical testing of his breath, blood or both.
4. 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.

5. After testing is completed, the subject will be provided with a copy of his results as soon as they are available to the deputy.
6. Deputy will ensure that the required information is recorded in the Intoxilyzer Log Book.

#### F. BLOOD TESTING

1. If a subjects B.A.C. is low, and in the deputy's opinion is not consistent with his/her apparent level of intoxication, the deputy may choose to complete a blood test also to test for drugs.
2. If the subject sustained injuries as a result of the crash and in all likelihood will not be able to perform a breath test, a blood test will be requested.
3. If a blood test is requested, the person will be transported to the Roosevelt General 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.
4. 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.
5. 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 deputy will give the subject a reasonable opportunity to arrange for a physician, a licensed nurse, or laboratory technician or technologist who is employed by a hospital or physician of their own choice to perform an additional chemical test. The additional chemical test will be paid for by the Roosevelt County Sheriff's Office.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Vehicle Tows*

*Policy Number: 2-11*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. PURPOSE:**

The purpose of this policy is to provide guidance to deputies concerning the towing and inventory of vehicles whenever the tow is the result of this agency having taken custody or control of the property.

### **II. POLICY:**

Whenever any vehicle is taken into custody or control by a deputy of this agency it shall be the policy of this agency that said deputy shall inventory the vehicle. The inventory must be conducted to protect the owner's property while it remains in the custody of the law enforcement agency, to protect the agency against claims or disputes over vehicle damage, lost or stolen property, and to protect law enforcement personnel and the public from dangerous items which could pose a threat to the community.

### **III. PROCEDURE:**

#### **A. DEFINITIONS**

1. **ABANDONED VEHICLE:** For the purposes of this policy a vehicle is considered abandoned at any time it is left unattended on public property without the consent of an authority in charge of such property. A vehicle is also considered as abandoned if it is left unattended on or near a public way for a period of (72) seventy-two hours or more, or left unattended in a traffic lane blocking traffic.
2. **PUBLIC WAY:** Any road, highway, or street over which the public may travel which includes the traveled surface and the shoulder.



- B. An inventory of a vehicle will be conducted by any Deputy of this agency who takes control of a vehicle under the following circumstances and requests a wrecker for towing purposes:
  - 1. Whenever the owner/operator of a vehicle is arrested.
  - 2. Vehicles that have been abandoned.
  - 3. Vehicles that are illegally parked and are creating a traffic hazard.
- C. In accordance with New Mexico Motor Vehicle Code the following procedures will apply concerning abandoned vehicles:
  - 1. Any Deputy of this agency observing a vehicle on or near a public way which appears to be unattended or abandoned shall:
    - a. Immediately remove the said vehicle if it is located within three (3) feet of the traveled surface of a public way, or which vehicle appears to create a hazard to the public.
    - b. Affix a parking ticket to any abandoned or inoperative vehicle that is not a traffic hazard and is located within three feet of the public way. The parking ticket will be affixed to the vehicle in a location where it can be observed.
- D. Anytime this agency takes control of a vehicle and as a result a wrecker is summoned for towing purposes, a tow sheet will be completed by the Deputy requesting the tow. The tow sheet will be completed fully and will also include the following information:
  - 1. Any damage to the vehicle, regardless of how minor, either interior or exterior.
  - 2. Condition of the vehicle (good, bad). If the condition is bad, explain further in the report narrative.
- E. The inventory shall include all spaces within the vehicle and the trunk or bed of the vehicle and shall include an inventory of all containers therein, including those that are closed or locked.
- F. On occasion items located will include property that will need to be seized and properly labeled as evidence. In this situation the proper procedures will be followed concerning seizure/storage of evidence and details will be documented on the tow sheet.
- G. The Deputy will make every attempt to locate the owner of the vehicle, prior to being towed. This information will be documented in the incident report.



- H. If any abandoned vehicle is towed, an incident report will be made giving facts relating to the reason for towing.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Emergency Call-Out Procedures and Contact Information*

*Policy Number: 2-12*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. PURPOSE**

In the Event of a major emergency it will become necessary to notify off duty personnel who will be required to report for duty at that time. For the purpose of emergency notification all Agency employees shall, upon employment, submit their residence address and telephone numbers to the administrative secretary.

### **II. POLICY**

The highest ranking Supervisor or Senior Deputy on duty when a homicide or major incident occurs will determine who should be notified for response purposes.

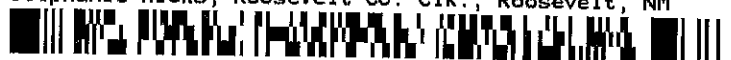
### **III. PROCEDURE**

A. Employee contact information shall include the following :

1. Cell phone number
2. Emergency contact phone number
3. Any change in residence location or telephone numbers will be submitted to the administrative Secretary within 24 hours.

B. The Sheriff will be notified concerning any major incident. A major incident includes, but is not limited to, the following.

1. A Law Enforcement involved shooting.
2. Any serious physical injury to any Deputy or public employee.
3. Any homicide within the Agency's jurisdiction.
4. Any serious crime against a federal, state, county or local



government employee.

5. Any crime involving an employee as a suspect.
6. Any incident or disturbance requiring a call-out of Agency Deputies. Incidents include, but are not limited to the following:
  - a. Civil unrest
  - b. Natural disaster
  - c. Major industrial accident
  - d. Major Crash involving injuries
7. Any crime so unusual that it would shock the conscience of the public.
8. Any time that the supervisor/senior Deputy on duty determines that it is necessary to have the Sheriff or other supervisors notified.

**B. PATROL PERSONNEL**

1. It may become necessary, on occasion, to call extra patrol personnel in to work. Call outs will become necessary in situations including, but not limited to, the following:
  - a. Civil unrest
  - b. Natural disaster
  - c. Major Crash
  - d. Search for incompetent persons (children, elderly, mentally incompetent) who are lost/missing.
  - e. Major crime
  - f. Major fire
  - g. Hazardous materials incident

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Domestic Violence*

*Policy Number: 2-13*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

This policy establishes procedures and guidelines to be used in investigating reports of family violence. Family Violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse as is permitted by law without regard to the relationship between the alleged offender and victim. The primary objectives in responding to a domestic abuse call are to de-escalate violent situations, to render assistance to the victim, to enforce the law against violators, determine the primary aggressor and to facilitate prosecution, where applicable.

### **II. PURPOSE**

It is the policy of the Roosevelt County Sheriff's Office to reduce the incidence and severity of domestic abuse; protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services; and to promote officer safety by ensuring deputies are fully prepared to respond to and effectively deal with domestic abuse calls for service.

### **III. DEFINITION**

#### **A. Domestic Abuse**

"Domestic Abuse" is Behavior used to control another person through fear and intimidation, often including the use of violence.

This can include physical violence against the intended victim (assault, battery, aggravated burglary); physical violence against others to control intended victim (child abuse, animal abuse, assault, battery); psychological violence (stalking, harassment, criminal trespass, breaking and entering); violence



against property to control intended victim (CDP, criminal trespass, breaking and entering, deprivation of property against HHM); and sexual violence (CSC, CSP).

#### B. Arresting

NMSA § 31-1-7 applies to household members defined as: a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the victim has had a continuing personal relationship.

Although you may ARREST under that definition, you do not CHARGE with that definition for NMSA §§ 30-3-11 through 30-3-18.

#### C. Household Member

The definition of "household member" is a spouse, former spouse, parent, present or former step-parent, present or former parent in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. A continuing personal relationship is defined as "a dating or intimate relationship."

This means that siblings, cousins, and other extended family do not qualify for this statute. They are charged with simple assault, simple battery, etc. So you can still arrest these family members under NMSA § 31-1-7, but you cannot charge them under NMSA §§ 30-3-11 through 18.

#### D. Order of Protection

"Order of Protection" means an order issued by a N.M. State District Court Judge pursuant to the Family Violence Protection Act granted for the protection of victims of domestic abuse with a specific expiration date. Violation of an Order of Protection is a criminal offense.

If the victim wishes to seek a protective order under the Family Violence Protection Act, NMSA § 40-13-2, the new definition of "household member" is: spouse, former spouse, parent, present or former step-parent, present or former parent in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child or a person with whom a person has had a continuing personal relationship. A continuing personal relationship is defined as "a dating or intimate relationship."



**PLEASE NOTE THAT IN THE CRIMES AGAINST HOUSEHOLD MEMBERS ACT, A *CHILD* IS NOT INCLUDED AS A HOUSEHOLD MEMBER.**

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?

**E. Co-Parent**

"Co-Parent" means persons who have a child in common, regardless of whether they have been married or have lived together at any time.

**IV. PROCEDURES**

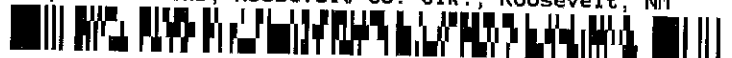
**A. Duties of Deputies**

1. A Sheriff's Deputy responding to the request for assistance shall be required to identify the predominant aggressor by evaluating offensive and defensive wounds, past contacts and known information by the deputies and take whatever steps are reasonably necessary to protect the victim from further domestic abuse.
2. Upon request of the victim of domestic abuse, arrange for transportation by private means or ambulance to a medical facility. If there is any evidence of strangulation, call EMS. Even if the victim refuses, the risk of death from tissue damage showing up hours later in the form of irreversible airways obstruction is too high to not call EMS.
3. Upon request of the victim of domestic abuse, accompanying the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children in the care of the victim.
4. Advising the victim of the remedies available under the Family Violence Act/Order of Protection, filing of appropriate crime



reports, procedure for obtaining a warrant and the availability of domestic violence shelters, medical care and counseling. A victim of domestic violence will be given contact information to the victims advocate and the deputy will call them out if needed.

5. Deputies may arrest a person without a warrant when the deputy is at the scene of a domestic abuse call and has probable cause to believe that the person has committed an assault or a battery upon a household member as defined above. When an arrest is made, deputies shall charge the offender under the appropriate statute for battery and/or assault as authorized by 31-1-7, NMSA 1978. These laws can be used even when no Order of Protection exists.
6. Advise the victim, when appropriate, of the procedure for initiating proceedings under the Family Violence Protections Act or under criminal statutes if applicable, and of the importance of preserving evidence.
7. All responding deputies will complete an initial Incident Report on incidents of domestic disturbance when there is evidence of physical abuse or when physical abuse is reported, regardless of whether or not enforcement action was taken.
8. Agency personnel will provide victims of domestic violence with information necessary to obtain a Family Protection Order.
9. Deputies will assist victim(s) in obtaining an emergency order of protection under the guidelines of 40-13-3.2 NMSA 1978.
10. Deputies will enforce the provisions of valid Orders of Protection from any state.
11. Upon request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises pursuant to a valid court order or otherwise assist in execution or service of the order of protection.
12. Deputies shall enforce the provisions of custody as set forth in a valid court order, which may include removing children from the non-custodial parent or guardian.
13. Deputies will attempt to ascertain that the order shown to them is the most current order in place. This can be accomplished by communicating with both parties that are involved or by contacting the District Court.



## B. DEPUTIES AS ALLEGED VICTIM OR OFFENDER

The following procedures have been developed to ensure that agency policy is applied fairly and impartially to all members of the community.

1. When a Deputy Sheriff responds to a call of domestic abuse and finds that the offender or victim is a member of the Roosevelt County Sheriff's Office or another law enforcement agency, the responding deputy will call the Shift Supervisor, who will in turn contact the Sheriff through the Chain of Command.
2. If the investigation involves a member of the Roosevelt County Sheriff's Office, the supervisor will consult with the Lieutenant. The decision will be made for the Sergeant to handle the investigation or for an outside agency to handle the investigation.
3. Depending on the nature of the alleged offense and the totality of the circumstances, the deputy from the Sheriff's Office may be placed on paid or unpaid administrative leave at the discretion of the Sheriff or his designee.
4. In the event that the deputy from the Roosevelt County Sheriff's Office has an order of protection placed against him / her, the deputy may be placed on administrative leave due to federal law prohibiting a person to be in possession of a firearm while having a protection order in place against them.
5. At the discretion of the Sheriff, any Agency employee involved in a domestic situation may be subject to an internal affairs investigation.

## C. ORDER OF PROTECTION

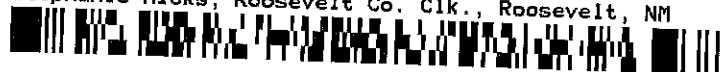
A victim of domestic abuse will be instructed to petition the District Court under the Family Violence Protection Act for an Order of Protection. Deputies shall familiarize themselves with these forms and their implication in order to instruct victims of domestic abuse seeking such relief from Domestic Violence. If actual assistance is needed in filing out the forms, the victims advocate can be called to assist.

**NO SHERIFF'S OFFICE EMPLOYEE WILL ASSIST THE PUBLIC  
IN FILLING OUT THESE FORMS**



1. Court orders may include, but are not limited to the following:
  - a. Awarding temporary custody of the children and allowing for visitation rights and support;
  - b. Ordering that respondent not initiate contact with petitioner;
  - c. Restraining parties from disposing of personal property other than in the course of business, as directed by the Court Order;
  - d. Enforcing other injunctive relief as the Court deems necessary, including orders to law enforcement agencies;
  - e. Granting sole possession of the household to petitioner during the period the Order is effective or ordering the respondent to provide temporary suitable alternative housing for petitioner and any children to whom the respondent owes a legal obligation of support.
2. A Deputy Sheriff shall arrest without a warrant and take into custody a person whom the deputy has probable cause to believe has violated any clauses as set forth in a valid Order of Protection. Prior to any arrests for violation of the Order of Protection, the deputy will verify whether or not the respondent has been served with a copy of the Order. The Verification can be done by contacting the Roosevelt County District Court and/or the Portales Communications.
3. Any abusing party arrested for violation of the Order of Protection will be charged under 40-13-6, NMSA 1978, "Violation of Order of Protection" in Magistrate Court. A criminal complaint will be completed detailing the violations. A copy of the Order of Protection should accompany the paperwork to Magistrate Court. In addition, any additional criminal charges will be filed.
4. If the alleged abusing party is not arrested, a report shall be filed detailing the allegations. A copy of the valid Order of Protection will be attached to the report.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Death or Serious Injury Notification*

*Policy Number: 2-14*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY:**

It is the policy of this Agency that all Deputies become familiar with procedures to be used to provide next of kin and other family members with adequate information and support when notifying them of the death or serious injury of a family member. Death or serious injury notification will be accomplished in a manner consistent with professionally accepted crisis intervention techniques.

### **II. PROCEDURE:**

#### **A. Gathering of information and preparing for notification assignment**

1. All death and serious injury notifications made by this agency will be made in person, with the exception of a serious injury notification where the delay in notification might prevent the family from arriving at the hospital before the injured person's death.
2. Deputies should be prepared to spend as much time as necessary with survivors to provide assistance.
3. Prior to contacting next of kin, notifying Deputies shall gather and become familiar with essential details concerning the deceased or seriously injured person, to include full name, age, race, and home address. The notifying Deputies should be well informed as to the details of the death or serious injury, location of the body/personal effects, and any other pertinent information.
4. Notifying Deputies shall establish the identity of the next of kin of the deceased or seriously injured person for purposes of notification. The order of priority for notification will be the spouse,



followed by parents, brothers and/or sisters, then any children. Where time permits, parents should be notified after notification of spouse.

5. When another agency must be contacted to notify the next of kin Deputies should:
  - a. Request that the notification be made in person, and
  - b. Request immediate verification when notification has been accomplished.
6. Notifying Deputies should gather available information concerning the survivors that may aid in notification. This information would include whether survivors are elderly, disabled, visually or hearing impaired, have medical problems, or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor, and clergyman.
7. Deputies will not use the name of the deceased or seriously injured person over the radio and will not release the name to news media.
8. When possible, two Deputies should be assigned to a death or serious injury notification.
9. Notification Deputies should request the assistance of a local minister, preferably the survivor's minister, where feasible.
10. Personal effects of the deceased will not be delivered to survivors at the time of death notification.

## **II. MAKING NOTIFICATION**

- A. Upon arrival at the residence or place of business, the Notifying Deputies will:
  1. Check the accuracy of the location
  2. Request to speak to the next of kin
  3. Identify themselves by name and agency
  4. Verify the relationship of the next of kin to the deceased or seriously injured person and
  5. Ask permission to enter the residence or (in the case



of a business or other location) move to a place of privacy.

- B. Every reasonable effort shall be made to make the death or serious injury notification in the privacy of the next of kin's home or in another location away from public scrutiny.
- C. Prior to making notification, Deputies should, where possible, bring members of the family together if they are immediately available.
- D. Notifying Deputies should address the next of kin in a straightforward manner and use easy to understand language to briefly explain the circumstances of the incident and the fact that the individual is seriously injured or dead.
  - 1. Deputies should not use words such as "passed on" or "no longer with us" in order to avoid using the term "dead" as those words may create confusion or false hope.
  - 2. Deputies should avoid graphic aspects of the incident and the use of Law Enforcement jargon.
  - 3. Deputies should refer to the deceased or seriously injured person using his/her first name or in terms reflecting the deceased's or seriously injured person's relationship to the next of kin (i.e. husband, wife, son, daughter, etc.)
- E. Deputies should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
- F. Deputies should provide survivors with sufficient time to regain composure before proceeding. Avoid attempts in the interim to provide comfort by using such phrases as "I know how you feel" or "I know how hard this is for you."

### **III. PROVIDING ASSISTANCE**

- A. Notifying Deputies should not leave upon completion of the notification until reasonably assured that the next of kin had adequate personal control and/or family or close friend(s) readily available to provide support
- B. Deputies should provide any additional information of a fatal incident requested by survivors. While graphic details may not be

necessary, Deputies should provide information if asked specifically concerning the cause of death, condition of the body, or other details of the fatality.

- C. Deputies should remain alert to the possible need for medical assistance. When Deputies are aware of serious medical conditions in advance of notification, they should place a local medical response unit on alert.
- D. Deputies should be aware of confusion on the part of survivors; speak slowly and deliberately, and write down any pertinent information that the survivor may need. This includes such matters as the following:
  - 1. Disposition of the body
  - 2. Location of personal effects
  - 3. Identification requirements/procedures; and
  - 4. Notifying Deputies' name, agency, and telephone numbers.
- E. Deputies should assess the physical and emotional wellbeing of the survivor before departing. Deputies should be reasonably assured that survivors can take care of themselves and those for whom they may be responsible.
- F. Notifying Deputies should not leave a lone survivor unattended until all reasonable efforts have been made to obtain first-hand support from the survivor's family, friends, co-workers, neighbors, family clergy, or counselors.
- G. Notifying Deputies should conduct a follow-up within 24 hours with any survivor when there is a concern for the survivor's wellbeing.

## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Juvenile Procedures*

*Policy Number: 2-15*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

The purpose of this policy is to define agency procedure and provide guidance to deputies when handling juveniles. Deputy's 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, deputies will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the agency shall be documented.

The agency does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for 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 which 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.

### **III. PROCEDURES**

#### **I. CUSTODY**

1. 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 arresting deputy. At that time, the JPPO will authorize either release or detention. The deputy will advise the dispatcher of the name, and other pertinent information.

2. If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining deputy will document the time, date and person the juvenile is released to.
3. If the JPPO authorizes the detention of the juvenile, the arresting deputy will complete a juvenile detention form which will be attached to the arrest report.
4. Juvenile may be detained for detoxification purposes only, by this agency. If a deputy 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.

## II. 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.

1. The child will be brought to the Roosevelt County Sheriff's Office without delay, unless the child is in need of emergency medical treatment. The deputy will make every attempt to contact parents or legal guardian 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.
2. The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed; the arresting deputy will complete an Arrest Report; the child will be given a copy of the 'Advise of Rights' to read and sign. The copy will be attached to the arrest report. If the child is being detained, a 'Statement of Probable Cause' will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.
3. If the child is taken into custody a complete copy of the report will be forwarded to the JPPO.



4. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

### III. PARENT NOTIFICATION/RELEASE

1. 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.
2. When the child is released from the Roosevelt County Sheriff's Office, whether to a parent/guardian, or being transported to a detention facility, it will be noted on the incident report.

### IV. CUSTODIAL INTEROGATION

1. The guidelines of the Children's Code, 32A-I-1 to 32A-20-1, N.M.S.A. 1978, does not prohibit deputies 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 deputy(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) deputies 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 deputy will explain to the juvenile the agency's procedure and the role of the juvenile justice system in investigations.

### V. CRIMINAL CITATIONS

1. Citations may be issued to juveniles in lieu of arrest.

### VI. TRAFFIC CITATIONS

1. All Magistrate Courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. Magistrate Court shall not incarcerate a child found guilty of any of the provisions of the Motor Vehicle 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.

## **VII. HANDLING JUVENILE OFFENDERS**

1. When investigating offenses or incidents involving juvenile offenders, deputies will use the most appropriate alternative. These alternatives may include:
  - a. Release with no further action
  - b. Referral to JPPO
  - c. Custodial arrest with referral to juvenile authorities
2. Based on the nature of the investigation, when a deputy 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.

## **VIII. RUNAWAYS/ENDANGERED CHILDREN**

1. All runaway reports must be completed as soon as possible and the appropriate paper work submitted to the Portales Communications Center.
2. 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
3. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The deputy should notify the call taker that he/she requires a caseworker for an emergency placement of an endangered child
4. If time becomes a critical issue and it is feasible to relocate the child to the Sheriff's Office, have the caseworker respond to the Office. In any case, the child is the responsibility of the responding deputy until he/she has been turned over to CYFD.

## **IX. DETAINED JUVENILES**

1. Juveniles that are in custody of the agency will be maintained separately from adult prisoners.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Tourniquet Program*

*Policy Number: 2-16*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

- A. The Roosevelt County Sheriff's Office (hereinafter RCSO) has distributed tourniquets to personnel assigned as part of a deputy safety and crisis response strategy that includes a response to "Active Shooter" incidents where immediate care is needed to prevent loss of life. Tourniquets are designed to treat severe wounds to arms and legs with severe bleeding caused by gunshot wounds, auto accidents, and injuries from explosives. The application of a tourniquet may be the best initial option to control severe extremity bleeding especially when a person has signs of hypovolemic shock (caused by blood loss), extremity injuries from explosive devices that result in the complete or nearly complete severing of limbs, in mass casualty situations, or when bleeding is profuse.
- B. Any use of a tourniquet will be consistent with this policy and training received at the Law Enforcement Academy.

### **II. PROTOCOL FOR USING A MANUFACTURED TOURNIQUET**

- A. Personnel will receive initial training during tourniquet distribution, recruit and in-service First Aid training on tourniquet usage prior to being issued as part of their equipment to be carried while on duty.
- B. The tourniquet will be carried while on duty and be readily available. It will be brought to First Aid/CPR Training as well as Firearms Training each year.
- C. The tourniquet will be used in a manner consistent with the established training and as part of the overall sequence for treatment of hemorrhage control (Direct Pressure, Pressure Bandages etc.).





- D. Always follow universal precautions for blood-borne pathogens and follow training guidelines and manufacturer's instructions when applying a tourniquet.

1. POSITION THE TOURNIQUET – Place the tourniquet around the limb, place the tourniquet as high as possible above the wound but not over a joint whenever possible.
2. PULL STRAP THROUGH BUCKLE – Route the tag end of the strap through the buckle, if necessary. Pull the strap tightly and secure it in place.
3. TWIST THE ROD – Tighten the tourniquet by twisting the rod until the flow of bleeding stops and secure the rod in place. Do not cover the tourniquet with clothing whenever possible.
4. RECORD TIME – Note and record the time that you applied the tourniquet and give this information to responding EMS personnel.
5. TIGHTENING THE TOURNIQUET – depends on how severe or profuse the bleeding is and whether it's arterial or venous bleeding (or both). Simply stated, the tourniquet should be gradually tightened until the hemorrhaging ceases.

### **III. REMOVAL/DISPOSAL OF TOURNIQUET**

- A. Once the tourniquet has been applied it should only be removed and disposed of by hospital personnel.

### **IV. DOCUMENTATION OF USE AND REPLACEMENT OF TOURNIQUET**

- A. Any use of a tourniquet will be noted on the Incident Report for the assignment
- B. Claims for replacements of a tourniquet require the deputy to prepare a memorandum in triplicate to their Sargent. The memorandum will include:
1. Deputy's name.
  2. Date and time of the incident.
  3. Location of occurrence.



4. A brief description of the incident.
5. A copy of the Complaint or Incident Report.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Naloxone Policy*

*Policy Number: 2-17*

*Effective Date: 01/01/2021*

*Applies To: Deputies*

*Authorized by: Sheriff Malin Parker*

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### **I. INTRA-NASAL NALOXONE**

- A. The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained deputies within the Roosevelt County Sheriff's Office. The objective is to treat and reduce the severity of injuries and fatalities due to opioid-involved overdoses when deputies are the first to arrive at the scene of a suspected overdose.
- B. It is the policy of the Roosevelt County Sheriff's Office that deputies shall assist any person(s) who may be suffering from an apparent opioid overdose, if at least two deputies are on-scene prior to administration of Naloxone. Included in this policy are deputies and/or employees of the Roosevelt County Sheriff's Office should deputies/employees be exposed to opioids and display signs of overdosing. Deputies are required to complete a Department of Health-approved training on Naloxone for law enforcement and maintain current record of training completion.
- C. 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 New Mexico Department of Health Rules describing opioid antagonist programs (NMAC 7.32.7.1).
- D. DEFINITIONS:
  - 1. 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®).

2. 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®.

#### E. Training

1. Prior to issuance of the naloxone kit, deputies shall be trained in opioid overdose recognition and response, including the administration of intra-nasal naloxone, by a trainer approved by the New Mexico Department of Health.
2. Deputies shall receive a refresher training every year, which may be done in conjunction with First Aid/Cardiopulmonary Resuscitation (CPR).
3. The Sheriff shall designate a member of the Roosevelt County Sheriff's Office to serve as the coordinator responsible for administration of the Roosevelt County Sheriff's Office Intranasal Naloxone Program.

#### F. Issuance

1. Naloxone kits will be issued to deputies.
2. Naloxone will be provided in a clearly marked kit for intranasal administration. Each intranasal naloxone kit shall include:
  - Two (2) prefilled intranasal spray, each containing 4-mg of naloxone HCl in 0.1mL of nasal spray and within their manufacturer assigned expiration dates.
  - Instructions on overdose response and naloxone administration.
3. All deputies are required to maintain the intranasal Naloxone kit and Cardiopulmonary Resuscitation (CPR) face mask in their assigned cruiser or on their person at all times while on duty.

4. The Roosevelt County Sheriff's Office will deploy its intra-nasal naloxone kits in the following primary locations:

- a. Individual Assignment

- i. Overdose Response and Use of Naloxone.
    - ii. Ensure scene safety for yourself and other responders.
    - iii. When using the intra-nasal naloxone kit deputies 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.
    - iv. Determine non-responsiveness, absence or difficulty breathing
    - v. Update dispatcher on potential overdose (Dispatcher will activate Emergency Medical Services).
    - vi. Assemble and administer first vial of intranasal naloxone.
    - vii. If after 3-5 minutes of administering first vial of naloxone, there is no improvement (victim remains unconscious, no independent breathing) administer second vial of naloxone.

- G. USE, CARE AND MAINTENANCE OF EQUIPMENT

1. If the individual remains non-responsive following administration of second vial of naloxone, consider initiating CPR.
2. All subjects who are given naloxone will require assessment by Emergency Medical Services (EMS) regardless of mental status.
3. The intranasal naloxone device shall be properly disposed of following administration.

- H. REPORTING: AFTER UTILIZATION OF NALOXONE, MEMBERS WILL:

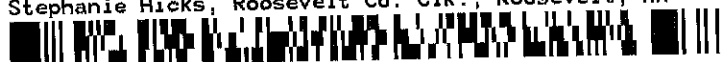
1. Prepare a "Naloxone Usage Report" and initiate a report in the Records Management System for documentation purposes to include a description of the individual's condition, behavior, deployment of naloxone, deployment results, details of call, and any other details the reporting deputy feels are relative to the incident.
2. The above reports shall be reviewed and approved according to standard operating procedures and a copy will be submitted for review by the program coordinator.



### 3. Storage and Replacement

- i. Inspection of the intranasal naloxone kit shall be the responsibility of each deputy and shall be conducted each month.
- ii. Check the expiration date found on either box or vial.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Medical Aid Policy*

*Policy Number: 2-18*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. PURPOSE AND SCOPE**

This Policy specifies procedures for insuring appropriate medical aid as provided after the use of lethal or non-lethal weapons or any other use of force incidents as defined by the Roosevelt County Sheriff's Office.

### **II. POLICY.**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to

the subject (e.g., prolonged struggle, extreme agitation, impaired respiration). Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies.

Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.





**SECTION 3**  
**SUPPORT ACTIVITIES**

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Property and Evidence*

*Policy Number: 3-1*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

It shall be the policy of this agency to establish a set of thorough procedures and guidelines to be followed by all employees responsible for crime scene security and the collection of evidence.

### **II. PURPOSE**

To define the procedures for evidence collection, handling, long and short term storage, court proceeding and disposal.

### **III. DEFINITION**

#### **A. EVIDENCE**

Any item tangible or physically related to a specific crime found or seized at a crime scene or otherwise taken into custody that would assist in the investigation or prosecution of a defendant charged with any violation of State or Federal Statute.

#### **B. CHAIN OF CUSTODY**

The collecting, handling and recording of evidence obtained during an investigation. A documented procedure of taking evidence and the delivery of evidence to the evidence room where the Evidence Custodian will take control of the evidence and store the evidence in a proper manner which will be described in this order.

#### **C. EVIDENCE CUSTODIAN**

The Evidence Custodian is the employee designated by the Sheriff to have administrative oversight over all found or confiscated property which comes into agency possession.

#### **D. EVIDENCE STORAGE**

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A secure area that is designated to store evidence temporarily and long term.

**E. AUDIT**

A formal review of selected property stored in the evidence room that will be conducted by an employee not routinely or directly connected with the property control.

**F. INSPECTION**

Examination of the evidence property storage area conducted by the Sheriff or his designee to make sure the area is clean, orderly, and secure.

**IV. PROCEDURES OF THE EVIDENCE CUSTODIAN**

- A. The Evidence Custodian shall have administrative control over all found or confiscated property that enters the property storage room and shall ensure that all stored confiscated or found property has been documented appropriately.
- B. The Evidence Custodian shall ensure that the property storage room is clean, orderly, and secure, and shall take necessary steps to ensure that all found or confiscated property is protected from damage, deterioration, or theft.
- C. The Evidence Custodian shall restrict access to the property storage room to the Sheriff or his designee. Access by other persons is prohibited as a general rule. Exceptions will be granted by the Sheriff or the Evidence Custodian. The Evidence Custodian shall maintain a log of all persons who enter the evidence storage room.
- D. The Evidence Custodian shall maintain an additional lockable area within the storage room for money, jewelry, weapons, precious metals, or narcotics.
- E. The Evidence Custodian shall maintain records on found or confiscated property which document the chain of custody.
- F. The Evidence Custodian shall release property only to authorized persons and may demand proof (such as a subpoena duces tecum) of legal necessity to take property.
- G. The Evidence Custodian has the right to refuse any item that does not conform to the proper packaging, may have no report, is illegible



or have other deficiencies. Any such items will be placed into a trouble locker if the deputy is not on duty. The deputy will be notified to correct the deficiency and resubmit the evidence by the next work day. If the deficiency is not corrected as directed, the sergeant will be contacted by the Evidence Custodian.

## **V. PACKAGING**

### **A. Plastic Bags/heat sealed bags**

1. These may be used when appropriate; however, nothing wet, bloody or sharp shall be put in plastic bags.
2. The item number, date, and case number will be written on the bag with Permanent marker. Initials will be placed on the seal of the bag.

### **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 item number, date, and case number will be written on the bag with Permanent marker. Evidence tape will seal the bag and Initials will be placed on the tape at the seal.

### **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 item number, date, and case number will be written on the cardboard box.

### **D. Manila Envelopes**

1. These shall be used for paperwork and small items.
2. The item number, date, and case number will be written on the envelope with permanent marker.
3. Evidence tape will cover the seal of the envelope and initials will be placed on the tape at the seal.

#### E. Blade Containers

1. This is a small plastic tube which is designed for knives/blades.
2. These are not to be used for syringes. Syringes with the needle still attached will not be submitted into evidence. The contents of the syringe will be transferred to a glass or plastic vial and submitted in that manner. The syringe will be disposed of in the sharps container provided. If the syringe needs to be placed into evidence the needle shall be removed and the syringe packaged and clearly marked on the packaging that the needle has been removed.

#### F. Biohazard

1. Any packaging that contains DNA or any other biohazard material (blood, saliva, semen, bodily fluids, etc...) will be clearly marked "BIOHAZARD" on the packaging.

### VI. EVIDENCE PROCEDURES

- A. Any time a deputy recovers an item as evidence the evidence should be turned into the evidence lockers as soon as possible. Each item of evidence should be tagged directly on the packaging or with an agency tag. Along with each incident case the submitting deputy will also enter each item of evidence into the Records Management System (RMS). In the description section located in the RMS each piece of evidence must be described. (Make, model number, serial number, credit card number, color, etc.) If a piece of evidence has identifying marks it should be recorded to the best of the deputies' ability in the description section of the RMS and the incident report. The original chain of custody shall accompany the items of evidence.

In the event a deputy makes an arrest involving alcohol the alcohol does not need to be seized. Photographs of the alcohol should be taken. Prior to leaving the scene the deputy should dispose of the alcohol (i.e. Pour it out). When available a second deputy should witness the destruction of the alcohol.

All prosecutable cases for drugs that are placed into evidence should be field tested by the case agent.

For evidence that has to be sent to a crime lab for analysis or



examination, the Evidence Custodian will mail or deliver the evidence to the crime lab. On all evidence that is mailed or delivered back to the Roosevelt County Sheriff's Office from a crime lab, a chain of custody form will be filled out and the evidence will be returned to the evidence locker.

Evidence containers should be marked with the seizing deputy's initials, the item number, the date it is seized, and a case number. A proper signed, chain of custody receipt must stay with the evidence.

Narcotics must go the New Mexico Department of Public Safety Forensic Laboratory Bureau for expert analysis either by registered mail or hand carried. A proper chain of custody receipt must accompany the evidence. No syringes with the needles still attached are to be sent to the crime lab. The designated Evidence Custodian has written instructions detailing the proper procedures on how to send syringes to the laboratory.

- B. Labeling on the evidence packaging or an Evidence tag will be filled out on all applicable evidence regardless of the value or size so that no deputy will deface any evidence. The evidence tag will be securely fastened to the evidence by the wire or string that is attached to the evidence tag. This tag will remain with the evidence until the Evidence Custodian has received a disposal order for the property.
- C. Under no circumstances will a member of this Agency tamper or alter or misuse evidence. All evidence will be turned in and not held by the Deputy.
- D. If at any time both Evidence Custodians leave 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(s) and a designee of the Sheriff.
- E. An annual Audit of evidence shall be conducted by the Sheriff or his designee, a person not routinely connected with evidence control. The Evidence Custodian shall facilitate the inspection.
- F. There will be unannounced inspections of property storage areas. This inspection will be conducted at the discretion of the Sheriff.
- G. If there are any questions concerning evidence you can notify your immediate supervisor or Evidence Custodian.

## **VII. Temporary Release**

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A. Authorized Release

1. Property/Evidence may be temporarily checked out 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 deputy.
3. If the deputy assigned to the case is no longer with the agency, for whatever reason, and no other deputies were assigned to the case, the Evidence Custodian will be required to produce the evidence in court unless other arrangements have been made.

B. Check Out Procedures

1. The requesting deputy 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 original chain of custody and the RMS.

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.
2. Before the Evidence Custodian acknowledges receipt of the property back into the Property Section, it will be inventoried. If there is a discrepancy, the Evidence Custodian will not continue. 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 deputy'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. A receipt from the court must be obtained.
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. The chain-of-custody on the property tag shall be completed when property is checked out to be sent to a laboratory for analysis. The requesting employee shall fill out a laboratory submittal form along with a request for written laboratory results and package the property that is to be sent.
2. The determination of the method of transfer will be made jointly by the investigator and the Evidence Custodian.
3. 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.

**VIII. DISPOSITION OF PROPERTY**

- A. All items will be released to the rightful owner or will be disposed of by the Evidence Custodian in accordance with 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 Agency for more than 90 days shall be converted to The Roosevelt County





Sheriff's Office use, or destroyed. Cash money is receipted and deposited in a local bank. Destruct orders will be obtained at least every 6 months.

**B. Evidence**

Once property is seized, it automatically becomes the property of the Agency, until a disposition is received and/or an authorization to release it by the seizing deputy or the assigned deputy and the District Attorney's Office.

**C. Found Property**

Prior to placing any found property into evidence, deputies will attempt to identify the owner and return the property. If contact with the owner cannot be made during a deputy's tour of duty, the item will be tagged into Evidence as found property.

1. Deputies 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.
2. Whenever any found property has remained unclaimed for more than 90 days, Evidence Custodian(s) will dispose of it in an appropriate manner.

**D. Safekeeping Property**

1. Property may be tagged into the Evidence Unit for safekeeping when the deputy has exhausted all other possibilities of disposing of the property.
2. The submitting deputy will notify the owner that the property is being held by the Property Section and must pick up the property within 30 days.
  - a. The date, time, and method of notification will be noted in the RMS.
  - b. The deputy should notify the owner of the operational hours of the Property Section.
  - c. 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.

- d. No contraband will be accepted for safekeeping.
  - e. 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 sheriff's office custody shall be tagged and logged into the Property Section for safekeeping. This property shall not be released to anyone other than the property owner or a person authorized to receive them by either a court order or notarized letter.
3. 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.

#### E. Homicides/Sexual Assaults

1. Evidence from any Homicide case will be maintained indefinitely
2. Sexual Assault Kits from any Sexual Assault case will be maintained as long as determined by the District Attorney's Office.



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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Cash Handling*

*Policy Number: 3-2*

*Effective Date: 12-18-2019*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY AND PURPOSE**

It shall be the policy of this agency to establish a thorough set of procedures and guidelines to be followed by all employees responsible for the handling of any cash, currency or other negotiable instruments (hereinafter "money") which may come into the possession of the Roosevelt County Sheriff's Office (RCSO).

### **II. HARMONIOUS CONSTRUCTION OF THIS POLICY**

This Policy has been adopted to define the specific practices and procedures to be employed by all RCSO personnel who handle cash, currency or other negotiable instruments which is obtained as a result of any criminal investigation, or which comes into the possession and care of the RCSO as a result of any actions taken by the RCSO, whether criminal in nature or not. This Policy expressly recognizes that there is a general policy for handling property and evidence at the RCSO, and that Roosevelt County has adopted the following other policies relating to handling of money, (which are adopted by reference herein including Roosevelt County Policy on Cash Handling, Resolution No: 201648. Roosevelt County Policy regarding Government Internal Control, Resolution No: 2016-53 and Roosevelt County Policy Board of Finance Investments and Deposits, Resolution No: 2016-46). To the extent this Policy conflicts with any of the policies enumerated above, it shall harmonize with any existing policy to give effect to the greatest degree practical to each of the policies adopted; and in the event of irreconcilable differences between this policy and those identified above, this policy shall control.

### **III. PROCEDURES FOR THE SAFEKEEPING OF ALL CASH, IN HANDING ANY CURRENCY OR OTHER NEGOTIABLE INSTRUMENTS**

- A. The "two-person" rule shall be employed at any time that cash, currency or other negotiable instruments (money), which come into the possession of the RCSO, and this rule shall require that such money shall be counted by two (2) or more employees, and at each



point when the money is physically handled outside of a sealed envelope, which shall be verified with each person's signature on a sealed currency envelope. The two (2) RCSO deputies counting and verifying the money will each initial, sign, and seal a currency envelope to contain the money and date the envelope on the date of sealing. The envelope should also specify the denomination of the cash, currency (including coins) or other negotiable instrument or other identifier for negotiable instruments on the outside of the envelope.

- B. In the event negotiable instruments (bonds, checks, or stock certificates), have been seized or come into the possession of the RCSO such negotiable instruments should be photographed and a copy of the photograph shall be kept in a separate file. The "two-person" rule shall apply to the handling of all such negotiable instruments.
- C. All cash, currency or other negotiable instruments which contain physical evidence such as DNA evidence (blood or other bodily fluids) fingerprints, or other physical evidence upon the money shall be handled using the "two-person" rule, and shall also designate on the outside of the envelope that the money includes physical evidence with reference to the offense/incident number.
- D. A written ledger/log shall be kept of all monies recorded under this policy, reflecting the date, amount, and other identifiers as set forth above. It shall be initialed by the two deputies who counted the money.
- E. Money comes into the possession of the RCSO as a result of any incident or investigative action which does not contain physical evidence shall be delivered to the Roosevelt County Treasurers Office to be deposited into a separate interest-bearing account after it has been logged in the ledger. The RCSO shall have the clerk sign a receipt reflecting the date such funds have been delivered including the amount as well as the other identifiers reflected on the outside of the envelope. All monies which contain physical evidence shall be held in the secured RCSO safe.
- F. In the event currency comes into the possession of the RCSO is determined by the Sheriff or is designated as a collector's note or other rare currency, the Sheriff shall place such rare note, coin or other rare or special currency in a safe which shall be placed in a locked safe kept in the RCSO evidence locker. The combination to such safe shall be securely maintained in the "two-person" rule shall apply to the opening and closing of such safe.



- G. The time period within which deposits shall be made will be in accordance with Roosevelt County Cash Handling Policy (Resolution No. 2016-46, or the most current version if applicable).

**IV. Procedure of the Return or Other Disposition of Monies.**

- A. No money will be released by the RCSO for forfeiture without a District Court Order. Upon submission of a District Court Order, RCSO staff using the "two-person" rule shall deliver the forfeited funds to that entity or agency as designated in the District Court Order.
- B. When monies are to be returned to a citizen RCSO staff, at the conclusion of an investigation and after receiving written approval from the Ninth Judicial District Attorney's office RCSO staff using the "two-person" rule shall return the money to the citizen after obtaining proof of their identity and by counting the money in his/her presence and shall have such citizen sign a receipt acknowledging the return of such money.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Training*  
*Policy Number: 3-3*  
*Effective Date: 01/01/2021*  
*Applies To: All Personnel*  
*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

It shall be the policy of the Roosevelt County Sheriff's Office to coordinate and maintain training which shall direct efforts toward the development of new skills, improving and updating old skills, re-certification of performance in high liability areas, the development of specialized skills and creating awareness of new techniques and technologies for all employees and overseeing the agencies mandatory training program.

### **II. PURPOSE**

The Roosevelt County Sheriff's Office has an obligation to provide a professional standard of law enforcement for the County of Roosevelt. In fulfilling this responsibility, it is essential that personnel are properly trained. This begins at lateral entry level with required FTO training prior to assumption of Law Enforcement duties, and continues throughout the deputy's career on an ongoing basis. Training is provided to accommodate agency needs and to actualize the interest and concern the agency has for the self-improvement and personal development of its employees.

### **III. ROLL-CALL TRAINING**

- A. Roll call training is utilized to keep deputies up-to-date between formal training sessions or disseminate information which may be specific to shift activities.
- B. Anytime roll call training is utilized, each deputy shall sign the approved documentation indicating his/her attendance. Attendance at roll call training is for duty personnel therefore the supervisor should schedule roll call training to ensure compliance.
- C. The supervisor is responsible for preparing topics and involving shift personnel in the instruction of such topics.



- D. The original documentation of roll call training is submitted to the lieutenant for filing.

#### **IV. 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 training mandated by the New Mexico Law Enforcement Academy.
- B. Deputies should be notified of all scheduled in-service training. (E-mail is an accepted method of delivery).
- C. The sheriff or his designee is responsible for locating, scheduling or making available such training which meets the mandates.

#### **V. NEW DEPUTY TRAINING**

- A. Newly hired deputies will be certified in accordance with the regulations set forth by the New Mexico Law Enforcement Academy (NMLEA) or will be certified within one year from date of hire.
- B. Those deputies who do not require attendance at the academy will be assigned to the Field Training Program for the time deemed necessary by the FTO 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 agency. This ensures that all deputies regardless of their experience or training receive updated or current training.
- D. Curriculum provided to new deputies is based on requirements of the NMLEA and developed around the most frequent assignments of deputies. A variety of evaluation techniques have been designed to measure competency in the required skills, knowledge, and abilities.
- E. Those deputies who do require attendance at the academy will be assigned to the Field Training Program until they attend the academy. After successful completion of the academy they will continue the Field Training Program for the time deemed necessary by the FTO.

#### **VI. FIELD TRAINING**

In keeping with the strictest levels of performance requirements, the



Roosevelt County Sheriff's Office strives to train professional Law Enforcement Officers. The guidelines set by the Field Training and Evaluation Program serve as standards for the acceptance of a recruit as a permanent deputy at the end of the field training process.

- A. Upon completion of the Law Enforcement Academy, a deputy is assigned to a FTO for training. Assignments are made by the FTO Supervisor and are designed to teach the deputy tasks of the most frequent assignments of deputies.
- B. Deputies are not allowed to act on their own until they have completed a prescribed Field Training Program.
- C. The Sheriff has the ultimate responsibility for the training received by a new deputy from the time of hire through the Field Training Program.
  - 1. The sheriff or FTO Supervisor is responsible for maintaining a liaison with the academy staff as needed.
  - 2. The agency FTO program consists of field training. New deputy training and experience is taken into account while in the training phase.
- D. During the Field Training Program, a deputy will remain in the FTO program or be assigned a deputy to ride with until satisfactory completion and released.
  - 1. The Field Training Program is based upon sufficient training necessary to accomplish the training requirement of the agency.
  - 2. At the completion of each phase, a deputy may be rotated to another FTO, if practical.
- E. During training, the recruits will follow the Training Manual which is designed to provide a guide in which the deputy will be trained. In theory, each deputy should be receiving the same training. The deputy and the FTO will both be responsible for signing off on the training manual. This will help ensure that the deputy 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.

- G. At the end of training a completion letter is completed by the assigned FTO. This evaluation should cover the following:
1. Calls for service responded to;
  2. Proper written communications completed; and
  3. Overall performance.
- H. If at any time during the training the FTO recognizes a problem area that he/she is unable to correct through remedial training, it may become necessary to remove the deputy from the FTO program for additional training in specified area. If this occurs and the deputy is removed, a certified instructor in the problem area and the sheriff will provide remedial training and then forward the results of that training to the FTO supervisor.
1. If the deputy completes the training satisfactorily, the deputy will be placed back into the field training program and continue the process, where he left off.
  2. If the deputy cannot complete the training at a proficient level, a determination will be made regarding the status of the deputy by the sheriff with input from the FTO Supervisor.
- I. Throughout the training, the FTO and the sheriff will have a meeting to discuss the following:
1. Any problem areas that have been encountered.
  2. A deputy's strong and weak points.
  3. Any suggestions that might assist the next FTO in his/her phase of training.
- J. A training file on each deputy is maintained by the FTO the deputy is assigned to. The file follows the deputy 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.
- K. Upon completion of the Field Training Program, the deputy's training file is forwarded to the FTO Supervisor who will maintain the file.
- L. Any new employee coming from another agency or military must provide the agency a copy of all training files and certificates.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Firearms Training*

*Policy Number: 3-4*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### I. **POLICY:**

It is recognized by this agency that firearms training is an important phase in the development of Deputy Sheriffs, particularly with those weapons that are most accessible to the deputy ( i.e., revolver, pistol, rifle, and shotgun.) It is the policy of this agency that every full-time, part-time, and reserve law enforcement officer will be required annually to qualify with his/her issued pistol, rifle and/or shotgun. The highest score from each qualification will be recorded in the deputies training or personnel file. That score, and any scores used by the agency for records purposes must be fired on an approved firing range under the supervision of a certified firearms instructor.

### II. **PURPOSE:**

All sworn personnel of this agency are required to be competent in the proper and safe use of various types of firearms. The purpose of this policy is to provide training guidelines established to assist employees in fulfilling this requirement. It is mandatory that all deputies be familiar with the provisions of this policy and adhere to the procedures stated herein.

### III. **PROCEDURE:**

#### A. TRAINING AND QUALIFICATION

1. The minimum firearms qualification score for Sheriff's Deputies of this agency is 80%. Deputies unable to meet this minimum qualification will be scheduled for a conference with the Sheriff.
2. A certified Firearms Instructor as appointed by the Sheriff or a designee will conduct firearms training.



3. Familiarization and qualification courses will be provided on handgun, shotgun, or other weapons including night firing qualification as directed by the Sheriff or a designee.
4. Each Deputy must qualify annually, or as directed, with authorized weapons. The Sheriff may require additional Agency firearms training as necessary.
5. In order to insure individual Deputy's firearm proficiency and reduce incident involving misuse of firearms, deliberate or accidental, the following procedure is established:

Any Deputy who does not meet the minimum requirements for demonstrated proficiency in the use of firearms may be assigned to intensive full-time training duty until it is determined that the Deputy can or cannot meet the minimum proficiency required for their retention as a Law Enforcement Officer in this state. Any Deputy of this Agency who is unable to meet the minimum firearms qualification requirements shall not be permitted to carry a firearm in the performance of their duties.

#### B. RANGE SAFETY RULES AND REGULATIONS

1. All Firearms Training must be conducted by a certified DPS Firearms Instructor.
2. A record of all approved Firearms Training will be maintained at the Agency level.
3. No loaded weapons will be on the range except when on firing line. Exception will be on-duty Deputies.
4. Strict discipline must be maintained by the Firearms Instructor and by the Deputies receiving the training.
5. When picking up a firearm, open the cylinder or action and check to see that it is unloaded. Check the weapon the second time to assure that it is safe.
6. Do not give a firearm to anyone unless the cylinder or action is open and no rounds are in the weapon.
7. Do not anticipate a command on the range.
8. Always check the barrel of a firearm for obstructions before loading.
9. Load your weapon only after you are on the firing line and given the command to "load your weapon."
10. Unload when and as instructed.



11. Keep the barrel of your firearm down range in the target area at all times when in your hands.
12. Do not remove a weapon from its holster with your finger on the trigger. The finger may be placed on the frame of the weapon until it is clear of the holster and your body, and down range.
13. When on the firing line smoking tobacco products is absolutely prohibited.
14. There will be no talking on the firing line by any shooter. Full attention will be given to instructions and commands of the Firearms Instructor.
15. If a firearm is dropped or the muzzle touches the ground notify the Firearms Instructor immediately, unload the weapon, check the barrel for obstructions, and follow the commands of Firearms Instructor to resume fire.
16. In the event of a misfire, keep the muzzle down range and on target for at least ten (10) seconds. Raise your free hand and advise the Firearms Instructor of the misfire. You will be instructed on how to safely remove the misfire from your weapon.
17. Do not go in front of the firing line until the Firearms Instructor has given the command to "Cease Fire," and the line has been cleared and the order to "Go Forward" has been given.
18. Dry firing is prohibited except when under the supervision of the Firearms Instructor.
19. If you are taking any type of medication or have consumed alcoholic beverages within eight (8) hours of firing a weapon the Firearms Instructor must be notified.
20. Any Deputy has the right to challenge the scoring of his/her target. The challenge must be made to the Firearms Instructor at the time of the original scoring.
21. Repeated violations of any Safety Rule or Regulation, whether intentional or unintentional, may result in loss of score and/or removal from the range.
22. Eye and ear protection is required to be worn while firing a weapon during range training. Privately owned equipment will be subject to approval by the Firearms Instructor.
23. The Firearms Instructor, regardless of rank, will be in charge of the firearms training. All Deputies, including superior Deputies,

will follow the Firearms Instructor's commands concerning range operations and procedures. The Firearms Instructor will report to the Sheriff any problems he/she might encounter as a result of this Policy provision.

24. Employees attending firearms training will be attentive and cooperative in class and on the firing range. Class misconduct, horseplay, or negligence of any kind will not be tolerated.
25. Any Deputy who is unable to meet the minimum Firearms Qualification Score established by the Agency shall not be eligible to perform the duties of an armed Law Enforcement Officer. The personal risk is high and liability is indicated when a Deputy knows he/she cannot qualify with a firearm and the Agency continues to permit the Deputy to work on the streets. Failure to qualify may result in termination.



## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Sex Offender Registration/Notification*

*Policy Number: 3-4*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

To establish policy and procedure for Sex Offender Registration

### **II. PURPOSE**

The Roosevelt County Sheriff's Office recognizes that sex offenders pose a significant risk of recidivism and holds the safety of each citizen as a priority. This agency has the responsibility of registering all sex offenders within the county of Roosevelt. To provide the most effective and efficient service in regards to the Registry and Notification of sex offenders this agency will communicate with the Department of Public Safety to assure the Roosevelt County Sheriff's Office is in compliance with state law.

### **III. RESPONSIBILITY**

The Roosevelt County Sheriff's Office rules and procedures are governed by New Mexico Sex Offender Registration and Notification Act Chapter 29 Article 11A NMSA 1978.

#### **A. Registration Requirements**

1. Legal name and any other names or aliases that the offender is using or has used
2. The sex offender's date of birth
3. Social security number
4. Current physical and mailing address of every place offender lives
5. Employment information regardless of compensation
6. All sex offences for which the offender was convicted
7. Date and place of the conviction

8. Offender's names, e-mail addresses and monikers and other self-identifiers used on social networking sites
9. Landline and cellular telephone numbers primarily used by the offender
10. Professional license
11. License plate or other identifier and the description of any vehicle owned or primarily operated by the offender, including aircraft and watercraft.
12. Name and address of any school or institution of higher education that the offender is attending
13. Copies of the offender's passport and immigration documents

B. Registration Procedures

When a convicted sex offender is released from a correctional facility or has served his sentence in the community and is required to register, this Agency shall accept the offender and process the registration. The following documents should be included in the offenders file but are not limited to:

1. Initial registration information
2. 90 day, semiannual, annual, update and weekly (homeless) registrations
3. Picture of offender, updated annual or if there is a major change in appearance
4. Finger print/palm card of offender
5. Judgment and sentence and offence report for all sex offence convictions
6. Documentation of any address verifications
7. Documented proof of registration requirements signed by the offender





Sex offender registration will be completed using the state's sex offender registration registry Offender Watch, until otherwise changed by the state.

- C. If the offender is not living at the registered address or otherwise in noncompliance with registration requirements a Deputy will be assigned to initiate an investigation to determine registration violations and submit said information to the District Attorney's Office for prosecution.
- D. The registration should include entering and transmitting data to State and National Sex offender Law Enforcement databases and public Sex Offender Registries as required by Federal or State Law.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Identification and Cards*

*Policy Number: 3-7*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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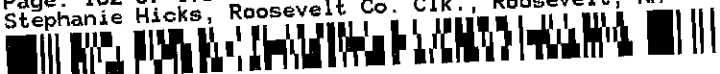
### I. POLICY

All Employees of the Roosevelt County Sheriff's Office will be issued a photo-identification card. The identification card will identify the employee by Name Position and badge number. Law Enforcement Officers will also be issued a commission card.

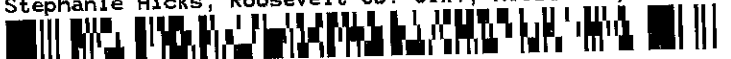
### II. PROCEDURE

1. Employees of the Roosevelt County Sheriff's Office will carry their identification cards and/or commission cards while on duty. They will be presented to the public upon request.
2. Business cards will be provided by this Office.

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**SECTION 4**  
**ADMINISTRATIVE ACTIVITIES**

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Equal Employment Opportunity*

*Policy Number: 4-1*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### I. POLICY

Refer to the Roosevelt County Personnel Ordinance.

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ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Workplace Harassment Policy*

*Policy Number: 4-2*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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**I. POLICY**

Refer to Roosevelt County Personnel Ordinance.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Selection and Hiring*

*Policy Number: 4-3*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Refer to the Roosevelt County Personnel Ordinance.

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ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Employee Appraisal/Evaluation*

*Policy Number: 4-4*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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**I. POLICY**

The Roosevelt County Sheriff's Office will conduct Appraisal/Evaluations on employees in accordance to the Roosevelt County Personnel Ordinance.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Uniforms and Grooming*

*Policy Number: 4-5*

*Effective Date: 01/01/2021*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. 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.

### **II. POLICY:**

Employees of this agency are customer service representatives of this county 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.

### **III. 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.

#### **B. MUSTACHE/GOATEE**

The face shall be clean-shaven, with the exception that the wearing of a neatly trimmed mustache or goatee is permitted.



Exception: The Sheriff may allow exceptions to the facial hair policy.

### C. HAIRSTYLE

1. Hair will be neat and clean in appearance at all times.
2. While on duty and in uniform, male Deputies and transport officers will keep their hair trimmed according to the following guidelines:
  - a. The back will be neatly tapered, rounded, or squared and must not touch 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 hair on the sides must not touch the top of the ear.
  - d. Sideburns may extend downward to the bottom of the lowest part of the ear, but not below.
  - e. Sideburns will not be flared or any wider at the bottom than their natural width at the top.
3. While on duty and in uniform, a female Deputy's and transport officer's hairstyle shall be worn according to the following guidelines:
  - a. Hair must not touch the top of the collar.
  - b. Conspicuous pins, barrettes, and combs are not authorized.
  - c. Hair must not be styled in a manner that may lend itself to being exploited by a combatant as a leverage point (e.g. ponytails, braids.)
  - d. Female Deputies working in non-uniform positions may wear their hair in a style that is not as restrictive, however, the hair should be relatively short and in a style and color that is non-offensive to the general public.
4. Civilians' hair will be neatly styled, trimmed, and well kept. It will not be of a style, length, or artificial color that is offensive to the general public.
5. 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 Sheriff for approval of an exception. The said approval will automatically expire upon completion of the assignment.

#### D. UNIFORMS AND EQUIPMENT

1. All personnel will be held personally accountable for the return of all Agency issued uniform items. No issued item is to become the property of any individual; all remain the property of the Agency.
2. Items lost or damaged during Law Enforcement activities will be reported to the Sheriff as soon as possible.
3. Replacement of items of personal purchase which are lost or damaged in Law Enforcement activities will be determined on a case-by-case basis.
4. 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 Deputy involved will include, during prosecution of the individual, a request to the courts that any sentence include reimbursement of costs to the Agency.

#### E. UNIFORM REQUIREMENTS

1. All uniform clothing items will be clean and pressed.
2. All uniform clothing items will not be torn, frayed, or patched.
3. All leather or nylon items: belt, holster, handcuff case, etc. will be the appropriate color and style as determined by the Sheriff.
4. All silver or brass items will be clean and properly polished.
5. All Deputies will wear the uniform of the day as designated by the Sheriff or the Deputies supervisor. Uniforms will be complete, to include all patches and insignia designated by the Sheriff.
6. Shoes or boots will be the appropriate color and styles as determined by the Sheriff, and will be shined/polished appropriately on a regular basis.
7. Socks that are exposed will be an appropriate color that matches the uniform.

#### F. COURT APPEARANCE

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1. The Sheriff's Office "Class A" uniform is authorized dress for any court appearance.
2. Deputies may substitute appropriate civilian attire for the uniform when appearing in court.

#### G. NON-UNIFORM APPEARANCE

1. Deputies assigned to plain clothes duties will have their dress codes dictated by their supervisor based on their assignments.

#### H. NON-SWORN PERSONNEL

1. All non-sworn personnel whose duties require that they interact with the public will dress in appropriate attire.
2. Any non-sworn employee subpoenaed to appear in a court of law shall dress appropriately as outlined above.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Insubordination*

*Policy Number: 4-6*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### I. POLICY:

Please refer to the Roosevelt County Personnel Ordinance.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Off Duty Employment*

*Policy Number: 4-7*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### **I. POLICY**

Refer to the Roosevelt County Personnel Ordinance.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Drugs and Alcohol in the Workplace*

*Policy Number: 4-8*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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1. **POLICY:**

Refer to the Roosevelt County Personnel Ordinance.

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## ROOSEVELT COUNTY SHERIFF'S OFFICE

*Policy Name: Social Networking*

*Policy Number: 4-9*

*Effective Date: 10/06/2020*

*Applies To: All Personnel*

*Authorized by: Sheriff Malin Parker*

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### I. POLICY

Refer to the Roosevelt County Personnel Ordinance.



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