




*Agenda Item*  
*No. 5*



Torrance County  
Sheriff's Office  
Policy and Procedures

"Serving the People of Torrance County"



## Authority

As an elected official, the Sheriff's primary task is to enforce the laws of the state and the ordinances of the county. The sheriff's duties are as follows: they shall be 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 (§4-41-2).

The grant of power in this statute is broad and all-inclusive. In the first clause the sheriff is given authority to enforce any state law or execute any civil action - so long as these actions are necessary to conserve the peace within the county. Any disturbance or threat to the peace in the county allows a sheriff to use the force at hand to quell the disturbance or restore peace

By virtue of the authority vested in me as the Sheriff of Torrance County, within the State of New Mexico, I hereby prescribe and adopt the following as the standard manual of policy and procedures for the Torrance County Sheriff's Office.

This manual shall be considered as standing order governing the actions of all personnel of this Sheriff's Office. This manual shall replace and supersede any department general orders, rules, and regulations.



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<sup>1</sup>*New Mexico Criminal and Traffic Law Manual*. 2015 ed. State of New Mexico: LexisNexis., 2015. Print

<sup>2</sup> *The New Mexico County Sheriff Reference Handbook*. N.p.: New Mexico Association of Counties, 2011. Print.



## Introduction

The policies and procedures set forth in this manual, in conjunction with the County personnel manual, are for the guidance and direction of all personnel of the Torrance County Sheriff's Office.

This manual and the County personnel are the property of the Torrance County Sheriff's Office. The individual to whom it is issued is responsible for its proper care and for keeping up to date with all new revisions that may be issues. They must be produced for inspection as required and final salary payment will be withheld until this manual and County personnel manual are returned in good condition, upon separation of employment with the Torrance County Sheriff's Office.

Violations of or failure to comply with any of the policies or procedures in this manual by any member of the Torrance County Sheriff's Office may result in disciplinary action against any member responsible for such violations.

Every employee must understand that set policies and procedures can be established that will cover every case and situation that might arise in the course of the employee's employment. Much must be left to the good judgement and discretion of the employee. Those entrusted with law enforcement must be relied on to exercise good judgement and apply sound, common sense at all times, and make police service equitable and effective.

All members of the Torrance County Sheriff's Office are required to familiarize themselves with the content of this manual. Supervisors are expected to frequently instruct their subordinates the policies and procedures of the Torrance County Sheriff's Office.

The Torrance County Sheriff reserves the right to alter, amend, add or rescind in whole or part any of the policies and procedures as circumstances require.





## Objectives of the Department

The duties and responsibilities of the Torrance County Sheriff's Office requires all members to be intelligent, conscientious, and professional at all times. Some department objectives are:

1. Protect life and Property
2. Prevent and Suppress Crime
3. Investigate Criminal Acts Committed in or Against the County, Citizens, or Employees.
4. Arrest Criminal Offenders
5. Regulate Conduct Within the County Limits
6. Perform Miscellaneous Non-Police Services Within the County Limits

In order to accomplish the Torrance County Sheriff's Office basic mission, it is necessary that individual members maintain close liaison with local, state, and federal law enforcement agencies to ensure necessary support in order to protect the county.

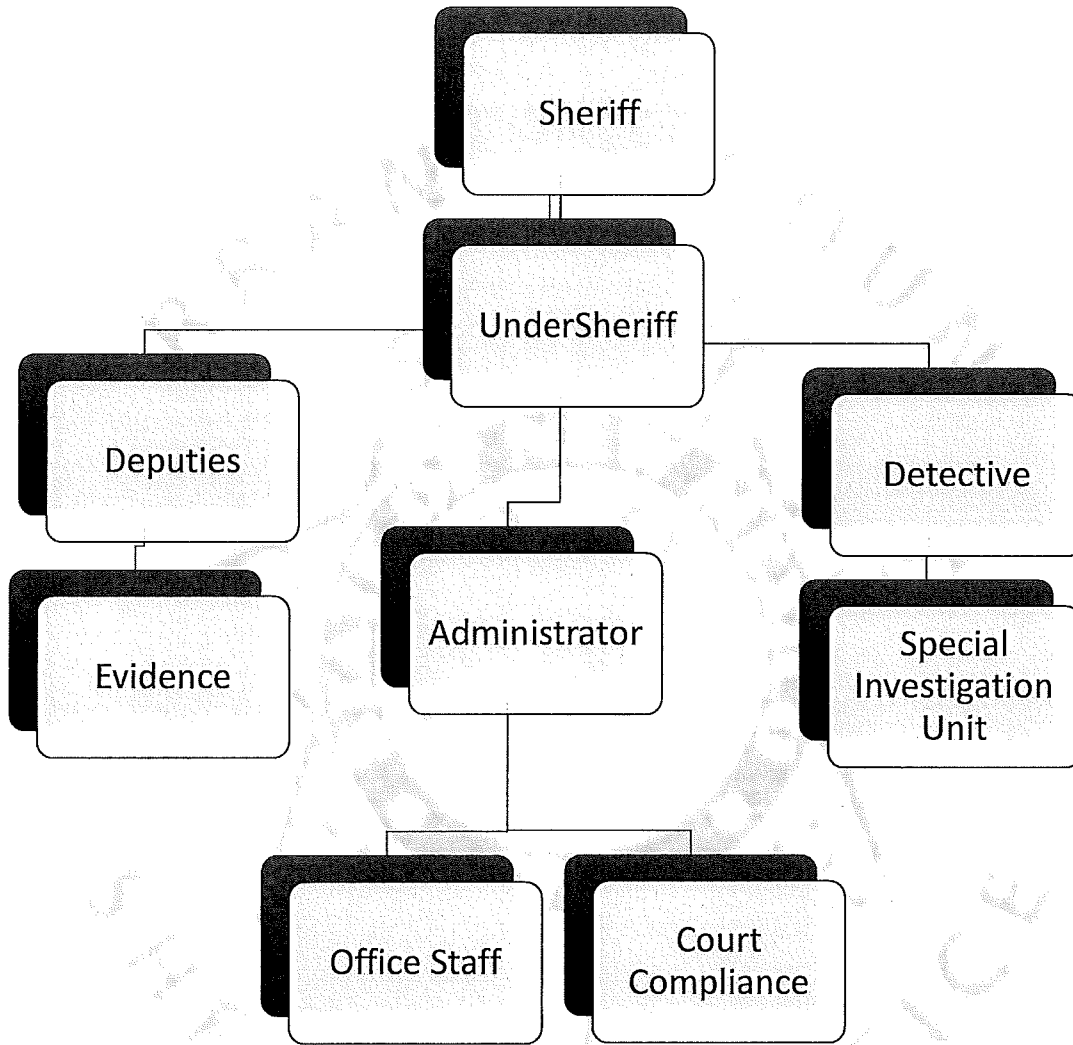
The opinion of the people they have of the Torrance County Sheriff's Office is the sum total the opinion they have of its individual members. We need and must have, the support of all law-abiding citizens and County employees. Each Torrance County Deputy in his or her daily contact must earn this support. Opinion is conditioned by many factors, some of which are the appearance, attitude, and conduct of the individual Torrance County Deputy. These have a decisive influence upon the over-all success of the Department in carrying out its responsibilities. Above all, the law must be enforced equally and fairly and all duties carried out with discretion, tact, courtesy, and tolerance.







# Organization Chart





# TORRANCE COUNTY SHERIFF'S OFFICE

## OATH OF OFFICE

EFFECTIVE: 01-14-17

PAGES: 4

### PURPOSE

**100.1** The purpose of this directive is to ensure that department personnel are aware of the actions and attitudes expected of them and to provide members of the public with a general standard by which they can measure the performance of the Torrance County Sheriff's Office.

### PROCEDURE

**100.2** The following oath must be executed by each officer prior to being assigned to any law enforcement duties:

#### Oath of Office

**100.3** I, do hereby solemnly swear to support the Constitution of the United States of America, and the State of New Mexico, to enforce the Laws of the State of New Mexico and the ordinances of Torrance County and to perform all other duties of a Torrance County Deputy to the best of my ability, so help me God.

### CODE OF ETHICS

**100.4** Sworn personnel of the Torrance County Sheriff's Office shall abide by the following Code of Law Enforcement Ethics.

### LAW ENFORCEMENT CODE OF ETHICS

**100.5** As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the

innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my life unsullied as an example to all and

will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and 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 a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of police service.

**100.6** I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement

## **PRIMARY RESPONSIBILITY OF JOB**

**100.7** The primary responsibility of the law enforcement service, and of the individual law enforcement officer, is the protection of the people of the United States through the upholding of their laws; chief among which is the Constitution of the United States and its amendments. The law enforcement officer represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

## **LIMITATION OF AUTHORITY**

**100.8** The first duty of a law enforcement officer, as upholder of the law, is to know the bounds the law established for its enforcement. The law enforcement officer represents the legal will of the community, be it local, state, or federal. The law enforcement officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as a primary responsibility. Law enforcement officers must recognize the genius of the American system of government, which gives no person, group, or institution, absolute power. Law enforcement officers must ensure that they, as prime defenders of that system, do not pervert its character.

## **DUTY TO BE FAMILIAR WITH THE LAWS AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS**

**100.9** Law enforcement officers shall vigorously apply themselves to the study of the principles of the laws which they are sworn to uphold. Law enforcement officers will ascertain their responsibilities in the particulars of their enforcement, seeking aid from superiors in technical matters or principles when such are not understood. Law enforcement officers will make special effort to fully understand their relationship to other public officials, particularly in matters of

jurisdiction, both geographically and substantively.

## **UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS**

**100.10** Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

## **COOPERATION WITH PUBLIC OFFICIAL IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES/ PRIVATE CONDUCT**

**100.11** Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity in enforcing the law or seeking to gain special privilege will negatively reflect upon the law enforcement officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. A law enforcement career gives no person special privileges. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. Officers who reflect upon this tradition will not degrade it. Rather they will so conduct their private lives that the public will record them as examples of stability, fidelity and morality.

## **CONDUCT TOWARD THE PUBLIC**

**100.12** Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law Enforcement officers shall conduct their official lives in a manner

such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. Officers will give service where they can, and require compliance with the law. They will do so neither from personal preference or prejudice but rather as duly appointed officers of the law discharging a sworn obligation.

### **CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS**

**100.13** Law enforcement officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizens concerned. Their office gives them no right to judge the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of responsibilities and limitations regarding detention of the violator.

They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of the law, whether in the handling of the law violators or in dealing with the law-abiding citizens.

### **PRESENTATION OF EVIDENCE**

**100.14** Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of reliability and integrity of an officer's word.

**100.15** Law enforcement officers shall make a concerted effort to increase perception and skill of observation, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

### **ATTITUDE TOWARD PROFESSION**

**100.16** Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibilities as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and country.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## CODE OF CONDUCT

EFFECTIVE: 01-14-17

PAGES: 7

### PURPOSE

**101.1** The purpose of this directive is to adopt and promulgate standards of conduct for Department employees.

### DISCUSSION

**101.2** Personnel of the Torrance County Sheriff's Office are expected to follow a prescribed code of conduct and to act responsibly while on or off duty. The Torrance County Sheriff's Office holds its personnel accountable for all actions which reflect on the department.

**101.3** This chapter identifies certain general and specific conduct that is prohibited for employees of the Torrance County Sheriff's Office.

### POLICY

**101.4** It shall be the policy of the Torrance County Sheriff's Office to maintain the highest code of conduct for its personnel. They shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the Torrance County Sheriff's Office, even though such conduct may not be specifically set forth in this chapter.

## COMPLIANCE WITH LAWS, RULES, AND REGULATIONS

**101.5** Personnel shall obey all misdemeanor and felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment for the commission of any felony shall be prima facie evidence of a violation of this section. Conviction of any felony or misdemeanor violation shall be considered conclusive evidence of a violation of this section

**101.6** Compliance with Departmental Directives. Personnel shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of the Torrance County Sheriff's Office

### UNBECOMING CONDUCT

**101.7** Personnel shall conduct themselves both on and off duty in such a manner as to reflect favorably on the Torrance County Sheriff's Office. Conduct unbecoming an officer shall include, but is not limited to:

1. Any conduct which has a tendency to bring the department into disrepute; or
2. That which may impair the operation or efficiency of the department; or
3. That which tends to diminish public respect or trust for Sheriff Deputies and confidence in the operation of the Torrance County Sheriff's Office.

### ALCOHOL AND DRUGS

**101.8** Personnel shall not store or bring into any Law Enforcement facility or Torrance County vehicle any alcoholic beverages, controlled substances, narcotics, or



hallucinogens, except as required in the performance of their official duties, or when prescribed for use by a licensed physician or dentist. Personnel shall not consume any intoxicating beverages on duty, or when utilizing departmental property, except where its use is required and documented pursuant to a case plan and standard operating procedure.

**101.9** Personnel are prohibited from consuming alcoholic beverages while operating a Torrance County vehicle eight (8) hours prior to operating such vehicle.

**101.10** Personnel are prohibited from the consumption of alcohol within eight (8) hours of the employee's scheduled time to report to work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first

**101.11** Personnel shall not possess or use any controlled substance in violation of state or federal law, whether on or off duty. Should a Torrance County Deputy be taking prescribed medication that affects duty performance they must either remain off-duty, or if requesting alternate duty, give notice through their chain of command of the nature and effects of the prescription. The chain of command may approve or disapprove the request for alternate duty assignment based on available assignments and effects of the prescription.

**101.12** Personnel are required to submit to reasonable suspicion alcohol and/or drug testing when directed by Torrance County; and are prohibited from tampering or attempting to tamper with such alcohol and/or drug testing.

## **ABUSE OF AUTHORITY**

**101.13** Departmental members shall not use their official positions to gain entry into any event without paying admission, except in the line of duty. Such events may include, but are not limited to:

1. Sporting events
2. Liquor establishments
3. Places of amusement

**101.14** Departmental members shall not use their official position or official identification card or badge:

1. To obtain personal or financial gain
2. To obtain privileges not otherwise available to them except in the performance of their duties
3. To avoid consequences of illegal acts

**101.15** Departmental members shall not use their official positions to coerce any individual into acting in a manner contrary to legal codes.

## **CARE AND MAINTENANCE OF EQUIPMENT**

**101.16** Personnel shall at all times be responsible for the safeguarding and proper use of all departmental issued property. All authorized equipment shall be utilized only for its intended purpose.

**101.17** Personnel shall not abuse, or intentionally damage or lose departmental equipment.

**101.18** Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and departmental orders pertaining to such operations.

## **SPECIAL CONSIDERATION AND PROFESSIONAL COURTESY**

**101.19** Personnel will not give special consideration, privilege, or professional courtesy to other Torrance County Sheriff's Office personnel or to personnel from other law enforcement agencies, or agencies involved with the Criminal Justice system, when such personnel are alleged to be involved in a violation of any law.

**101.20** Torrance County Sheriff's Office personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Torrance County Sheriff's Office personnel or from personnel of other law enforcement agencies.

### **REPORTING FOR DUTY**

**101.21** Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.

**101.22.** Personnel shall be properly equipped so that they may immediately assume their duties. This includes a sufficient number of forms, citations, gasoline and all necessary personal equipment.

**101.23** Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of Torrance County Sheriff's Office as to the condition of their health.

### **ON-DUTY CONDUCT**

**101.24.** Personnel shall constantly direct their best efforts to accomplish the functions of the Torrance County Sheriff's Office intelligently and efficiently.

**101.25** Personnel shall not engage in any activity or personal business which may

cause them to neglect or be inattentive to duty.

**101.26** Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

**101.27** Personnel shall perform their duties in a manner which will maintain the established standard of efficiency in carrying out the functions and objectives of the department.

**101.28** Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason, including illness or injury.

**101.29** Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty. Meal times shall be assigned by their immediate commander. Commanders may also stipulate where, or how far, the officer may travel to take their meal break.

### **USE OF TOBACCO**

**101.30** Personnel may use tobacco on-duty as long as they:

1. Are not in formation.
2. Do not have to leave their assignment or post for the sole purpose of doing so.
3. Are not engaged in traffic direction and control
4. Are not in a designated non-smoking area.
5. Refrain from using tobacco, or obtain permission prior to doing so, from individuals with whom they are in direct contact.
6. Not in a Torrance County vehicle.

**101.31** Personnel may not smoke tobacco in or within fifteen feet of any Torrance County building point of entry.

## **INSUBORDINATION**

**101.32** Insubordination consists of any employee who:

1. Willfully neglects or deliberately refuses any lawful order given by a superior officer
2. Treats with contempt or is disrespectful in language or conduct towards a superior.

## **OBEDIENCE OF LAWFUL ORDERS REQUIRED**

**101.33** Personnel shall promptly obey all lawful orders of a supervisor given in person or over the police radio. This will include orders which are relayed from a supervisor through personnel of the same or lesser rank.

**101.34** Personnel who are given an otherwise proper order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the most recent order shall stand. Personnel shall only be held responsible for the last order given, and shall not be held responsible for disobedience of the previously issued order.

1. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.
2. Personnel shall not obey any order which they know or should know would require them to commit any illegal act.
3. If in doubt as to the legality of an order, personnel shall request the issuing supervisor to clarify the order or to confer with higher authority.

## **PERSONAL BUSINESS OPERATIONS**

**101.35** While on duty, departmental personnel will refrain from promoting any personal business in which they may be involved. If departmental personnel are asked about a personal business venture they operate, they shall advise the person making the inquiry to contact them when they are off-duty to discuss their personal business.

## **IMPARTIALITY AND FAIRNESS IN PUBLIC CONTACT**

**101.36** Personnel shall never abuse authority by permitting personal feelings, prejudices, animosities, or friendship to influence their decisions.

**101.37** In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.

**101.38** Personnel shall not use coarse, violent, profane, or insolent language or gestures.

**101.39** Personnel shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar characteristics.

**101.40** Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, and consistent with established department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.

## **PROPER DRESS FOR DUTY**

**101.41** Personnel shall wear uniforms or other clothing in accordance with established department rules and procedures.

**101.42** Except when acting under proper and specific orders from a supervisor, personnel on-duty shall maintain a neat, well-groomed appearance and shall style their hair according to department regulations.

## **FALSIFICATION OF DOCUMENTS**

**101.43** Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document which has been filled out in the course of their employment. Written document refers to reports, citations, public records or documents, public vouchers, overtime slips, request for leave of absence form (P-30), affidavits, or any other written instrument completed by department personnel.

**101.44** A violation of this section may result in prosecution for violation of New Mexico law, including but not limited to Paying or Receiving Public Money for Service Not Rendered (New Mexico Statutes Annotated 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).

**101.45** All reports and written documentation will be accurately completed and turned in on time in accordance with established department procedures.

**101.46** Personnel shall truthfully answer all questions specifically directed to them, and specifically related to the scope of employment and operations of the department.

## **UNAUTHORIZED USE OF CREDENTIALS/TITLES**

**101.47** Personnel shall not lend to another person their identification card or badge, or permit their credentials to be photographed or reproduced without the approval of the Sheriff.

**101.48** Personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Sheriff.

## **ASSOCIATIONS WITH NON DEPARTMENTAL INDIVIDUALS**

**101.49** Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or when unavoidable because of other personal relationships.

## **PARTICIPATION IN ILLEGAL PROSTITUTION, GAMBLING ACTIVITIES, PROHIBITED**

**101.50** Personnel shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment in which the laws of the United States, the State of New Mexico, or the local jurisdiction are violated, except in the performance of duty or while acting under proper specific orders from a supervisor.

**101.51** Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under the proper and specific orders from a supervisor.

## **GENERAL GUIDELINES REGARDING DEPARTMENTAL BUSINESS**

**101.52** Personnel shall not criticize or ridicule the department, its policies, or other personnel in a manner which:

1. Is defamatory
2. Is obscene
3. Is unlawful
4. Which undermines the effectiveness of the Torrance County Office
5. Which interferes with the maintenance of discipline
6. Which is made with reckless disregard for the truth

**101.53** Personnel shall not present themselves as the official representative of the department, without prior authority.

**101.54** Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.

**101.55** Personnel shall not knowingly interfere with criminal or administrative investigations assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charge.

**101.56** Personnel shall cooperate fully with the investigators in any internal investigation, and shall be afforded all rights and protection provided by law.

**101.57** All Sheriff Deputy personnel shall be required to immediately submit written notice to the Torrance County Sheriff, through their immediate supervisor's in the following cases:

1. Arrest and/or conviction on misdemeanor charges.
2. Arrest on felony charges.
3. Receipt of official notice that he/she is a "target" in a Grand Jury Investigation.

4. Indictment on felony charges.
5. This section shall also apply when the arrest, target, or indictment is filed in this, or any other jurisdiction,
6. Conviction on any criminal charges.

## **DRIVER'S LICENSE REQUIREMENT**

**101.58** All personnel required to use a motor vehicle for departmental business shall maintain a valid New Mexico driver's license.

**101.59** The loss of or suspension of one's license to drive shall be reported to his/her immediate supervisor in writing within twenty-four hours.

## **IDENTIFICATION REQUIRED WHEN AT THE SHERIFF'S OFFICE**

**101.60** Personnel shall wear their badge where visible when in the Sheriff's building and not in uniform, during normal working hours of 8:00 A.M. to 5:00 P.M. (Monday thru Friday).

**101.61** When in any Law Enforcement facility, personnel shall give their name, rank, and duty assignment to any person requesting it.

**101.62** After normal working hours, all personnel will challenge anyone not readily identifiable within the Law Enforcement building.

## **CHAIN OF COMMAND**

**101.63** Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.

**101.64** During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.

1. An emergency does **NOT** include disagreements which should be rectified by the supervisor's direct supervisor. There is an absolute right to seek assistance from that supervisor.
2. However, the chain of command dictates that the individual commander be notified of the intended bypass.

#### **CRIME SCENE PHOTOGRAPHY FOR PERSONAL USE**

**101.65** Personnel shall not photograph any crime scene or police-related investigation by video tape motion picture, or still film process, for their personal use.

#### **UNAUTHORIZED RELEASE OF LAW ENFORCEMENT DOCUMENTS**

**101.66** Personnel shall not release any documents of the Torrance County Sheriff's Office for use in any hearing or court, unless

1. judicial subpoena or court order has been issued, or the release has been approved by the District Attorney or Torrance County Sheriff.
2. Nothing in this section prohibits the release of reports.

#### **MISCELLANEOUS**

**101.67** It's the responsibility of all Torrance County Sheriff's Deputies to check their County emails on a daily basis and will reply to any messages relating to a case and/or the Torrance County Sheriff and/or Torrance County Undersheriff.

**101.68** It's the responsibility of all Torrance County Sheriff's Deputies to have their Torrance County issued cell phones on them at all times. In the event an emergency arises, the Torrance County

Sheriff and/or Torrance County Undersheriff or designee should be able to make immediate contact with a Torrance County Sheriff's Deputy. Torrance County Sheriff's Deputies shall reply to any messages that are deemed to be responsible.

**101.69** Torrance County Sheriff's Deputies shall not expect to receive any compensation for answering their county emails, text messages, and/phone calls for any Torrance County Sheriff's Office matters.

Note: Any deviation of this directive by a Torrance County Sheriff's Deputy shall be considered a violation and will be disciplined.



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APPROVED BY:  
Sheriff Heath White



# **TORRANCE COUNTY SHERIFF'S OFFICE**

## **DISCIPLINARY**

**EFFECTIVE: 01-14-17**

**PAGES: 11**

### **PURPOSE**

**102.1** The Torrance County Sheriff's Office has adopted a disciplinary system designed to achieve the following goals:

1. Provide training as a means of improving productivity;
2. Offer counseling in an effort to assist employees with matters which may be affecting their performance;
3. Assure consistency when sanctions must be imposed;
4. To standardize the disciplinary process.

### **DISCUSSION**

**102.2** Discipline is often thought of in a limited sense as meaning punishment or penalty, a negative connotation. However, discipline also means instructing, teaching and training. Its main purposes are to facilitate coordination of effort, develop self-control and character, and foster orderliness and efficiency. One of the primary measures of the level of discipline within a law enforcement agency is the orderliness with which it operates.

**102.3** Discipline is interdependent on two other states of mind that influence behavior, those of morale and esprit de corps. All are of equal importance and each may flow from the other or each may adversely affect the others. High morale is usually accompanied by a high level of discipline and esprit de corps. Neither a high level of morale nor esprit de corps commonly accompanies a poorly administered disciplinary program. When these three occur together at a favorable level, however, efficiency will follow in direct proportion.

### **POLICY**

**102.4** It is the policy of the Torrance County Sheriff's Office that discipline shall be characterized as corrective rather than punitive, and that disciplinary action is but one of the elements of an overall program to educate Department employees and promote proper conduct.

### **PROCEDURE**

**102.5** All disciplinary procedures shall conform with the current union contract and Personnel Rules and Regulations. Any conflict between this policy and the applicable union contracts or personnel rules and regulations will be resolved by complying with the applicable contract or rules and regulations.

### **ADMINISTRATION RESPONSIBILITY**

**102.6** The Torrance County Sheriff shall review all recommendations for disciplinary action



which are forwarded through the chain of command. The review includes an assessment of the alleged violations, the Torrance County Sheriff and/ or Torrance County Undersheriffs' recommendations, any mitigating or aggravating circumstances that exist, and a determination that a preponderance of evidence exists to be believed that the alleged violation occurred.

**102.7** When circumstances permit, Torrance County Sheriff and/ or Torrance County Undersheriffs are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

**102.8** All disciplinary action shall require approval of the County Manager before implementation. Whenever such approval is not practical because of urgent circumstances, necessary action may be taken and the situations reviewed with the County Manager as soon as practical.

#### **RESPONSIBILITY OF MANAGEMENT**

**102.9** All Torrance County Sheriff and/ or Torrance County Undersheriff have the duty to take corrective action or to submit a written report to the Torrance County Sheriff, whenever they learn through personal observation or through report of any violation of the Torrance County Personnel Rules and Regulations, Torrance County Safety Manual, Department Directives, State law or Municipal ordinance by any member of this Department.

**102.10** Failure of a Torrance County Sheriff and/ or Torrance County Undersheriff or commander to immediately take action (as described above) for any violation coming to his/her attention regardless of the Torrance County Sheriff and/ or Torrance County Undersheriff's or affected employee's assignment or rank, is grounds for disciplinary action.

**102.11** Torrance County Sheriff and/ or Torrance County Undersheriff who receive an allegation of misconduct shall conduct the preliminary investigation and forward the complete report to the appropriate personnel in a timely manner.

**102.12** Command personnel who receive a completed investigation will forward the report to the Office of the Torrance County Sheriff who, at his/her discretion, may forward the report to the Internal Affairs Officer for further investigation.

#### **RESPONSIBILITY OF DEPARTMENT MEMBERS**

**102.13** All personnel shall acquire a working knowledge of the Torrance County Sheriff's Office Policy and Procedures. Ignorance of any provision of the Policy and Procedures shall not be considered an excuse or serve as a defense for a violation of these materials.

**102.14** All personnel are required to immediately report observation of any violations of the Policy and Procedures or State/Municipal law to their Torrance County Sheriff and/ or Torrance County Undersheriff or commander.

**102.15** Any member may be required to submit to the following procedures/examinations or tests if ordered in writing, by the Torrance County Sheriff, when the procedures/examinations are specifically

directed and narrowly related to a particular internal investigation.

**102.16** A drug test to include, but not limited to, the breath/alcohol testing device, or a blood/fluid test in a licensed medical facility, when it is necessary to determine drug use by an agency employee.

**102.17** Any medical, laboratory and/or polygraph tests that directly relate to proof of allegations against an employee.

**102.18** Any member may be required to be photographed when under internal affairs investigation if identity of an accused is an issue.

**102.19** Any Vehicle Mounted Camera System video tape may be utilized which may directly dispute or prove allegations of misconduct.

**102.20** Any member may be ordered to participate in a line-up as part of an internal affairs investigation if identity of the accused in an issue.

**102.21** Related costs of these examinations and/or procedures will be borne by the agency, unless the member requests the test on his/her own.

**PROGRESSIVE DISCIPLINE SYSTEM  
TEMPORARY, EMERGENCY AND  
PROBATIONARY EMPLOYEES**

**102.22** Torrance County Personnel Rules and Regulations state that all emergency, temporary and probationary employees may be suspended, demoted, or terminated for any reason the employer deems appropriate.

**CLASSIFIED EMPLOYEES**

**102.23** Classified employees may be reprimanded, suspended, demoted, or terminated only when there is just cause.

**102.23** Official oral and verbal reprimands must be issued on the Disciplinary/Corrective Action forms designated by the Human Resources Director and placed in the employee's Personnel file.

**102.24** Complaints or disagreements concerning oral and written reprimands may be addressed through the informal grievance procedure.

**102.25** The Torrance County Personnel Rules and Regulations lists examples of just cause for suspension, demotion, or termination of classified personnel. Just cause includes, but is not limited to:

1. Violation of or failure to comply with the Federal or State Constitution, Statutes, or County Ordinances;
2. Careless, negligent, or improper use of County property, equipment or funds;
3. Failure to comply with or accept a reasonable proper assignment from an authorized Torrance County Sheriff and/ or Torrance County Undersheriff;
4. Inability to perform job requirements;
5. Disorderly conduct or threats or abuse of others;
6. Chronic tardiness;
7. Use of undue influence to attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage;
8. Unauthorized leave;
9. Failure to obtain and maintain a current license or certificate as a condition of employment;
10. Intentional falsification or mishandling of County Records;

11. Unauthorized or illegal use, sale, or possession of alcohol or illegal drugs, or being under the influence of such substances while on duty;
12. Harassment or intimidation of any person; or
13. Action which reflects poorly upon the integrity of the Torrance County.

**102.26** The Torrance County Sheriff's Office has assigned appropriate sanctions to specific policy/procedure violations, which are outlined in the Department Directives. Unless there are mitigating or aggravating circumstances, Torrance County Sheriff and/ or Torrance County Undersheriffs shall follow the documented guidelines for disciplinary/corrective action in these areas.

**102.27** Violations and/or deficiencies not covered by the above listed guidelines are subject to the principle of progressive discipline. Options available to Torrance County Sheriff and/ or Torrance County Undersheriffs include individual action or a combination of actions, as appropriate. The options available include, but are not limited to:

1. Counseling (informal – may or may not be reduced to writing in the form of a memo/counseling form.
2. Assisting the employee in obtaining counseling through self-referral to the Employee Assistance Program (EAP).
3. Training – referral for additional, remedial, or in-service training.

**102.28** Torrance County Sheriff and/ or Torrance County Undersheriff shall provide recommendations for disciplinary action and may impose emergency relief from duty when appropriate.

**102.29** Upon receipt of a formal recommendation for disciplinary action by a commander or Torrance County Sheriff and/ or Torrance County Undersheriff, the Torrance County Sheriff may recommend the following discipline, subject to provisions set forth in the

### **PROCEDURES FOR DISCIPLINARY ACTION**

**102.30** Torrance County Sheriff and/or Torrance County Undersheriff will identify and charge the employee with the primary sections of the law, or directive that covers the major violation. Lesser violations that are fully included in the primary infraction should not be considered when making a recommendation.

**102.31** Torrance County Sheriff and/ or Torrance County Undersheriff intending to impose disciplinary action will consult the appropriate directive to ascertain whether or not there are imposed sanctions listed. If sanctions are not listed, the Torrance County Sheriff and/ or Torrance County Undersheriff shall then prepare his/her recommendation in line with the progressive steps listed above. To determine the appropriate discipline, the Torrance County Sheriff and/ or Torrance County Undersheriff will:

1. Consider the seriousness of the act or omission; Consider any mitigating or
2. aggravating circumstances that warrant deviation from the progressive steps. In the event these circumstances exist, the commander/Torrance County Sheriff and/ or Torrance County Undersheriff must articulate the

- reasons for deviation on the Disciplinary form;
3. Consider the disciplinary record of the individual involved;
  4. Demotion in rank or grade
  5. Dismissal from the Department;

**102.32** Consider past practice for similar violations. The Professional Standards Legal If multiple violations (other than lesser-included violations) arise from the same incident or investigation, each violation shall be sanctioned separately by applicable discipline categories. Therefore, both reprimands and suspensions, for instance, can be administered for separate violations arising out the same incident;

### **VERBAL COUNSELING**

**102.33** All Torrance County Sheriff and/ or Torrance County Undersheriffs have the discretion to administer verbal counseling for minor infractions. A minor infraction shall mean those violations which would result in a verbal reprimand, or less, for the first violation.

**102.34** Torrance County Sheriff and/ or Torrance County Undersheriffs will complete the proper Officer Conference Form with all necessary information in the text.

**102.35** The Torrance County Sheriff and/ or Torrance County Undersheriff/Commander initiating the action shall meet with the employee and explain the disciplinary process.

**102.36** When an oral reprimand is recommended, it will be explained that the action taken is intended as an oral reprimand, even though it is documented in written form.

**102.37** Personnel will be counseled that more severe disciplinary action will be taken for repeated infractions or omissions of the same nature.

**102.38** The Officer Conference Form shall be maintained by the Torrance County Sheriff and/ or Torrance County Undersheriff/commander for a minimum of three months

### **LETTER OF COUNSELING**

**102.39** A Letter of Counseling is a corrective action tool that can be used in cases that are more serious than those for which a Verbal Warning would be appropriate, but are less serious than those cases for which a Written Reprimand would be appropriate.

**102.40** A Letter of Counseling is to be kept in the employee's department file for a minimum of three months.

**102.41**The Disciplinary/Corrective Action form will then be routed through the chain of command for signatures, and will then be routed to the office of the Torrance County Sheriff. The Chief shall make a final decision regarding recommendation which he/she shall forward to the Human Resources Director. The employee may request a pre-determination hearing for written reprimands.

### **SUSPENSION, DEMOTION, AND TERMINATION**

**102.42** The same steps as outlined for Written Reprimands will be followed.

**102.43** An employee has a right to appeal in these cases, as a property right is effected, as outlined in the Personnel Rules and Regulations regarding disciplinary actions and the appeal process.

**102.44** The appeal process begins when the employee requests a Pre-Determination hearing.

**102.45** When employee misconduct results in dismissal from the department, the following information shall be made available to the member:

1. Reason for dismissal;
2. Effective date of dismissal;

**102.46** Status of fringe and retirement benefits after the dismissal, will be made available through the Torrance County Personnel office.

#### **WRITTEN REPRIMANDS**

**102.47** Torrance County Sheriff and/ or Torrance County Undersheriff will complete the proper Disciplinary/Corrective Action form and shall Content of the employee's record of employment relative to the dismissal

#### **PRE-DETERMINATION HEARINGS**

**102.48** When an employee requests a pre-determination hearing, the Torrance County Sheriff and/ or Torrance County Undersheriff shall schedule a hearing with the Torrance County Sheriff as soon as possible, and shall maintain possession of the Disciplinary/Corrective Action form until the time of the hearing. An employee shall be notified in writing at least (48) forty-eight hours prior to the date and time of the pre-determination hearing. The notice shall disclose the proposed disciplinary actions and shall state the time, place and date of the hearing.

**102.49** The hearing shall be informal and shall be conducted by the Torrance County Sheriff or his designee. The employee shall be represented by a person of their choosing.

**102.50** The purpose of the hearing is to provide the employee with a reasonable opportunity to address the reasons for the proposed disciplinary action.

**102.51** The hearing may be waived by the employee in which case the disciplinary action is effective immediately.

**102.52** The Torrance County Sheriff, or his/her designee, shall render a final recommendation within (5) five calendar days of the hearing, and forward the recommendation to the County Manager. The County Manager shall render a final decision within fifteen calendar days. Any time prior to the final decision the employee may file a written response.

#### **DISCIPLINARY RECORDS**

**102.53** All disciplinary records shall be maintained in the employee's personnel file (Police Administrative Office). Retention, access, and confidentiality shall be maintained in accordance with the Personnel Rules and Regulations, the Department Directive entitled, "Employee Personnel Files", and any applicable sections of the Records Retention Act. For details refer to the appropriate sections.

**102.54** The employee may request that documentation of an oral reprimand be removed from his/her file if (1) one year has passed since the last offense.

**102.55** An employee may request that documentation of a written reprimand be removed from his/her file if (2) two years has passed since the last offense.

**102.56** The appropriate union contract and personnel rules and regulations shall govern removal of documentation of suspensions, demotion or dismissals

**102.57** An employee may request documentation of disciplinary action be removed from his/her file as outlined in union contracts and personnel rules and regulations.

### **CONDUCT DURING SUSPENSION**

**102.58** During the period of suspension, personnel will not wear any identifiable part of the official uniform.

**102.59** Upon being placed on suspension, personnel will surrender their badge of office, take home vehicle and all assigned weapon

### **LEVELS OF DISCIPLINE**

1. Verbal Reprimand
2. Written Reprimand
3. Suspension
4. Demotion
5. Termination

### **DISCIPLINE MATRIX**

**102.60** The following Matrix is a guide for the fair and impartial administration of discipline within the Torrance County Sheriff's Office.

**102.61** The purpose of the Matrix is to provide a guideline for possible discipline ranges when employees are found to have engaged in violations of policies or rules of conduct, to establish consistency, predictability, and fairness in the discipline process, and to deter misconduct.

**102.62** It is the purpose of this disciplinary Matrix to provide guidelines to determine the appropriate penalty by considering the totality of the circumstances, including the employee's history and mitigating and/or aggravating factors. The Matrix addresses the handling of both single and multiple offenses. For example, where an employee has engaged in multiple offenses, often the single act that warrants the

highest penalty is used as the discipline guide, with the remaining acts considered as aggravating factors.

**102.61** The discipline system of the Torrance County Sheriff's Office must be fairly, efficiently, and consistently administered so as to promote and maintain a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism possible. The discipline ordered should reflect the mission and values of the Torrance County Sheriff's Office and help to promote trust and respect within the Department and the community.

**102.62** The investigation of allegations of misconduct must be fair, thorough, conducted with full regard for the rights of employees and designed to develop all relevant facts necessary for the fair determination of the issue in question.

**102.63** Offenses not specifically included in the Matrix shall result in penalties consistent with offenses of a similar nature and seriousness.

**102.64** Repeated violations of any of the Department's policies or any other course of conduct indicating a lack of regard or total disregard for the obligation or duties prescribed for members of the Department shall be just cause for imposition of maximum/aggravated penalty or dismissal proceedings.

**102.65** When considering penalties, mitigating factors may reduce a penalty to non-punitive corrective action, while aggravating factors may increase the penalty. Mitigating factors may include, but are not limited to the following: the misconduct was not premeditated; the employee had a secondary and/or minor role in the misconduct; the employee was forthright and truthful during the investigation; the employee accepted responsibility for his/her conduct; and the employee reported the incident.

**102.66** Aggravating factors may include, but are not limited to the following: the misconduct was premeditated; the misconduct involved gross negligence or recklessness; the employee should

have understood the consequences (length of service, training, etc.); the employee was not forthright or truthful during the investigation; serious consequences or injury occurred or could have occurred as a result of the misconduct; and the misconduct was committed with malicious intent or for personal gain. Other factors that should be considered include, but are not limited to: effect on the integrity of the Department, degree of culpability, prior disciplinary history, severity of misconduct (multiple offenses), training, and length of service.

**102.67** Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**102.68** In some instances, demotion to a lower rank may be an acceptable means of discipline, depending upon the gravity and circumstances of the violation.

**102.69** Probationary employees may be disciplined and dismissed without using the Torrance County Sheriff's Office Discipline Matrix.

**102.70** The following categories describe levels of conduct that will be deemed a violation of Torrance County Sheriff's Office Policy, local and federal laws. The Matrix is divided into sections according to these categories.

**102.71** Category A: Offenses are generally minor violations or disregard of policy. These are violations of policy or policies that do not involve a misuse of authority or an ethical offense, and have no impact or have minimal adverse impact on public safety or the professional image of the Department.

1. Rude, discourteous, or inappropriate comments/behavior or gestures to include profane or obscene language

2. Failure to report off duty involvement in any incident requiring Department notification
  3. No permit on file; violations of application process
  4. Using Departmental equipment while working secondary employment without authorization
  5. Improper/unauthorized transportation of prisoner
  6. Violation of prisoner processing/property procedures
  7. Violation of restraint procedures
  8. Failure to properly maintain firearm
  9. Failure to submit or file required reports
  10. Out of uniform/improper dress
  11. Failure to follow chain of command/obtain supervisor's approval
  12. Failure to advise of address/telephone change
  13. Failure to respond to the radio
  14. Failure to activate/use Body Worn Camera
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**102.72** Category B: Offenses are violations and/or disregard of policy. These are violations of policy or policies that involve a misuse of authority or ethical offense and/or that create or pose the potential for clear serious adverse impact on public safety or the professional image of the Department.

1. Insubordination
-

2. Failure to submit reports or responses to internal affairs requests by the time required
  3. Failure to notify a supervisor of a use of force
  4. Prohibition; restriction violations (i.e., location, hours, type of employment)
  5. Working while on sick leave, administrative leave, disability leave or limited duty status without authorization
  6. Inappropriate displaying of Department shield, logo or other police insignia and/or other equipment
  7. Improper/unauthorized searches including strip/cavity search
  8. Improper/unauthorized prisoner/detainee custody violations
  9. Prisoner/Detainee care violations
  10. Improper prisoner/detainee release
  11. Failure to follow proper procedures in the recovery and/or collection of evidence
  12. Failure to follow proper procedures in the preservation of a crime/incident scene
  13. Related to receipt of evidence (i.e., chain of custody)
  14. Chain of custody violations
  15. Improper storage and/or the release of evidence
  16. Improper recovery of found/abandoned property
  17. Improper storage and/or release of property
  18. Negligent or accidental discharge and/or use of firearm(no injuries or damage to property)
  19. Carrying an unauthorized firearm while on duty
  20. Carrying a firearm in violation of federal, state, local laws or Departmental regulations
  21. Failure to secure firearm (on/off duty)
  22. Carrying unauthorized ammunition while on duty
  23. Negligent or accidental use of Departmental less lethal weapons and/or equipment (no injuries or damage to property)
  24. More than two (2) preventable/at-fault motor vehicle accidents in a 12-month period
  25. Failure to report an accident or a motor vehicle accident
  26. Failure to assist/back up another law enforcement officer while on duty
  27. Failure to take necessary police action while on duty
  28. Violations of procedures for preliminary and follow-up investigations
  29. Improper procedures for an interview or interrogation
  30. Failure to perform assigned administrative duties (Supervisor)
  31. Failure to respond to scene when required or provide appropriate incident scene supervision (Supervisor)
  32. Failure to monitor proper prisoner safeguards and handling (Supervisor)
  33. Leaving assignment without permission
  34. Failure to obey an order
  35. Absent without leave and/or permission
  36. Court appearance related violations (i.e., failure to appear, tardiness, required paperwork)
  37. Sleeping while on duty
  38. Employees, unless in the performance of official business, shall not consume or purchase any intoxicant while on duty
  39. Purposefully and/or negligently losing/damaging Department equipment
  40. Allowing unauthorized persons to use Department equipment
  41. Failure to activate/use Body Worn Camera or Mobile Vehicle Recorder (MVR) video and/or audio mic consistent with policy (Subsequent Offense)
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**102.73** Category C: Offenses are more serious violations or disregard of rules or policies. These are violations of policy or policies that involve a misuse or abuse of authority or an ethical offense, or that create or pose the potential for a



major adverse impact on public safety or the professional image of the Department.

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1. Working secondary employment on Department time
  2. All harassment/discrimination
  3. Reckless use of Departmental less lethal weapons and/or equipment
  4. Unreasonable Force – force used that is outside what a reasonable officer would use
  5. Excessive Force – force that is excessive in scope, duration, or severity in light of the circumstances
  6. Arrests (i.e., lack of probable cause, failure to make required arrest)
  7. Deliberate inaccuracy of charging document, warrant application or testimony (not including perjury)
  8. Improper searches, seizures, or entries
  9. Failure to review and properly administer processing of search warrants, statement of charges, and miscellaneous court documents and orders (Supervisor)
  10. Unauthorized access of criminal history
  11. Unauthorized access of motor vehicle history or other law enforcement only information
  12. Unauthorized criminal/motor vehicle history dissemination
  13. Improper or unauthorized dissemination of Department information
  14. Obstructing or hindering a criminal investigation
  15. Failure to cooperate with an internal affairs investigation or directive
  16. Failure to notify a supervisor of a use of force as directed by policy (Intentional or Subsequent Offense)
  17. Employees shall never be impaired or intoxicated in public view while on or off duty
  18. An officer will not exercise any police authority, take any official police action or represent themselves as police officer while impaired by, or under the influence of, alcohol and/or drugs
  19. Officers will not be armed while impaired by, or under the influence of, alcohol or drugs
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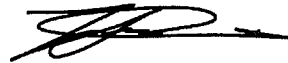
20. Employees shall not consume intoxicants while off duty within the preceding four (4) hours of reporting for duty
  21. Misdemeanor convictions
  22. Deliberate firearms discharge violation while on and off duty (no endangerment)
  23. Intentional misuse or intentional failure to activate/use Body Worn Camera
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**102.74** Category D: Offenses are major and non-correctable, including crimes and violations of public trust, for which dismissal is a required penalty regardless of the employees' prior disciplinary and work record. These are violations of policy that involve untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the Department.

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1. Any intentional misrepresentation/lying allegations proven
  2. Failure to report firearm discharge when required
  3. Brutal Force – force that is without justification or mitigation in light of the circumstances and is severe or cruel in scope or duration
  4. Purposefully filing an inaccurate and/or false report
  5. Improper or unauthorized dissemination of investigation information
  6. Cheating on tests or other assignments
  7. Felony convictions
  8. Misdemeanor conviction for family violence crime involving the use or threatened use of physical force or a deadly weapon
  9. Deliberate firearms discharge violation while on or off duty (endangers life)
  10. Obstructing or hindering an Internal Affairs or administrative investigation
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**102.75** When considering the penalty phase for sustained charges, follow the Penalty Table and always begin with the PRESUMPTIVE PENALTY. Mitigating or Aggravating penalties require specific written justification. The following table lists the aforementioned categories and the range of penalties for each:




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APPROVED BY:  
Sheriff Heath White

**DISCIPLINE MATRIX CHART**

<b>Discipline Level</b>	<b>Mitigating Penalty</b>	<b>Presumptive Penalty</b>	<b>Aggravating Penalty</b>
A	Training/Counseling (Written)	Verbal/Writing Reprimand	1-5 Day Suspension
B	Written Reprimand-5 Day Suspension	1-10 Day Suspension	5 Day Suspension-Anything Less Than Termination
C	5-10 Day Suspension	10 Day Suspension-Anything Less Than Termination	Termination
D	10 Day Suspension-Anything Less Than Termination	Termination	Termination



# TORRANCE COUNTY SHERIFF'S OFFICE

## BENEFITS AND LEAVE

EFFECTIVE: 01-14-17

PAGES: 4

### PURPOSE

**103.1** The purpose of this directive is to describe benefits available to Department employees and identify the Department's leave policy.

### DISCUSSION

**103.2** The maintenance of a stable, healthy, secure, happy and highly motivated work force directly benefits the Department and the public which it serves. Benefits and leave are provided to Department employees to improve personal efficiency, effectiveness and moral.

### POLICY

**103.3** It is the policy of the Torrance County Sheriff's Office to promote measures directed toward more sanitary, safe, healthful, productive and effective working conditions and to comply with the rules and regulations.

### ANNUAL LEAVE

**103.4** Annual leave is provided to allow employees time off from their work for vacation or for necessary time to attend to personal business.

**103.5** All permanent Torrance County Sheriff's Office employees are eligible to earn, accrue leave credits and may

utilize leave upon request and at the discretion of the

**103.6** All leave requests shall be submitted no later than two (2) week in advance on the approved form designated by the Torrance County Sheriff's Office

### SICK LEAVE

**103.7** Sick leave is granted to provide employees reasonable time off during periods of personal or family illness or injury without loss of pay.

**103.8** Sick leave may be accrued at the rate listed in the Torrance County Handbook.

**103.9** Barring mitigating circumstances, an employee utilizing sick leave shall notify his/her immediate supervisor or the on-duty Commander as soon as possible, but no later than one (1) hour prior to the time set for beginning daily duties.

**103.10** The employee shall also state whether his/her absence was for personal or family sick leave.

**103.11** Sick leave is granted for:

1. Personal injury or illness of the employee;
2. Injury or illness of a spouse, child or person over which the employee is legally responsible;
3. When the employee has been exposed (off-duty) to a contagious disease which would endanger others;
4. Appointments with physicians, dentists, or other medical practitioners;
5. Medical procedures relating to pregnancy and recovery therefrom shall be subject to the same regulations as personal sick leave.

**103.12** An employee may be required to submit a medical certification signed by a licensed physician to substantiate usage of

family/personal sick leave in cases where it occurs habitually or in such a manner to suggest an abuse pattern.

#### **BEREAVEMENT LEAVE**

**103.13** This is a category of leave which shall include any period of approved absence with pay from regularly scheduled work resulting from an employee's immediate family member requiring his/her presence because of a death.

**103.14** To qualify for bereavement leave, the employee may be required to provide substantiating information.

**103.15** The supervisor may require the employee to present proof of the death of an immediate family member.

#### **FAMILY LEAVE (FMLA)**

**103.16** Family Leave can be taken for the birth or adoption of a child, placement of a child in foster care, or to care for a spouse, child or parent with a serious health condition, or the employee's serious health condition.

#### **LINE OF DUTY DEATH**

**103.17** Pensions are paid to an eligible spouse and eligible children if the employee has not selected coverage under the Elective Survivor Pension Beneficiary provision. The retirement boards will determine whether an employee's death meets the line of duty criteria.

**103.18** Eligible spouses will receive 50% of the final average salary, or, if larger 80% of the normal accrued retirement pension. A spouse is eligible if married to an employee at the time of on-duty death.

#### **NON-LINE OF DUTY DEATH**

**103.19** Pensions are paid to eligible spouses or eligible children of the employee who have five (5) or more years credited service, or if the employee is a vested former member and die from any cause unless he/she has selected coverage under the Elective Survivor Pension Beneficiary provision.

**103.20** Eligible spouses will receive 30% of the final average salary, or if larger 80% of the normal accrued retirement pension. A spouse is eligible if married to an employee at the time of non-line of duty death.

**103.21** If there is no eligible spouse, each natural or adopted child will receive an equal share with each other child, of 25% of final average salary or, if greater 50% of the accrued retirement pension until the child/children reach the age of eighteen (18), marry, or die. The benefits of any remaining children will then be recalculated whenever a child's benefit is terminated.

#### **ON-DUTY INJURY**

**103.22** Any employee who sustains an accidental injury arising out of an action in the course and scope of his/her employment with the Torrance County Sheriff's Office they are provided with the following benefits:

1. If the employee is injured on the job and is unable to work, the employee will be carried on injury leave and will receive a full salary for up to a maximum of six (6) months from the date of injury.
2. During the time the employee is on injury leave, the employee will be allowed to accrue sick and annual leave at the normal rate and **PERA** contributions will be matched dollar for dollar in order for full **PERA** Retirement credit to continue.
3. If the employee is on injury leave for more than six (6) months, the employee may petition the Worker's Compensation Claims Review Committee, which will, on a case-by-

case basis, ascertain whether compensation is to be continued at the same rate of the employee's salary at the maximum benefit under the Worker's Compensation Law.

4. If the Committee denies the petition, the employee shall receive the statutory benefits as allowed by the Worker's Compensation Act. At this point, the employee will also need to begin making full **P.E.R.A.** contributions to prevent an extension of the calculated time for retirement.
5. In addition to **P.E.R.A.** contributions, the employee must immediately contact the Risk Management Division Director to determine whether other benefits and/or premiums are affected (Health Insurance/Life Insurance).

**103.23** All medical expenses relating to a work related injury will be covered at 100% by the Worker's Compensation Law.

**103.24** Employees are encouraged to return to alternate duty as an incentive toward rehabilitation.

**103.25** Sworn personnel injured on the job shall initiate an incident report describing the circumstances and events leading to the injury. If the injured person is incapacitated or unable to generate a report, the supervisor shall make the incident report.

**103.26** The supervisor shall immediately complete a First Report of Injury which will be submitted to the Torrance County Sheriff within one working day.

**103.27** When an employee is severely injured or killed while on duty, emergency notifications will be made by the Torrance County Sheriff or other ranking Torrance County Deputy.

**103.28** In the event of an employee death, the Torrance County Sheriff and/ or a ranking Torrance County Deputy will be

appointed liaison and shall assist the deceased member's family in such services as providing benefits information and support services available to the family.

**103.29** When a Department employee is absent from duty due to illness or injury covered by the New Mexico Worker's Compensation Law, the Torrance County Sheriff and/ or a ranking Torrance County Deputy shall act as liaison and contact the employee on a weekly basis to ensure that the employee is updated on Department policy and events.

### **MILITARY LEAVE**

**103.30** A permanent employee who is a member of the National Guard, or an organized United States military reserve unit shall receive military leave in accordance with the criteria set forth in the Personnel Rules and Regulations, approved contracts, and State Law.

**103.31** All requests for military leave should be submitted through the employee's normal chain of command and should include a copy of the employee's official military orders.

### **ADMINISTRATIVE LEAVE**

**103.32** Administrative leave may be granted by the Torrance County Sheriff, for reasons including but not limited to the following:

1. Voting time, when the employee's work shift begins two hours prior to the opening of voting polls or ends two hours after they close;
2. As a witness in a court of law in obedience to a subpoena;
3. Jury duty;
4. Relief from duty during investigations;
5. Other unforeseeable events (on a case by case basis).

**103.33** The Torrance County Sheriff may authorize an employee leave with pay, under unusual circumstances, when it is in the best interests of Torrance County

#### **LEAVE OF ABSENCE**

**103.34** Leave without pay may be granted by the Torrance County Sheriff.

#### **INSURANCE**

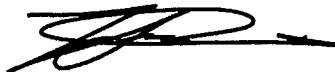
**103.35** Torrance County maintains the following categories of group insurance:

1. Health Insurance.
2. Life Insurance.
3. Accidental Death and Dismemberment.
4. Dental Insurance.
5. Other categories of insurance that may benefit Torrance County employees.

**103.36** All exempt, classified, probationary, term employees and those hourly employees who work a minimum of forty (40) hours in a pay period are eligible to participate provided application is made during the established enrollment periods.

#### **RETIREMENT**

**103.37** Department employees participate in a mandatory retirement program through Public Employees Retirement Association of New Mexico.

  
\_\_\_\_\_  
APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

ENTRY LEVEL

EFFECTIVE: 01-14-17

PAGES: 5

## PURPOSE

**104.1** The purpose of this directive is to establish a procedure for a fair and equitable selection process for all vacant lateral and entry-level positions with the Torrance County Sheriff's Office

## DISCUSSION

**104.2** The selection process is recognized as a vital procedure in determining the overall effectiveness of a law enforcement agency. In order for the process to be successful it must show validity, utility and minimum adverse impact. The process must promote equal employment opportunities for all candidates to employment with the Torrance County Sheriff's Office.

The Torrance County Sheriff's Office's selection process is based

1. That all personnel actions, including recruitment, selection, and advancement of employees shall be on the basis of Skills, relative Knowledge and Abilities (SKA).
2. Fair treatment of all applicants in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, physical or mental handicap and with proper regard for their privacy and constitutional rights as citizens.

## AUTHORITY

**104.2** The authority and responsibility for

administering the Torrance County Sheriff's Office selection process are placed directly with a ranking Deputy of the Torrance County Sheriff's Office.

**104.3** A ranking Deputy with the Torrance County Sheriff's Office shall develop and administer entry level selection examinations as necessary and appropriate to obtain an adequate supply of qualified applicants to meet the needs of the Department.

**104.4** The Torrance County Sheriff's Office, shall perform appropriate liaison activities to successfully accomplish the selection process.

**104.5** The Torrance County Sheriff's Office maintains the primary responsibility for such selection components as the background investigation, oral interviews and probationary period assessment.

## RESPONSIBILITY

**104.6** The Torrance County Sheriff retains final responsibility for the selection of personnel.

**104.7** The Torrance County Sheriff, will identify the specific skills, knowledge, abilities and personal attributes required for the positions and the selection of personnel.

## SELECTION PROCESS SWORN/CIVILIAN

**104.8** The selection process for the Torrance County Sheriff's Office begins upon receipt of the applications at the Human Resources Office.

**104.9** Applications, upon receipt are logged in by Human Resources Office staff.

**104.10** A ranking Deputy from the Torrance County Sheriff's Office will contact the applicant; which will advise the applicant of applicable information such as testing dates



and times, additional qualification requirements and any other information deemed necessary. Applicants will be advised of each step in the hiring process to include:

1. Written testing;
2. Physical Fitness/Agility testing;
3. Oral Interview;
4. Detailed Background Investigation;
5. Psychological Examination;
6. Drug Screening;
7. Medical Exam.

**104.10** From start to finish, the entire selection process may take four to six months.

### **PHASE I**

**104.11** Physical Fitness/Agility testing will, at a minimum, evaluate the applicant's ability to meet the requirements set forth by the Law Enforcement Training Act. Physical Fitness/Agility minimum thresholds are gender normed and applicants will be evaluated based on their age at the time of testing.

**104.12** Applicants who meet the minimum physical fitness/agility requirements will be offered an opportunity to participate in the written portion of the testing process.

**104.13** All qualified applicants will be offered an opportunity to participate in the written examination.

**104.14** The Torrance County Sheriff's Office will administer and score the written examination. Applicants receiving a minimum passing score will be offered an opportunity to participate in the Oral Board.

**104.15** Oral Boards shall use an established set of questions and scoring device. Each candidate, in the group, being evaluated, will receive the same questions. This does not prevent the questions from changing from group to group.

### **PHASE II**

**104.16** Completion of a Background Investigation. A detailed background shall be completed to verifying all application information and follow up on any information developed during the background.

### **PHASE III**

**104.17** A Formal Review of each successful candidate will be conducted reviewing all the above criteria and a List of Eligibles shall then be recommended to the Torrance County Sheriff.

**104.18** A ranking Deputy with the Torrance County Sheriff's Office will then notify the candidate of their official start date and where and when they begin picking up equipment. This will be done by telephone

**104.17** Medical Exam shall be conducted to certify the general health of each candidate prior to appointment.

**104.18** Drug Screening

**104.19** Psychological Exam, shall be scheduled and conducted by a qualified professional to ensure emotional stability and psychological fitness.

### **RE-APPLICATION AND RETESTING PROCEDURES**

**104.20** Torrance County specifies the conditions and procedures for re-application and re-testing of applicant's not appointed to probationary status.

**104.21** It is necessary for an applicant to submit a new application for employment to be considered for any future examinations.

### **BACKGROUND INVESTIGATIONS**

**104.22** The Torrance County Sheriff's Office will conduct a background investigation on

all applicants for employment with the Sheriff's Office. This investigation will be conducted prior to appointment to a probationary status.

**104.23** The background investigation will include, but is not be limited to the following:  
Verification of qualifying credentials:

1. Education.
2. Employment.
3. Age.
4. Residence
5. Citizenship.
6. Driver's license inquiry with the State of New Mexico, Department of Motor Vehicles, and the state of issue for the applicant's license.
7. Military Service Record – a copy of the DD214 obtained for file (if applicable).
8. Criminal records inquiry through National Crime Information Center (NCIC), New Mexico Law Enforcement Terminal System (NMLETS), Additional State and local agencies as may be warranted, given the applicants residence at time of application.
9. Personal History Statement.
10. Employment inquiry with previous employers.
11. Character inquiry, with at least three (3) personal references.

**104.24** While it is more reliable to conduct these inquiries in person, telephonic and mail inquiries are appropriate in obtaining some information. Such would be the case if the applicant has relocated from outside the state.

**104.25** The Torrance County Sheriff's Office will use only sworn personnel to conduct background investigations.

**104.26** The Torrance County Deputy will document the background investigation by use of a standard Report of Investigation format. This written report will be submitted for all applicants who have had full

consideration for appointment to probationary status.

**104.27** The Torrance County Deputy will provide the Torrance County Sheriff the report for his review and approval. If an applicant is appointed to a probationary status, the Report of Investigation, including the background investigation file, will be turned over to the Professional Standards Unit for inclusion in the employee's file.

### **OCCUPATIONAL QUALIFICATIONS**

**104.28** The Torrance County Sheriff determines that all physical and age qualifications for entry level sworn positions meet the requirements of validity, utility and minimum adverse impact.

**104.29** Medical standards are established for sworn applicants through the Law Enforcement Training Act. Applicants for sworn positions will be required to undergo a medical examination to determine physical and mental fitness to perform the work of the position for which they are being considered.

**104.30** A psychological examination shall be conducted on each candidate prior to appointment to probationary status, using valid, useful and nondiscriminatory procedures.

**104.31** Only licensed physicians are used to certify the general good health of an applicant, as well as assess the emotional stability and psychological fitness of the applicants.

### **DISQUALIFICATION CRITERIA**

**104.32** Any untruthfulness on the part of the

applicant/candidate in the recruiting or selection process may result in is qualification for a minimum of one (1) year.

**104.33** The drug screening test is mandatory. Refusal to take the test, or test results reporting a presence of illegal drugs, narcotics or prescription drugs not prescribed to the applicant/candidate will result in disqualification.

#### **PAST NARCOTIC/ILLEGAL DRUG USE DISQUALIFIER**

**104.34** The time frame that governs this subsection will be established as the date the candidate/applicant is administered the written test. Questions regarding past drug use will be restricted to last date used until a conditional offer has been executed with the applicant.

**104.35** No use in the last three (3) Years – Any illegal drug use that would amount to a misdemeanor crime if found in possession. This would include such drugs as:

1. Marijuana;
2. Hashish;
3. Mushrooms;
4. Peyote;
5. Steroids
6. LSD;
7. Quaaludes;
8. Barbiturates
9. Inhalants;
10. Poppers/Rush.

**104.36** No use in the last three (3) Years – Any illegal drug use which would amount to a felony crime if found in possession. This would include such drugs as:

1. Cocaine;
2. Crack;
3. Amphetamines;
4. Methamphetamine;
5. Heroin;
6. Morphine;
7. PCP;
8. Opium.

**104.37** After the conditional offer of employment a candidate may be

disqualified after a detailed drug usage interview.

**104.38** Mitigating circumstances to be considered may include length of time since the usage, age at time of usage, work history and lack of other antisocial behavior. Final approval of disqualification will be made by the Torrance County Sheriff.

#### **CRIMINAL ACTIVITY**

**104.39** Criminal activity in which the candidate/applicant has been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony charge, been involved in any prosecution diversion program as adjudicated for a felony crime committed as an adult, will be permanently disqualified.

**104.40** Any felony in which there is a court ordered deferred sentence with a resulting dismissal of the charge upon completion of some court ordered conditions, will be reviewed on an individual basis.

**104.41** Any previously unreported felony committed that the applicant, admits to, or is discovered during the course of the background investigation may be an automatic disqualifier.

**104.42** Candidates/applicants who admit to an undiscovered felony crime, where there is no deception will be considered on a case by case basis. Mitigating circumstances may include the following:

1. Severity of the act;
2. Number of times committed;
3. Age at the time the act was committed;
4. Circumstances surrounding the act;
5. Other social history factors.

**104.43** Criminal activity that amounts to a misdemeanor offense where there is no deception on the part of the candidate will be considered on a case by case basis.

**104.44** Any previously unreported misdemeanor committed that the applicant admits to, or is discovered during the course of the background investigation may be an automatic disqualifier.

**104.44** Misdemeanor criminal activity involving Domestic Violence or Battery Upon a Household Member in which the applicant has been convicted of, plead guilty to, or entered a plea of nolo

**104.45** Any Torrance County Sheriff's Employee will be on a one (1) year probationary period. At any time during the one year probationary period, an employee can be released without cause.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

LATERAL/RE-HIRE LEVEL

EFFECTIVE: 01-14-17

PAGES: 1

## PURPOSE

**105.1** To establish parameters governing the eligibility, selection, and classification requirements for lateral and in-grade hires within the department.

## DISCUSSION

**105.2** The department recognizes the value of prior law enforcement experience and the need to compensate qualified employees in a fair and equitable manner, within the guidelines of applicable policies and regulations.

## RE-HIRES

**105.3** Employees who voluntarily resign from the Torrance County Sheriff's Office under no adverse circumstances, may be rehired to previous rank and pay with all seniority if gone ninety (90) days or less.

**105.4** Officers who request employment after a period of ninety-one (91) days or more will be required to satisfactorily complete all selection examinations as outlined in the Lateral Hire Program.

**105.5** Applicants requesting consideration for reemployment will be required to satisfactorily complete the following examinations:

1. Physical agility;
2. Written Exam
3. Background Investigation
4. Interview
5. Comprehensive medical exam;
6. Drug screening.

**105.6** Prior employees who allow their New Mexico State Law Enforcement Certification to lapse will also be required to attend the basic certification course at the New Mexico Law Enforcement Academy, and will not be given credit for prior service as outlined in the lateral entry portion of this policy.

**105.7** Re-hired employees will be subject to all updated department requirements to include, but not limited to, mandatory physical fitness maintenance levels or other policy requirements which "grandfather" current employees.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## ALTERNATIVE DUTY

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**106.1** The purpose of this directive is to describe benefits available to Department employees as they apply to the Torrance County Sheriff's Office.

### DISCUSSION

**106.2** The Torrance County Sheriff's Office will attempt to assist any member injured in the line of duty, or injured while off-duty. This is to encourage timely return to full duty as well as to minimize Workmen's Compensation claims and/or extended use of Sick Leave for the mutual benefit of Torrance County Sheriff's Office and the affected member.

### ON-DUTY INJURY

**106.3** Employees who are injured while performing their duties for the Torrance County Sheriff's Office may be eligible to return to work on Alternate Duty Assignment under the following conditions:

1. There must be an open or temporary position that the employee is qualified for
2. State law and County ordinance prohibit creation of positions that have not been budgeted in the regular budget process.
3. The assigned Workmen's Compensation Physician must clear the employee, in writing, and include a list of specific physical abilities and/or limitations.

4. Written approval must be obtained through the Torrance County Sheriff in response to a memorandum submitted by the employee who is requesting Alternate duty assignment.
5. The list of specific abilities and/or limitations must be attached to the memorandum of request.
6. Approval may not be granted to an employee to continue an alternate duty assignment beyond six (6) months of the date of the work related injury.

### OFF-DUTY INJURY

**106.4** Employees who are injured while off-duty or while performing duties related to outside employment do not have a "right" to Alternate Duty Assignment. The Torrance County Sheriff may grant Department Alternate Duty Assignment under the following conditions:

1. There must be an open or temporary position that the employee is qualified for.
2. State law and City ordinance prohibit creation of positions that have not been budgeted in the regular budget process.
3. The employee must be cleared by a licensed physician and/or licensed specialist, in writing, to include a list of specific physical abilities and/or limitations.
4. Written approval must be obtained through the office of the Torrance County Sheriff in response to a memorandum submitted by the employee who is requesting Alternate duty assignment.
5. The list of abilities and/or limitations must be attached to the memorandum of request.
6. Approval may not be granted to an employee to continue a Alternate duty assignment beyond six (6) months from the date of beginning illness/injury leave due to a condition resulting from off-duty activity.





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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## OUTSIDE EMPLOYMENT/OVERTIME

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**107.1** The purpose of this directive is to provide guidance and direction when engaged in outside employment. This directive establishes:

### DISCUSSION

**107.2** For the purposes of clarity, the following terms are defined:

**107.3 OUTSIDE EMPLOYMENT:** Outside business activity or employment wherein the use of law enforcement powers is not authorized. Outside Employment by Deputies is not an inherent right, but a privilege that can be granted or revoked at the discretion of the Torrance County Sheriff. The Torrance County Sheriff's Office allows Deputies to participate in outside employment in accordance with this directive. The primary obligation and responsibility for all Torrance County Sheriff's Office personnel is to their on-duty assignments with the Department.

**107.4 OVERTIME:** Employment beyond scheduled work hours which is directly related to the Torrance County Sheriff Deputies assignment needs. **Example: Fill in for an Officer due to sick leave.**

**107.5** It is the policy of the Torrance County Sheriff's Office to allow its employees to participate in overtime (extra duty) and off-

duty employment. All supplementary employment must be consistent with the guidelines and restrictions established to ensure that an employee's primary duty and obligation is to the Torrance County Sheriff's Office and that there is nothing that could become a conflict of interest.

**107.6** All overtime employment shall be scheduled through the Torrance County Sheriff's Office and shall be paid at the overtime rate or the officer will be provided compensatory time as approved by the Torrance County Sheriff.

**107.7** Overtime employment scheduling shall be centralized through the Torrance County Sheriff's Office Administrator.

**107.8** All Department directives apply during all overtime assignments. Officers shall be considered as on-duty during the overtime employment and shall dress and act accordingly.

**107.9** Unless otherwise pre-authorized, the Deputy shall be in uniform and drive a marked vehicle.

**107.10** Scheduled Overtime details shall be deemed scheduled work hours. Failure to respond to an Overtime assignment when scheduled shall be considered absence without leave and subject to disciplinary action.

**107.11** It is the scheduled Deputies responsibility to find a replacement for any detail which the Deputy cannot attend.

**107.12** Deputies shall notify the Torrance County Regional Dispatch of the location of the detail when coming into service, unless a Supervisor approves a secure operation.

**107.13** No employee may take time off in order to volunteer for overtime assignments

with the intent of receiving overtime compensation.

**107.14** Compensation is not authorized for meal breaks during any extra-duty or overtime assignments.

**107.15** Supervisors who are working overtime assignments are responsible for all matters of law enforcement supervision at the assignment.

**107.16** Supervisors will monitor all overtime assignments and will be responsible for appropriate supervision where a supervisor is not assigned.

**107.17** Officers shall be protected by all insurance agreements and workmen's compensation statutes while engaged in department authorized and assigned overtime duty and shall be compensated for all official and legal proceedings arising out of any enforcement action taken during the course of overtime duty assignment.

#### **OFF-DUTY EMPLOYMENT**

**107.18** Employees intending to engage in off-duty employment must submit the "Request for Permission to Engage In Outside Employment", through his/her chain of command, to Torrance County Sheriff.

**107.19** Failure to submit the required request or engaging in business prior to submitting the form, may result in the immediate denial of outside employment and/or disciplinary action.

**107.20** The "Request for Permission to Engage in Outside Employment" must be renewed and submitted each year on the anniversary date of initial approval.

**107.21** Employees are prohibited from participating in any form of outside employment while they are on duty. This includes, but is not limited to:

1. Telephone calls;
2. Interviews;
3. Appointments;
4. Paperwork.

**107.22** Employees outside duty privilege will be temporarily suspended while the employee is on sick leave or any form of administrative leave or suspension.

**107.23** Employees injured during off-duty employment will be required to use annual, compensatory or sick leave while recovering. Employees may request alternate duty assignment upon return to duty. The Torrance County Sheriff will consider each request on a case by case basis.

#### **PROHIBITED OUTSIDE EMPLOYMENT**

**107.24** Employees are prohibited from utilizing any department issued or owned equipment while on off-duty employment.

**107.24** Employee's are prohibited from engaging in any of the following forms of employment:

1. Employment that is in direct violation of federal or State law or municipal ordinance;
2. Employment that violates Department or County regulations or procedures;
3. Any employment in an establishment where alcohol is dispensed. The only exception shall be in a restaurant where a full meal menu is served and the sale of alcoholic beverage cease upon the closing of the kitchen. Each request for outside employment will be reviewed and approved on a case-by-case basis. The decision to approve or disapprove will be made in the best interest of the department.
4. All establishments providing adult entertainment;
5. Any employment the Torrance County Sheriff deems as inappropriate.

**107.25**The renewal of outside employment will be done on an annual basis. It will be the right of the Torrance County Sheriff to revoke outside employment at any time. Outside employment is a privilege and not a right.

**107.26** All Torrance County Sheriff's Deputies, Detective, and Personnel will complete an Overtime Form. Failure to fill out and place the Overtime Form in the proper place by the end of their shift will result in nonpayment; the time worked will be considered as voluntary. The overtime being requested **MUST** be approved.



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APPROVED BY:  
Sheriff Heath White



# **TORRANCE COUNTY SHERIFF'S OFFICE**

## **PROMOTION**

**EFFECTIVE: 01-14-17**

**PAGES: 2**

### **PURPOSE**

**108.1** The purpose of this directive is to establish guidelines for the administration of examination devices used in the promotional process of personnel within the Torrance County Sheriff's Office. This may include, but is not limited to, written examinations, oral interviews or assessment centers.

### **DISCUSSION**

**108.2** The promotional process is of vital interest and concern to both the Torrance County Sheriff's Office and the employee. The promotion process brings about recognition, personal satisfaction and added responsibility. For these reasons the process must be standardized and provide a fair and equitable means of advancement for all employees who participate. In order for the process to be successful it must show validity, utility and minimum adverse impact.

### **POLICY**

**108.3** It is the policy of the Torrance County Sheriff's Office to maintain a structured and equitable system in cooperation with efforts put forth by Torrance County for the promotion of sworn non-bargaining unit classified personnel.

**108.4** The Torrance County Sheriff and his/her designee(s) will fully comply with the Personnel Rules and Regulations and EEOC laws concerning the promotion of employees.

**108.5** In compliance with the above procedures, the Torrance County Sheriff's Office will fulfill the following role, in regards to the promotional process.

1. Identifying those eligible to participate in the promotional process.
2. Upon conclusion of the selection of the personnel qualified, the Torrance County Sheriff shall interview the list of eligibles in accordance with their placement on the list.
3. The final decision for promotion of an eligible shall rest with the Torrance County Sheriff. Any deviation from the order of the list shall be in accordance with this policy.

### **PROBATION UPON PROMOTION**

**108.6** Upon promotion, each member of the Torrance County Sheriff's Office shall be required to serve a six (6) month probationary period.

**108.7** The probationary period shall begin on the effective date of promotion, and unless an extension is requested/granted.

**108.8** This probationary period is one in which employees will receive on-the-job training, additional training to enhance their knowledge, skills, and abilities in their new position, and management techniques for supervisory personnel. Employees will be closely supervised by their immediate commander during this period.

**108.9** Should problem areas be identified during the probationary period, the member on probationary status should be alerted as early as possible about the need for improvement, the appropriate means for improvement, and possible results of failure to improve (training, retraining, demotion).

**108.10** An employee may be demoted, with to his or her prior rank without the right of appeal or hearing at any time during the probationary period.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## BIAS PROFILING

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**109.1** The purpose of this directive is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Torrance County Sheriff's Office.

### DISCUSSION

**109.2** It is the intent of the Torrance County Sheriff's Office to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions.

### POLICY

**109.3** It is the policy of Torrance County Sheriff's Office that all Torrance County Deputies investigate suspicious persons, incidents and other activities with reliance on reported or observed descriptions and/or reasonable suspicion and not based on biased profiling or discrimination. Torrance County Sheriff's Office will comply with the *Prohibition of Profiling Practices Act* (2009).

### DEFINITION

**109.4** Bias Based Profiling by a Law Enforcement Officer is the reliance on an individual's: race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental condition, age, economic status, or cultural group of individuals in initiating, conducting, or determining the scope of an investigatory or enforcement activity, including, but not limited to detentions, traffic stops,

pedestrian stops, interviews, frisks, and other searches, except to the extent that credible information, relevant to the location or time frame, links a person with those identifying characteristics to a reported or observed criminal incident or suspected criminal activity.

**109.5** Biased Based Profiling of individuals is strictly prohibited by Deputies of the Torrance County Sheriff's Office.

**109.6** The detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Statutes, County Ordinances or any combination thereof, is prohibited

**109.7** Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes, County Ordinances, or any combination thereof and shall not be motivated by those factors listed in the Bias Based Profiling definition.

**109.8** Torrance County Deputies shall not ask for or request the immigration status of persons except in the interest of consular notification when they have already been arrested for a criminal offence.

### Training

**109.10** All Deputies will receive training during orientation, and at least once every two years thereafter, on the harms of bias based profiling and discrimination, including legal aspects and a review of this directive.

### DUTIES OF DEPARTMENT MEMBERS

**109.11** Any Torrance County Deputy who witnesses or becomes aware of any possible violation, will immediately contact and inform his/her supervisor A supervisor who receives such information shall notify the Torrance County Undersheriff and/or Torrance County Sheriff.

**109.12** Torrance County Deputies shall not discourage the filing of any complainants and will avoid actions that could be interpreted to



constitute intimidation, coercion, or threatened retaliation against complainants to discourage or prevent them from filing complaints.

#### **INVESTIGATION OF COMPLAINTS**

**109.13** Complaints of Bias Profiling will be accepted from any source or manner, and must be made within 90 days from the commission of the alleged violation.

**109.14** All complaints of bias based profiling or discriminatory practices will be investigated.

**109.15** Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this directive and to discover any indications of racial profiling or discriminatory practices.

#### **Attorney General Submittal**

**109.16** In accordance with the 2009 *Prohibition of Profiling Practices Act*, a copy of Bias Profiling complaints shall be submitted to the Attorney General's Office along with the finding, but shall not disclose personal identifying information of the complainant or the Officers employee.

**109.17** Persons who express desire to file a complaint of biased-based profiling shall be given a biased-based profiling complaint form.

#### **DISCIPLINARY PROCEDURES**

**109.18** Appropriate discipline will be implemented for non-compliance with this directive.

**109.19** Failure to report any observed or known violations of this order by any member of the Department will result in disciplinary action.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## ESCORTS

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**110.1** The purpose of this directive is to provide guidelines and specify circumstances under which escort services will be provided.

### DISCUSSION

**110.2** Vehicular escorts are provided for a variety of reasons, i.e., emergency situation, funerals, the relocation of wide loads, providing for the safety of public officials and dignitaries, or for the safe transport of hazardous or unusual cargo.

### POLICY

**110.3** It will be the policy of the Torrance County Sheriff's Office to allow sworn members to provide an emergency escort for a vehicle only when that vehicle contains a person who is gravely ill or seriously injured and that the sworn member reasonably believes any delay in obtaining medical attention would be life threatening. In medical emergencies, whenever possible, the patient should be transported by ambulance. A sworn member must use discretion in such situations and make a determination of the time and distance to a hospital or medical facility and the arrival time of a rescue unit or ambulance. If an ambulance is called to transport a patient, the officer may assist in escorting the ambulance if ambulance personnel request it.

**110.4** Sworn personnel that have been requested to provide an emergency escort of an individual or a civilian vehicle will contact a field commander and advise him/her the circumstances surrounding the request. If one is not available, the officer will use his/her discretion in conducting the escort. If an escort is given, the following rules will apply:

1. The first duty of the escorting officer in an emergency situation is to assure that the escorted vehicle arrives safely at the hospital or medical facility.
2. Sworn personnel providing emergency escorts of civilian vehicles shall notify
3. Communications personnel of the following:
  - a. Present location
  - b. Escort route
  - c. Intended destination
  - d. Nature of illness or injury
  - e. Officers shall request that Regional Emergency Communications Center Dispatch Personnel immediately notify the appropriate medical facility of the escort and the estimated time of arrival. Information as to the nature of the medical emergency will also be relayed.
4. While providing an emergency escort, sworn members shall utilize full emergency equipment (overhead lights and siren) and at all times operate the police vehicle in a reasonable and prudent manner, with due regard for prevailing road, traffic, weather conditions and traffic control devices and insuring that intersections are clear prior to crossing.
5. Upon arrival at the destination point, the officer shall notify communications that the escort has been completed.

**110.5** State of New Mexico regulations and laws governing operation of authorized

emergency vehicles will be adhered to whenever operating a motor vehicle under emergency conditions and failure to comply with said regulations and laws will not relieve the operator of liability.

### **EMERGENCY ESCORTS OUTSIDE CITY LIMITS**

**110.6** Sworn members shall not provide emergency escorts outside the jurisdiction of the Torrance County Sheriff's Office, unless specifically authorized to do so by a Commander.

**110.7** If a sworn member should escort someone out of the County on an emergency escort, (after being authorized), the sworn member shall notify Communications personnel, who will notify the appropriate law enforcement agency of the escort route and destination.

### **DIGNITARY, PUBLIC OFFICIALS, OR UNUSUAL ESCORTS**

**110.8** The Torrance County Sheriff's Office may be asked to escort dignitaries and public officials. When such a request is made, it shall be coordinated through the Torrance County Sheriff's Office

**110.9** When the Torrance County Sheriff's Office is asked to handle escorts for oversized vehicles or unusual escorts, the following procedures shall be followed:

1. Permits shall first be obtained. The permit shall state the route of the escort, the type of cargo and/or vehicle, the approved number of vehicles involved and date the escort is requested.
2. Deputies shall be sure the permit is correct before any escort is given.

**110.10** After receiving approval from the Torrance County Sheriff, the supervisor

shall be responsible for coordinating the escort.

**110.11** On oversized vehicles, private escort companies shall coordinate with the escorting Deputies.

**110.12** Prior to commencing the escort, Deputies shall ensure that traffic engineers and the Public Service Company of New Mexico have been contacted so, if necessary, barriers may be moved or removed (i.e. traffic lights, power lines, etc.) or if the escort needs to be re-routed over bridges, etc., the engineers will be available to assist.

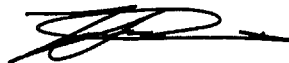
**110.13** When the Torrance County Sheriff's Office is asked to escort hazardous cargo, the requesting party shall be referred to the New Mexico Department of Public Safety, State Police Division, as they are the designated Haz-Mat Team for the State of New Mexico. The Torrance County Sheriff's Office shall assist the State Police if they request our assistance.

**110.14** All routine escorts shall be coordinated through the Torrance County Sheriff

**110.15** Routine escorts are not to interfere with calls for service and can be approved by the Torrance County Sheriff.

### **FUNERAL ESCORTS**

**110.16** Requests for funeral escorts shall be coordinated through the Torrance County Sheriff's Office. A uniformed Deputy shall conduct the escort.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## NEXT OF KIN NOTIFICATION

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**111.1** The purpose of this policy is to establish guidelines so that the notification of next of kin involving death, serious injury or serious illness be accomplished promptly in such a manner as to cause the least discomfort possible to the individual being notified.

### POLICY

**111.1** It is the policy of the Torrance County Sheriff's Office to notify the next of kin of deceased, seriously injured, or seriously ill persons in a prompt, professional and courteous manner.

### NOTIFICATION IN CASE OF DEATH

**111.2** With the exception of homicides, Deputies shall notify the next of kin in person (*no telephonic notifications*).

**111.3** In those instances where the Deputy is unable to make notification in person by the end of his/her workday, the information for notification will be given to the ranking Torrance County Deputy in order to continue the in-person notification process.

**111.4**As part of the notification, the Deputy will advise the family spokesperson to

contact the involved medical investigator to discuss any necessary arrangements.

**111.5** Notifications pertaining to deaths resulting from homicides will be handled by the Medical Investigator and/or the assigned detective.

**111.6** In all cases involving death, serious injury or serious illness where notification is in another jurisdiction, a teletype shall be sent to that agency requesting their assistance with the notification. Included with the Teletype will be a request for notifying the Torrance County Sheriff's Office upon completion of the notification.

### NOTIFICATIONS IN CASE OF INJURY

**111.7** When there are major injuries, due to motor vehicle accidents, or incidents of violence, personal contact is required. (no telephonic notification)

**111.8** When a request is received from another agency regarding serious injuries, a teletype or other type of correspondence shall be obtained first.

**111.9** In those cases involving minor injuries, i.e. motor vehicle accident with minor injuries, the contact can be made via telephone.

### NOTIFICATIONS IN CASES INVOLVING SERIOUS ILLNESS

**111.10** Whenever notification needs to be made due to a serious illness, i.e. heart attack, the contact will always be made in person. (no telephonic notification)

### NOTIFICATION REQUEST BY OUTSIDE AGENCIES

**111.11** Agencies requesting notification be made by our department shall verify such requests via teletype or other correspondence prior to making the notification, unless approved by a shift commander.

**111.12** Deputies will make every effort to deliver, in person, notifications which were initiated by other agencies.

**111.13** Deputies will not make any notifications when requested by individuals whose identity or information cannot be verified or confirmed.

#### **SUPPORT SERVICES**

**111.14** Deputies should attempt to provide support services for the next of kin or relatives of deceased, seriously ill or injured persons, when needed.

**111.15** At times, it may be necessary to have a Torrance County paramedic response team on the scene during notification(s). They will be called on a case by case basis and at the discretion of a Torrance County Deputy or ranking Torrance County Deputy.

1. (i.e. –situations where there are multiple deaths in one family, the person to be notified is elderly or in poor health, etc.)

**111.16** There may be requests from local hospitals, pharmacies, physicians, etc. to

notify a local resident as to appointments, or other non-emergency situations. These types of non-emergency notifications will not be handled unless cleared by the Torrance County Sheriff or, if the person making the request can justify it as an emergency.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## MISDEMEANOR CITATIONS

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**112.1** The purpose of this directive is to provide guidelines for the issuance of misdemeanor citations.

### POLICY

**112.2** It is the policy of the Torrance County Sheriff's Office to utilize the least coercive alternative to achieve a disposition of a matter, consistent with preserving public safety, order, and individual liberty. Deputies should cite all violations of County Ordinances into Magistrate Court, when the person meets certain criteria. This is to provide for alternatives to arrest and incarceration of persons, reduce jail costs, and reduce other costs to taxpayers while still maintaining enforcement/adjudication prior to trial.

### CRITERIA TO ISSUE CITATIONS IN LIEU OF ARREST

**112.3** Misdemeanor citations will only be issued under the following circumstances:

1. Sworn members may issue misdemeanor citations;
2. Misdemeanor citations will be used for adult offenders; and
3. Misdemeanor citations will be utilized for violations of County ordinance, in cases where arrest is not legally required or appropriate.

**112.4** Misdemeanor citations will be utilized in

lieu of arrest, unless:

1. The incident involves a violent or aggressive confrontation;
2. The incident is a domestic dispute; or
3. The offender is intoxicated or under the influence of an intoxicant (i.e., drugs, paint, glue).
4. The incident is a repeat offense (i.e., loud party second call, shoplifting - repeat offender).
5. The officer uses any physical force in detaining the individual.
6. The officer is unable to verify the identity of the offender and he/she is not in possession of valid identification.

### ISSUANCE OF MISDEMEANOR CITATIONS

**112.5** Deputies are to verify the accuracy of the defendant information by viewing a current driver's license, identification card, and/or utilization of LEADS prior to issuing the citation.

**112.6** Upon the decision by an officer to issue a misdemeanor citation in lieu of arrest, the following procedures will be adhered to:

1. A case number will be acquired from the Emergency Dispatch center.
2. Dispatch personnel will acquire and document all pertinent information.
3. The Offense/Incident case number will be listed on the citation top right or left hand corner.
4. Location and date of the incident along with the section number will be completed.
5. The narrative portion will have "please see attached narrative."
6. In shoplifting cases, the property shoplifted and total dollar amount will also be listed.
7. The defendant will be given his/her copy of the citation and all other copies will be routed to Torrance County Sheriff's Office for entry into the system.





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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## CONTROL OF CRIMINAL JUSTICE SYSTEM INFORMATION DATA

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**113.1** The purpose of this directive is to establish procedures and provide direction in the proper use of The New Mexico Law Enforcement Telecommunications System (NMLETS)

**113.2** The New Mexico Law Enforcement Telecommunications System (NMLETS) is a statewide storage and forward message switching system. It was established as a service to all criminal justice and law enforcement agencies within New Mexico. The System operates by means of a computer telecontroller, or switchers, terminal devices and most important operators. Its objective is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented criminal justice information.

**113.3** Control and enforcement of all NCIC/NMCIC/NLETS/NMLETS/LEADS rules and regulations are vested in the New Mexico Department of Public Safety (DPS) Headquarters. The success of the System is dependent on strict compliance by all users. Professional procedures demand all system users conform at all times with established rules and regulations. The computer

switcher is located at DPS Headquarters in Santa Fe.

**113.4** The NMLETS computer switcher allows access to the following databases and networks:

1. National Crime Information Center (NCIC) Located in Washington, DC, and managed by the FBI. NCIC contains sixteen (16) files for inquiry and/or entry of wanted and missing persons and stolen property.
2. National Law Enforcement Telecommunications System (NLETS) – Headquartered in Phoenix, AZ, a network providing access and communications to other states for administrative messages, vehicle registration information, driver's license information, help files, etc.
3. New Mexico Crime Information Center (NMCIC) – Headquartered in Santa Fe, the State database allowing access and entry for wanted person files.
4. New Mexico Motor Vehicle Division (DMV) – Located in Santa Fe, the database allowing access to New Mexico vehicle registration files and driver's license files.

### POLICY

**113.5** It is the policy of the Torrance County Sheriff's Office to participate in a computerized nationwide and statewide criminal information system. All Sheriff personnel having access to:

1. New Mexico Law Enforcement Telecommunications System (NMLETS)
2. National Law Enforcement Telecommunications System (NLETS), National
3. Crime Information Center (NCIC),

4. Interstate Identification Index (III)
5. New Mexico Crime
6. Information Center (NMCIC)
7. Department of Motor Vehicle (DMV)
8. Law Enforcement Automatic Database System (LEADS)
- 9.

will adhere to all rules and regulations that pertain to the proper use of these systems.

### SYSTEM SECURITY

**113.6** The data retrieved from NMLETS is documented criminal justice information, which must be protected to ensure correct, legal and efficient dissemination and use. It is incumbent upon a terminal agency operating an NMLETS terminal to implement the necessary procedures and actions to make that terminal secure from any unauthorized use.

**113.7** Any departure from this responsibility warrants the removal of the offending terminal from the NMLETS Network. The individual receiving a request for criminal justice data must ensure that the person requesting the information is authorized to receive the data. The data stored in NMLETS is confidential and should be treated accordingly; any unauthorized request or receipt of NMLETS material could result in criminal proceedings.

**113.8** The New Mexico DPS, serving as Control Terminal Agency (CTA), will be responsible for service and the enforcement of system security with regard to all NMLETS users.

**113.9** All terminals must be located in such locations within each agency that they are secure for use and from view of unauthorized persons. State level audits will check each agency's terminal security on a regular basis.

### SYSTEM DISCIPLINE

**113.10** To assure the proper operations of NMLETS, all standard, procedures, formats and criteria stated in the NCIC Operating Manual, NCIC Code Manual, NLETS Operational Manual and NMLETS Operating Manual must be strictly adhered to. Each agency alone is responsible for the accuracy, format completeness and correct status of any message type originated by that agency.

**113.11** Each terminal agency will be issued a NMLETS Operational Manual, NLETS Operational Manual, NCIC Operational Manual and an NCIC Code Manual. These manuals must be readily available to the operator(s) and all revisions must be posted in the manuals as they are received.

**113.12** Failure to keep current manual at each terminal location may be cause for suspension from the System. All terminal operators will be expected to review all NMLETS/NLETS/NCIC newsletters and NCIC Technical and Operational Updates, which must be made, part of the manuals and incorporated into the use of the System.

**113.13** All manuals must be kept in a good state of repair. When the binders and/or it contents become damaged or worn, they should be repaired or replaced as soon as possible. The Terminal Agency Coordinator (TAC) should contact the state CTO for replacement of unserviceable manuals.

### AGENCY RESPONSIBILITIES

**113.14** Each NMLETS terminal agency is responsible for terminal equipment, security, accuracy and completeness of its records and maintaining all required by documentation (manuals, records, and logs) as prescribed by NCIC/NMCIC/NLETS/ NMLETS/ LEADS, and the New Mexico Department of Public Safety. The integrity of the records entered into NCIC/NMCIC is the sole responsibility of the terminal agency.

### **APPOINTMENT OF A TERMINAL AGENCY COORDINATOR (TAC)**

**113.15** The 1984 NCIC Advisory Policy Board (APB) mandated that each Control Terminal Officer (CTO) ensure that each terminal agency administrator designate an individual to serve as a Terminal Agency Coordinator, who shall assume the responsibility for ensuring compliance with State and NCIC policy and regulations. The TAC must be designated prior to the terminal being activated online on the NMLETS Network. The TAC should be an individual who is knowledgeable about telecommunications and the operation of the terminal equipment. When the TAC terminates employment with the terminal agency or is reassigned, a new TAC shall be appointed within **ten (10) days**. The state CTO will then be notified, in writing, of this new appointment. A new terminal User Agreement must then be executed.

**113.16** Prior to any authorization for utilization of these databases, Torrance County Deputies must receive proper training and complete the query test. This electronic test is automatically submitted to DPS and should be placed in personnel files. The query test must be taken every two (2) years.

### **INTERSTATE IDENTIFICATION INDEX (III)**

**113.17** The III is an automated system which facilitates the interstate exchange of on-line Criminal History Record Information (CHRI) between criminal justice agencies. It

consists of an index containing individuals' names, aliases, physical descriptors, identifying numbers, fingerprint classifications, and names of the agencies maintaining the criminal history information. It is accessed via (NCIC) by insertion of name and other personal descriptors. There are currently 41 states participating in the III system, with approximately 33 million records available.

### **AUTHORIZED ACCESS TO III**

**113.18** The United States Department of Justice and federal courts have interpreted Title 28, United States Code (USC), Section 534 (the basic and fundamental authorization for the collection, acquisition, exchange and dissemination of CHRI) to require restricted access to FBI CHRI to criminal justice agencies for criminal justice purposes and to federal agencies authorized to receive it pursuant to federal statute or executive order.

### **USE OF INTERSTATE IDENTIFICATION INDEX**

**113.19** The use of III is strictly controlled by FBI NCIC and the state is required to enforce III policies and procedures. The Privacy Act of 1974 and the computer Fraud and abuse Act of 1986 are two federal statutes affording criminal and civil liability for violations of privacy and security provisions calling for the cancellation of access rights by criminal justice if the dissemination of CHRI is made outside the receiving department or related agency. Each agency administrator is responsible for the proper use of III by his/her officers and employees. Most states (if not all) also have laws, which criminalize or provide civil liability for misuse/ unauthorized dissemination of CHRI. Sanctions for misuse of III are taken against the agency, which can include denial of access to III for flagrant or continued misuse or abuse. The TAC) is responsible for documenting any violations of III,

Insuring that the violation is not repeated to the limit of their authority, and reporting the violation(s) to the agency administrator and the State Control Terminal Officer.

**113.20** Each and every transaction must be logged on the state furnished III Log. Each column must be completed, including the OCA/Reason column. This column should contain either the case number or warrant number concerning the subject that is being run in III. In the absence of a case or warrant number, a valid reason for the III request must be given, i.e. criminal investigation, narcotics investigation, police employee applicant background investigation, search warrant, etc. All III logs are checked during state and FBI NCIC audits.

**113.21** NCIC Technical and Operational Update 98-4 states: *“ Any electronic device that uses wireless or radio technology to transmit data may be used for transmission of criminal history record information when an officer determines there is an immediate need for this information to further an investigation or there is a situation affecting the safety of an officer or the general public”.*

**113.22** Torrance County Deputy may request an III over the radio during a traffic stop or other routine stop when the actions of the violator or the circumstances surrounding the initial contact with the violator may warrant a request for III. Once the request has been made, the officer must indicate the purpose of the request and what type of information is being sought, i.e. arrest for narcotics violation, arrest for assault on police officers, escape, etc. Only specific arrests or information that would further the officer's investigation can be given over the radio.

**113.23** Agency administrators, through their respective TAC, need to ensure that sworn and civilian personnel follow the proper procedures for use and requirements surrounding a request for III. Personnel will

NOT use III as a “fishing expedition” or to satisfy his/her curiosity. III is a name check only. The only way to way to positively identify a person or make sure the person being inquired on is the same person of interest is to submit a set of fingerprints to the state crime lab and FBI. A large number of criminal history records for persons born prior to 1956 are not in the automated files, which would return a “no criminal record response”. Therefore, an officer should rely on his/her training, common sense and personal safety when dealing with a violator or suspect, not on III.

#### **USE OF LAW ENFORCEMENT AUTOMATIC DATABASE SYSTEMS (LEADS)**

**113.24** A Torrance County Deputy will be able to access all these databases from their issued MTD's. These MTD's have been registered with the New Mexico Department of Public Safety. The MTD's are the only authorized work stations allowed to access these databases. The use of this database is strictly used for investigation purposes.

**113.25** Torrance County Deputies will be able to utilized the database to inquire the subject by:

1. Name and Date of Birth
2. Driver's License Number

**113.26** Torrance County Deputies will also have the ability to immediately identify the registered owner of a vehicles.

**113.27** Torrance County Deputies can also locate vehicle information by their Vehicle Identification Number (VIN)

**113.28** In the event a Torrance County Deputy identifies a stolen motor vehicle, wanted person, protection orders to included violations, or any FBI watch list subject, it **MUST** have confirmed with the Torrance County Regional Dispatch Center before taking any action.

**113.29** Torrance County Deputies **WILL NOT** leave their MTD's open with any confidential information viewable.



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APPROVED BY:  
Sheriff Heath White

### **MANAGEMENT CONTROL**

**113.30** Management control is defined as the authority to set and enforce:

1. Priorities;
2. Standards for the selection, supervision and termination of personnel;
3. Policy governing the operation of computers, circuits and telecommunications terminals used to process criminal history record data insofar as the equipment is used to process, store, or transmit criminal history record data.

**113.31** At the discretion of the Torrance County Sheriff and/or The Torrance County Undersheriff, access to these databases can be vary from:

1. Reprimand
2. Suspension and/or
3. Termination



# TORRANCE COUNTY SHERIFF'S OFFICE

## JUVENILE MATTERS

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**114.1** The purpose of this directive is to establish procedures and guidelines for the handling of reported juvenile matters and delineate responsibilities within the Department.

Ensuring victims are afforded all the juvenile system has to offer and that juvenile offenders are dealt with in the least coercive among reasonable alternatives, consistent with conserving public safety, order and individual liberty.

### POLICY

**114.2** It is the policy of the Torrance County Sheriff's Office to enforce the law with respect to juvenile offenders, respond to the needs of juvenile victims, act as a resource for public and private schools, develop proactive methods for prevention of delinquency, and utilize the least coercive means available for dealing with youthful offenders.

**114.3** In addition, it is the policy that all Torrance County Deputies and personnel share in the responsibility of participating in and supporting the Department's juvenile operations function within each District.

## JUVENILE OFFENDERS

**114.4** Deputies contacting juveniles for delinquent acts (criminal offenses), status offenses, and complaints should use the least coercive among reasonable alternatives to achieve a disposition of the matter, consistent with preserving public safety, order and individual liberty.

**114.5** Referral to Juvenile Probation and Parole should have all pertinent information be included in the report and the investigation should be complete. In the event that completion of the investigation was not possible, the case may be referred to Special Investigations Section for the necessary follow-up.

## JUVENILE ARRESTS

**114.6** To initiate legal proceedings by affecting an arrest, you must first contact a Juvenile Probation and Parole Deputies, either at their office during regular business hours, or at their residence or pager number, **BEFORE INCARCERATING A JUVENILE.**

**114.7** When approval for detention has been received from a JPPO and a juvenile is placed in detention, copies of the complete report with probable cause statement shall be forwarded to juvenile probation and parole.

**114.8** In cases involving felony offenses and juvenile offenders, the cases shall be referred to the Juvenile Probation and Parole as JPO is mandated by law to work with the District Attorney's office on all felony offenses.



**114.9** Under no circumstances shall a complainant be referred to Municipal or Magistrate Court when the offender is a juvenile. If the offender is an adult and the victim is a juvenile, the parents of the victim may be referred to Magistrate or District Court.

**114.10** Once a request for detention has been approved and the juvenile has been accepted at the Detention Center, the arresting Deputies shall complete a statement of probable cause.

1. Two copies of the statement will be left at the Detention facility and a third copy shall be forwarded to the Torrance County Sheriff's Office with the arrest report.
2. The original probable cause statement will be delivered to the JPPO office with a complete case file.

**114.11.** Procedures for proper notification are as follows:

1. Referral to the Children Youth and Family Department
2. In addition the Deputies will notify CYFD immediately of the incident, via telephone.
3. Referral to Outside Mediation or Counseling
4. Referrals for temporary or prolonged treatment and/or counseling shall only be made through the parents.
5. Referrals may be suggested if personnel are asked for advice in dealing with Juvenile Offenders.
6. Deputies will take the alleged juvenile offenders into temporary custody for referral to Juvenile Probation and Parole, or arrest, under the following circumstances:
  - a. When the delinquent act committed by the juvenile would be a felony if committed by an adult.
  - b. All delinquent acts involving weapons.
  - c. All serious gang-related delinquent acts (gang related

crimes may be defined as follows):

- i. Crimes committed by gang members to benefit the gang.
  - ii. Crimes committed by gang members at the direction of the gang.
  - iii. Crimes committed by gang members while representing the gang, or whose criminal acts are intended to promote or further the advancement of the gang.
7. All delinquent acts involving aggravated assault and battery.
  8. All delinquent acts committed by juveniles on probation or parole or by those with a case pending.
  9. All repeated delinquent acts, which have occurred within the preceding 12 months.

**114.12** Any juveniles, who have been selected for a diversion program, but have refused to participate.

**114.13** Cases in which it has been determined that parental supervision is not effective.

**114.14**When a warrant has been issued.

**114.15**When the delinquent act committed by the juvenile would be a misdemeanor if committed by an adult. (Refer to the next section of this directive for further guidance)

**114.16** Driving a motor vehicle when the operator's license is revoked.

**114.17** Driving a motor vehicle while under the influence of intoxicating liquor or drugs (refer to Directive 67.1 for further direction).

**114.18** Guidelines to be followed when taking a juvenile into temporary custody:

1. When taken into temporary custody, the Deputy will bring the juvenile offender to the Torrance County Sheriff's Office without unnecessary delay, unless the juvenile is in need of emergency medical treatment.
2. The juvenile will not be detained any longer than is reasonably necessary to obtain the required information for an offense report, verification of information, records check, and possible processing at the Juvenile Detention Facility.
3. The juvenile's parent or guardian will be notified and advised of their child's custody and charges being filed against the offender

**114.19** Non-custodial Interviews of juveniles they will be advised of their rights as per Miranda in a modified version:

1. Right to remain silent
2. Right to an attorney

**114.20** Custodial Interviews of Juveniles

1. Juveniles will be advised of their rights, per Miranda, before any questioning is conducted about a specific crime.
2. Deputies shall familiarize themselves with New Mexico State Law regarding custodial interviews of juveniles under the New Mexico Children's Code, Basic Rights, New Mexico State Statute 32-1-27 NMSA.
3. Deputies conducting custodial interviews of juveniles shall remain cognizant as to the duration of the interview, and number of Deputies present during the interview, consistent with the seriousness of the allegations and the circumstances surrounding the case.

**114.21** All reasonable attempts will be made to notify the parent or guardian of the arrest and have them present during any custodial interviews.

**114.22** Deputies will explain to the juvenile and parent or guardian what procedures they can expect while going through the juvenile justice system.

**114.23** Contacting Students at School (Suspects) When a student is suspected of committing a crime and an interview is necessary, the Deputies will follow the below described procedure:

1. Contact the on-Duty Supervisor.
2. Deputies will contact the school principal who will contact the student's parents.
3. The Deputy and a school official must be present during the interview.
4. The interview will be conducted in a private and secure location.

**114.24** When a student is a witness to a crime or related matter and an interview is necessary, the Deputies will follow the below described procedure:

1. Contact the on-Duty Supervisor.
2. Deputies will contact the school principal who will contact the student's parents.
3. The Deputy and a school official must be present during the interview.
4. The interview will be conducted in a private and secure location.

**114.25** Juveniles may be issued citations for state or municipal traffic violations.

1. Citations will be sent to the appropriate court Magistrate in all cases except felonies listed in the Motor Vehicle Code
  - a. Driving Under the Influence of Intoxicating Liquor or Drugs;

- b. leaving the scene of an accident involving damage, injury, or death;
- c. reckless driving; or
- d. driving under a suspended license.

**114.26** Citations involving the above-listed exceptions shall be sent to the Juvenile Probation and Parole Office for disposition. In the event that a citation is issued for one of the exceptions, then all additional citations shall be routed as well.

**114.27** Parents will be notified by Juvenile Probation and Parole of the date and time of the scheduled hearing on the citation(s).

**114.28** At no time will a juvenile be issued a nontraffic misdemeanor citation.

#### **DEPUTIES RESPONSIBILITY**

**114.29** Pursuant to New Mexico Children's Code, law enforcement Deputies who reasonably believe that a child has been abused or neglected may take or cause to be taken color photographs of the area of trauma visible on the child. If medically indicated, such persons may take or cause to be taken x-rays of the child.

**114.30** In cases of sexual abuse, measures should be taken to ensure medical aid to include a standard rape examination through a Hospital, Public Health Services (Indian Hospital), or any other facility which has been approved by the Department of Human Services and/or the District Attorney's office. An examination should be completed in cases where there is credible information of penetration.

**114.31** When a child sex abuse victim and a suspect are living together, Deputies should ensure that the child victim and suspect are separated, pending investigation.

**114.32** Deputies shall gather all evidence, including all written reports and statements from those persons required to report known or suspected cases pursuant to the New Mexico State Statutes, Children's Code.

**114.33** A child should be taken into temporary protective custody if the child's surroundings endanger the child. The Deputies should notify the Children Youth and Family Department to arrange for placement if the child is taken into protective custody.

**114.33** Even if a child is determined not to be in danger, Deputies will complete an offense report. The offense report will be completed as fully and as accurately as possible, to include:

1. Name, address, age, sex and race of child.
2. Name, address of person responsible for causing injuries.
3. Nature and extent of injuries, including evidence of previous cases involving victim and/or suspect.
4. Names and conditions of all other children in the residence.
5. Name and address of the reporting party.
6. Names of all adult persons living in the home.
7. The names and addresses of both parents and/or guardians if different from those listed above.

**114.34** In all cases of suspected abuse or neglect the investigating Deputies shall contact the CYFD immediately.

1. Immediately in this case requires contact prior to the end of the Deputies shift and can be accomplished through the 24 hour CYFD contact number.
2. In addition, the written report will be forwarded to CYFD within 48 hours, as per New Mexico State Statute.

## PROTECTIVE CUSTODY

**114.35** Pursuant to New Mexico State Statutes a child may be taken into temporary protective custody by a law enforcement Deputies without order by the court when:

1. The child is lost, abandoned, seriously endangered, or seriously endangers others, and the immediate removal of the child appears necessary to protect the child from others.
2. Reasonable grounds exist to believe that the child has run away from the parents, guardian or legal custodian.
3. The juvenile court may issue written or verbal temporary protective custody orders to law enforcement Deputies if the circumstances or conditions of a child are such that continuing in his place of residence would present a danger to the child's life or health in the reasonably foreseeable future.



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APPROVED BY:  
Sheriff Heath White

## MANDATORY NOTIFICATION TO CYF DEPARTMENT

**114.36** Deputies investigating cases of child abuse or neglect shall contact the Children, Youth and Family Department, Social Services Division, when there is evidence of:

1. Injury resulting in death.
2. Past or current sexual abuse, incest, molestation, sexual exploitation or prostitution.
3. Known or suspected physical abuse, including bruising, broken bones, burns or serious bodily injury.
4. Cases where a child exhibits a condition of failure to thrive.
5. Cases where a child's environment is injurious to his/her health and safety.
6. Cases where abandonment occurs.
7. Any potential injurious or unsafe situation as based on the Deputies observations and/or investigation.



# TORRANCE COUNTY SHERIFF'S OFFICE

## MISSING PERSON

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**115.1** The purpose of this directive is to establish procedures and guidelines for the handling of reported missing person/child abduction and runaway investigations.

### DISCUSSION

**115.2** Torrance County Deputies shall use its resources, acting within the scope of their authority to identify, locate, and assist any juvenile or any person reported missing.

### POLICY

**115.3** It is the policy of the Torrance County Sheriff's Office to investigate and document all juvenile, missing person/child abduction and all missing adult reports.

### JUVENILE/MISSING

**115.4** Torrance County Deputies will normally be responsible for initial reports on missing and runaway juveniles. Proper investigation of these reports requires that the following steps be taken:

1. Interview the parents/guardian making the report.
2. Obtain a description and current photograph of the child.
3. Advise dispatch of the information received, including the last known

location and have this information broadcast on all radio frequencies.

4. An offense/incident report shall be completed and all pertinent information will be entered into the mandatory sections of the form.
5. In addition the following information must be included:
  - a. Place of birth.
  - b. Mother's maiden name.
  - c. Parent(s) address(s) if different from the juvenile's.
6. The juvenile will be entered into N.C.I.C. and a copy of the entry will be attached to the Deputies report.
7. The investigating officer shall attach a recent photograph (if available).
8. Notify Missing Person Clearing House with appropriate forms.

**115.5** Torrance County Deputies will be responsible for the follow-up on all juveniles reported as missing. In the following cases, a Detective shall be contacted:

1. In the event that the missing juvenile is less than thirteen years of age, the Torrance County Sheriff shall be notified if the juvenile is not located immediately.
2. In the event that it appears suspicious circumstances exist surrounding the juvenile's disappearance; the Torrance County Sheriff shall be notified.

### MISSING CHILD/CHILD ABDUCTION INVESTIGATIONS

**115.6** Missing Child/Child Abduction investigations apply when:

1. The child is younger than 18 years of age, and,
2. Whose whereabouts are unknown to a parent, guardian or, responsible party

**115.7** Factors that should be considered when investigating a missing child/child abduction report include, but are not limited to:

1. If the child is 13 years of age or younger.
2. If the child is out of the zone of safety for his/her age and developmental stage.
3. If the mental capacity of the child is diminished.
4. If the child is on prescribed medication and/or is drug dependent on elicit substances.
5. If the child is a potential victim of foul play or sexual exploitation.
6. If the situation can be considered life threatening in any way.
7. If the incident occurred near a truck stop or a busy thoroughfare.
8. The length of time since the juvenile was last seen.
9. If the child is believed to be with adults who could endanger his or her welfare.
10. If the child is absent under circumstances inconsistent with established patterns of behavior.
11. If the child's disappearance involves circumstances that would cause a reasonable person to believe that the child should be considered at risk.

**115.8** Resources that can be utilized for Missing Child/Child Abduction cases:

1. Amber Alert-Law Enforcement EMERGENCY Alert System.
2. National Center for Missing and Exploited Children.
3. THE TRAK COMPUTER SYSTEM.
4. The LOCATOR Computer System.
5. Horse Mounted Patrol
6. New Mexico State Police.
7. New Mexico State Police Search and Rescue (K-9).
8. Moriarty Police Department.
9. Estancia Police Department
10. Federal Bureau of Investigations.
11. Air support (TCSO/BCSO/NMSP)

## **PROCEDURES FOR HANDLING MISSING CHILD/CHILD ABDUCTION CASES.**

**115.9** Dispatcher shall:

1. Determine if circumstances of the report meet the requirements of a missing child, as set forth above.
2. Immediately dispatch a Deputy(s) to the scene of the incident.
3. Notify the Torrance County Sheriff and/or Torrance County Undersheriff.
4. Transmit the appropriate radio alerts and other notifications, and update this information, as it becomes available.
5. Search radio/dispatch records for related information, and relay this information to the responding officer and/or field supervisor.
6. Safeguard all pertinent records such as handwritten notes and dispatch logs.
7. Ensure that relieving dispatch personnel are fully briefed and have possession of pertinent records when taking over the dispatch responsibilities.

**115.10** Upon arriving at the scene, responding Torrance County Deputies shall:

1. Interview the parents/guardians making the report.
2. Obtain a description and current photograph of the child.
3. Advise dispatch of the information received, including the last known location and have this information broadcast on all radio frequencies.
4. Request additional Torrance County Deputies to secure any scene(s) that may be of evidentiary value if the location is other than the home or location the officer was dispatched.
5. Interview potential witnesses at the scene, including children.
6. Ensure the on-scene supervisor is apprised of pertinent information.
7. Stay on the scene to ensure the integrity of all potential evidence,

and obtain any new information when available.

8. Initiate an offense incident report as soon as practical.

**115.11** The on-scene Supervisor shall:

1. Obtain a briefing from the dispatched officer.
2. Determine if additional personnel and resources are needed.
3. Organize and coordinate an immediate search of the area surrounding the missing child's home and/or place where the child was last seen.
4. Determine if an Amber Alert Broadcast is appropriate
5. Ensure that an officer has been established as the victim family liaison.
6. Notify the Torrance County Sheriff and Torrance County Undersheriff.
7. Establish a command post, if needed.
8. Ensure that NCIC is notified as soon as possible with the child's information.
9. Monitor media relations (incoming and outgoing information).
10. Ensure that all responding personnel write supplemental reports

**115.12** Case Agent and Assistant Case Agent shall:

1. Obtain briefing from personnel at the scene.
2. Verify the accuracy of all descriptive information.
3. Ensure that proper personnel are in place to carry out a proper and thorough investigation.
4. Immediately assign a record keeper who will keep accurate records of all investigative steps taken.
5. Immediately assign personnel to begin a canvass of the neighborhood using a standardized canvass form.
6. Obtain a brief history of family dynamics.

7. Assign personnel to interview other family members, friends and associates.
8. Obtain records from Children Youth and Families (CYFD).
9. Evaluate the need for additional resources and specialized services.
10. Update descriptive information.
11. Conduct follow-up interviews with reporting parent/guardian and all possible witnesses and suspects.
12. Prepare necessary reports and complete appropriate forms.
13. Assume responsibility for all phases of the investigation, with the exception of processing the scene and the collection of evidence.
14. Canvass the area.
15. Notify FBI if deemed appropriate.

**115.13** Field Investigators shall:

1. Take preliminary photographs of the scene and search for evidence, as appropriate.
2. Be responsible for collecting evidence at the scene and tagging into evidence.

**115.14** Use of Volunteers.

1. Volunteers will be used only when absolutely necessary.
2. If volunteers are used, they must be under direct supervision of police personnel.
3. No person will be allowed to volunteer without first being identified.
4. The person's information will be recorded and given to the record keeper.



## ACTIVATION OF AMBER ALERT

### 115.15 Criteria for use:

1. There must be evidence of non-familial abduction.
2. The child must be under 18 years of age.
3. There should be no doubt that the child is in immediate danger of serious bodily harm or death.
4. There must be specific, detailed description of the child, the abductor, and/or vehicle

### 115.16 Authorized Requestors:

1. Torrance County Sheriff
2. Torrance County Undersheriff

### 115.17 Procedures for Activating an Amber Alert:

1. An authorized requestor will notify KKOB-AM radio to activate the Amber Alert abduction information, via New Mexico Emergency Alert System
2. A statement (30 seconds or less) will be recorded for broadcast. Amber Alert forms will be prepared/utilized for every activation.
3. KKOB-AM receiving personnel will ask the requestor for appropriate code information.
4. The alert will be authorized only if the requestor's identity is verified by code, and only if the information provided meets the required criteria listed in number 1 above.
5. No one other than authorized requestors may activate the Amber Alert.
6. All other cases shall be relayed to the media through normal press release procedures.

## ADULT MISSING PERSON REPORTS

**115.18** This section applies to persons who are declared emancipated as defined by State statute and does not apply to juveniles.

**115.19** While conducting preliminary or follow-up investigations regarding missing persons, personnel may encounter several situations that would require the missing adult to be entered into N.C.I.C. For entry of a missing person into N.C.I.C. there must be reasonable grounds to believe that the disappearance was not voluntary, that the person's physical safety is in danger, that the person has a physical disability, or that the person has a mental disability. The investigating officer shall be responsible for properly documenting and submitting any information with his/her written report in accordance with the following guidelines.

**115.20** Guidelines for documentation of adult entries are as follows:

1. When evidence suggests that a missing person's physical safety is in danger or that the person's disappearance is not voluntary, a written statement from a parent, legal guardian, next of kin, or other authoritative source is required. The documentation must include the circumstances relating to the person's disappearance.
2. If the missing person has a physical and/or mental disability, a written statement verifying the missing person's condition is required from a physician or other authoritative source, (e.g., parent, next of kin, etc.).

## INVESTIGATIONS OF ADULT MISSING PERSONS

**115.21** Torrance County Deputies are responsible for the investigation of cases involving individuals who are defined as "adults" by State Statute

**115.22** If the report necessitates an N.C.I.C. entry or an "attempt to locate" broadcast, the guidelines set forth above, under section "Missing Persons Report" will be followed.

**115.23** If the adult disappeared under suspicious or questionable circumstances, the Torrance County Sheriff and/or Torrance County Undersheriff shall be notified.

**115.24** If the missing adult has not been located by the end of the Deputies shift, the Deputy shall prepare a face sheet (if possible, to include a recent photo of the missing person) and dispatch will be instructed to B.O.L.O. the information to all oncoming shifts and other local law enforcement agencies.

## PROCEDURES FOR TAKING MISSING PERSON REPORTS

**115.25** Adult Missing Person - Upon receipt of a call for service regarding a missing person, Emergency Services Dispatch personnel will do the following:

1. Obtain sufficient information to prepare a BOLO for the missing person or runaway.
2. BOLO the description of the missing person to all units and assure that the BOLO is repeated to all incoming shifts.
3. Enter the person into NCIC, when requested to do so by a Torrance County Deputy.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## DOMESTIC VIOLENCE

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**116.1** Each Domestic Violence Incident is different. A definitive policy to cover all eventualities cannot be created. This directive and procedure is meant to serve as a guide for Torrance County Sheriff Deputies so that they have an understanding of their respective responsibilities and to establish a uniform procedure for responding to Domestic Violence Incidents.

### DISCUSSION

**116.2** Domestic Violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Notwithstanding that difference, Torrance County Deputies will respond to domestic violence as they would to any crime.

### POLICY

**116.3** It is the policy of the Torrance 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, promote Torrance County Deputies safety by ensuring that Torrance County Deputies are fully prepared to respond to and effectively deal with domestic abuse calls for service.

## RESPONDING TORRANCE COUNTY DEPUTIESS ON-SCENE INVESTIGATION

**116.4** When responding to a domestic abuse call, Torrance County Deputies shall:


1. Restore order by gaining control of the situation.
2. Take control of all weapons used or threatened to be used in the crime, and place them into evidence.
3. Assess the need for medical attention and call for medical assistance if indicated.
4. Interview all parties and witnesses, including children and neighbors and make every effort to determine the predominant aggressor.
5. If it is determined that any party to the incident is a Torrance County Deputies, the responding Torrance County Deputies shall notify the Torrance County Sheriff and/or Undersheriff who in turn will arrange for an outside law enforcement agency to investigate the case.
6. Torrance County Deputies report should include;
  - a. Children's date of birth.
  - b. Names, addresses and telephone numbers of people interviewed.
7. After each party has been interviewed, responding Torrance County Deputies should confer to determine if an arrest should be made or whether other actions should be taken. Pursuant to the New Mexico Family Protection Act, Chapter 40, Article 13 NMSA,
8. A Torrance County Deputy DOES NOT have to witness the misdemeanor crime(s) to take appropriate enforcement action, to include arrest, as long as there are visible signs of violence, to include trauma, damage, interference with communications, etc.

9. The arrest of the person shall be considered the preferred action by a Torrance County Deputy when evidence indicates that domestic abuse has occurred.
10. Torrance County Deputies shall determine whether Children Youth and Families (CYFD) should be notified.
11. If Torrance County Deputies make an arrest pursuant to the Family Violence Protection Act, The person must be charged through Magistrate Court and the Family Violence Protection Act will be referenced, along with the appropriate charge(s).
12. All domestic violence cases will be forwarded to the District Attorney's Office require the following information for screening. These items will be completed by the investigating Torrance County Deputies at the time of the investigation:
  - a. Report
  - b. Criminal Complaint (if arrested).
  - c. Statement of Probable Cause (if arrested).
  - d. Handwritten, audio or video statements from all victim(s), witness(s), suspect(s), if possible.
  - e. All constitutional issues must be addressed.
  - f. Collect and record evidence (photographs, weapon(s), clothing, serology) and, where appropriate, take color photographs of injuries and property damage.
  - g. The report must include the Torrance County Deputies observation at the scene.
  - h. In all cases of domestic violence, photos of victim and suspect shall be taken.
13. Complete appropriate offense or incident reports necessary to fully document the Torrance County Deputies response, whether or not a crime has been committed or an arrest has been made.
14. Remain on the scene until satisfied that there is no threat to the victim.
15. If the suspect has left the scene and a crime has been committed, the Torrance County Deputies will:
  - a. Conduct a search of the immediate area.
  - b. Obtain information from victims and witnesses as to where the offender may be.
  - c. Determine whether or not it is appropriate to seek an arrest warrant for the suspect.
  - d. Refer the matter to the District Attorney's Office.
16. In cases where one of the parties involved requests court protection and/or a restraining order, the party will be referred to the Domestic Violence Division of the District Court for further assistance and/or referred to their private attorney.
17. Victims shall be referred to the local Domestic Violence shelter program. Transportation to the shelter shall be provided upon request.
18. A business card or pamphlet, containing the handling Torrance County Deputies name and a case number, shall be left with the victim.
19. Torrance County Deputies will do follow-up investigations to complete the case.
20. Torrance County Deputies may personally petition the District Court for emergency orders of protection. In this event the Torrance County Deputies must state their need to the court via telephone facsimile, or in person, and must file a sworn written statement setting forth the need for an emergency order of protection.
21. Domestic Violence incidents involving Torrance County Sheriff Office personnel shall be referred to another agency if possible. After the fact incidents, The Torrance County Sheriff's Office will investigate the incident.

**AS USED IN THE FAMILY VIOLENCE  
PROTECTION ACT**

**116.5** Family or household members means:

1. A spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purpose of this section.
2. Domestic abuse means any incident by a household member against another household member resulting in:
  - a. Severe harm;
  - b. Severe emotional distress;
  - c. Bodily injury or assault;
  - d. A threat causing imminent fear of bodily injury by any household member;
  - e. Criminal trespass;
  - f. Criminal damage to property;
  - g. Repeatedly driving by a residence or workplace;
  - h. Telephone harassment;
  - i. Stalking;
  - j. Harassment; or
  - k. Harm or threatened harm to children as set forth in paragraphs in this subsection



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## WRECKER SERVICES

EFFECTIVE: 01-14-17

PAGES: 6

### PURPOSE

**117.1** The purpose of this directive is to establish guidelines regarding the towing of vehicles for various legitimate purposes, such as vehicles in violation of provisions regulating stopping, standing or parking stolen or abandoned vehicles, vehicles of arrested persons, and inoperable vehicles.

### DISCUSSION

**117.2** A variety of circumstances arise that require a vehicle to be towed by Torrance County Sheriff's Deputies. In order to insure procedural and legal requirements are met, a uniform method is required. This procedure will outline the authority and process in meeting this need.

### POLICY

**117.3** It is the policy of the Torrance County Sheriff's Office to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from city and/or streets and property.

### A WRITTEN REPORT

**117.4** A vehicle is towed or removed at the direction of a Torrance County Deputy and shall reflect the time, date, location, requesting Torrance County Deputy, reason for removal or tow, the towing service or wrecker company, the towed location of the vehicle and any attempts made to contact the registered owner when the situation deems it necessary.

**117.5** Exigent circumstances may exist which would prohibit notifying the owner(s) of a vehicle as to the location of their vehicle. Those incidents will be handled on a case by case basis. In those situations, the communications personnel will be notified so they may contact, or attempt to contact, the owner and make the necessary notification.

**117.6.** Prior to removal of any vehicle the owner will first be notified, unless it is causing a traffic or safety hazard. If the owner is notified, a thirty (30) minute grace period will be given to accommodate the owner to have the vehicle removed. If for any reasons the owner of the vehicle takes longer than the thirty (30) minute grace period to remove the vehicle, and the vehicle is impounded, a vehicle impound form will be initiated by the Torrance County Deputy and signed by the wrecker driver. Once the vehicle is impounded, the owner will be contacted immediately or as soon as reasonably possible, advising him of the vehicle's location. If the owner cannot be located a registered letter will be sent to the listed owner on the date of impoundment. A complete report will be initiated and turned into the on-duty supervisor.



**117.7** If the owner cannot be located, and the vehicle is not causing a safety hazard, a Torrance County Sticker will be placed on the vehicle. After waiting a thirty-(30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3, and 4).

**117.8** Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official police report.

#### **VEHICLES WILL BE TOWED WHEN**

**117.9** They obstruct traffic and that based on exigent safety concerns must be removed to protect the public from harm.

**117.10** Vehicles shall be impounded if no other means of removing the hazard are available.

**117.11** The vehicle has been stolen, abandoned, vandalized, involved in an accident to the extent that it is inoperable and/or it is in violation of traffic codes whereby it would be unsafe to allow the vehicle to be driven or operated.

**117.12** The vehicle is in the department's custody and is needed for evidence processing due to a hit-and-run accident or other criminal investigations.

**117.13** The driver has been incapacitated, hospitalized, arrested, taken into custody, or when the vehicle cannot be released to a responsible party.

**117.14** When circumstances exist where the vehicle was used in the commission of a felony and forfeiture proceedings will be initiated on said vehicle.

**117.15** Any time a vehicle is towed/ impounded, the Torrance County Deputy handling the incident shall complete an offense/incident report, along with the impound sheet, so there will be a record of the impoundment.

#### **PROCEDURES FOR TOWING VEHICLES**

**117.16** Requests for wrecker services will be restricted to the wrecker on call in accordance with the wrecker rotation schedule.

**117.17** This does not preclude owners or operators of vehicles from requesting a specific wrecker company or tow truck operator. Owners or operators will be verbally informed of their right to request a specific wrecker company or tow truck operator.

**117.18** Under no circumstances will any Torrance County Deputy or employee recommend or suggest that the owner or operator of a vehicle being towed utilize any specific wrecker company or tow truck service

**117.19** No member or employee of the Torrance County Sheriff's will, by virtue of his/her employment or service in an official capacity, accept any consideration or gratuity from any wrecker company, tow truck service or its employees.

**117.20** Upon impoundment of a vehicle, the Torrance County Deputy shall complete the following, ensuring that all pertinent information is included in the report (including date, time, location, requesting Deputy, reason for impoundment, name of the wrecker service responding, final location of the vehicle and a log of all attempts to contact the owner, indicating dates and times of all negative contacts, if the owner was not notified.)

1. An offense/incident report shall be completed.
2. Torrance County Deputies shall ensure that the impound sheet is filled out and a copy left with the wrecker driver after both the Deputy and the driver sign the impound sheet.
3. If the owner or operator is present, a completed copy of the impound sheet will be given to the owner or operator. If the owner/operator has left or been removed from the scene, the Torrance County Deputy will ensure that the owner/operator receives a copy of the form.
4. The ignition key will be left with the vehicle. All other keys will be removed and given to the owner or operator, or placed in their property if they are arrested.
5. Once the Torrance County Regional Dispatch Center personnel have notified Torrance County Deputy in the field of the name of the wrecker service or tow service dispatched, no other wrecker service will be allowed to tow the vehicle.
6. Exigent circumstances may occur which necessitate the immediate removal of a vehicle from traffic, etc., and such situations will be treated on a case by case basis.

**117.21** In all cases in which a vehicle is to be impounded, the investigating Torrance County Deputy shall complete a full property inventory of the vehicle, to include the passenger

compartment and all storage compartments. Those inventories shall be conducted to ensure against the careless handling or theft of personal property from all impounded vehicles, to assure the safekeeping of any valuables or dangerous instrumentality's located in such vehicles, to protect Torrance County Deputies from potentially dangerous items, to assure the community caretaking function by general protection of the public, and to prevent claims against department personnel for lost, stolen, or damaged property.

**117.22** Closed containers shall be inventoried in ALL cases in which a vehicle is impounded and the contents shall be itemized on the inventory form.

**117.23** Locked containers with a key or mechanism to allow entry without causing damage to the container or any contents shall be inventoried in ALL cases in which a vehicle is impounded. The contents shall be itemized on the impound form.

**117.24** Locked containers in which no key or opening mechanism is available, and which cannot be opened without causing damage to the container shall not be opened, nor shall the contents be itemized for inventory purposes. The Torrance County Deputy shall list the item as "one locked container and unknown contents" on the inventory form.

**117.25** If the Torrance County Deputy has probable cause to believe that the locked containers hold evidence or fruits of a crime, he/she must obtain a search warrant prior to opening the container. In this instance, the search is no longer for inventory purposes, but shall be based upon the facts and circumstances upon which probable cause is developed.

**117.26** Searches conducted for inventory purposes shall be conducted at the scene, prior to release of the vehicle to the towing company. In cases where Torrance County Deputy safety is a concern, the vehicle may be towed to a safe location prior to inventory, however the investigating Torrance County Deputy shall keep the vehicle in his/her sight until a safe location is reached.

**117.27** The Torrance County Deputy is conducting the inventory he/she shall complete the Torrance County Sheriff's Office towing and impound form, taking care to note all items of personal property located in the impounded vehicle. He/she shall also make the towing/wrecker driver aware of any pre-existing damage to the vehicle, which can be noted on the impound form.

**117.27** Torrance County Deputies shall be responsible for any decision to store property of excessive value and/or of a dangerous nature separate from the impounded vehicle.

**117.28** If a wrecker service is unable to respond or fails to respond to a call within 60 minutes of being called, the next wrecker service on the rotation list will be called. The wrecker service unable to respond will be placed at the bottom of the list, and called by the dispatcher so that they may be advised of their "cancelled" status.

**117.29** A Torrance County Deputy may cancel a wrecker due to reasons that it does not have the proper equipment, or the wrecker size is inadequate to safely remove the vehicle that is being towed.

## **VEHICLES TOWED FOR EVIDENTIARY PURPOSES**

**117.30** In those cases that require a vehicle be processed for physical evidence, personnel shall take the necessary steps to process that vehicle at the scene, whenever practical.

**117.31** When vehicles belonging to victims or crime suspects must be towed, the following procedures apply:

1. A hold may be initiated on an impound form authorizing the hold with the proper copy of the impound form boldly marked "**HOLD**" and signed by the Torrance County Deputy and the wrecker driver.
2. When the impounded vehicle is evidence or must be held for evidentiary examination, the vehicle will be towed to the Torrance County Sheriff's Office secured impound lot which is secured against unauthorized entry and contamination.
3. Any vehicle having a hold placed on it by the investigating Torrance County Deputy for reasons other than evidence shall be towed to the impound lot and the "Hold" status entered into the towing log.
4. If the vehicle needs to be released from the "Hold" status due to exigent circumstances, and the Torrance County Deputy who authorized the tow and placed the hold cannot be contacted to release the vehicle, the vehicle may be released by the Torrance County Sheriff.
5. If a vehicle has been reported stolen, and is located by anyone other than the owner, the Torrance County Deputy shall:
  - a. Process the vehicle for evidentiary purposes.
  - b. Ascertain if the vehicle is operable.
  - c. Barring exigent circumstances, the owner will

be notified so that he/she may call a wrecker of his/her choice, pick up the vehicle personally, or make arrangements for the vehicle's removal.

6. In the event that the owner(s) cannot be located, the Torrance County Deputy will follow procedures in calling for a wrecker as per the above guidelines for rotational wrecker callouts.
7. Prepare the necessary paperwork on supplemental forms with all pertinent information.
8. Cancel the vehicle from N.C.I.C. and any other agencies which were notified. This shall be done through the Torrance County Regional Dispatch Center.

#### **NOTIFICATION OF OWNER(S)**

**117.32** After a vehicle is no longer needed for investigatory purposes and processing is complete, the investigating Torrance County Deputy will notify the owner or legal representative of its release by:

1. Personal Contact
2. The Torrance County Deputy will complete a release form filling out all information authorizing the release after the person requesting the release produces satisfactory proof of ownership. Prior to release, the Torrance County Deputy will check the wrecker log to ascertain if there is a hold placed on the vehicle by another Torrance County Deputy(s).
3. Telephone Contact
4. The Torrance County Deputy will contact the owner concerning the impending release by telephone, and/or mail a copy of the release by certified mail

**117.33** The Torrance County Deputy authorizing or releasing any vehicle impounded will complete a supplemental report.

#### **AUTHORITY TO RELEASE (ON-SITE) A VEHICLE, UPON THE REQUEST OF THE OWNER/DRIVER TO A THIRD PARTY**

**117.34** A Torrance County Deputy may decide to release a vehicle to a third party based upon the following criteria

1. Proof that the driver of the vehicle is in legal possession of the vehicle by examination of the vehicle registration, title, vehicle registration inquiry, N.C.I.C inquiry, etc.
2. The written and/or verbal consent shall be given by the owner/driver in order to transfer custody of the vehicle to a third party, thereby releasing Torrance County Sheriff's Office from liability for the release of the vehicle.

#### **ABANDONED VEHICLES ON PRIVATE PROPERTY**

**117.35** Vehicles abandoned on private property will not be towed unless they are needed for evidentiary purposes involving a criminal offense, or they are being confiscated subject to forfeiture proceedings. All such impoundments will be authorized by the Torrance County Sheriff

#### **TOWING POLICE VEHICLES**

**117.36** If a police vehicle is wrecked or disabled and it is necessary to tow the vehicle, the Torrance County Sheriff and/ or Torrance County Undersheriff is to be notified so that arrangements can be made to tow the vehicle.

**ABANDONED VEHICLES ON  
PUBLIC/CITY PROPERTY**

**117.37** Prior to towing any vehicle on public, City, or County property, the following steps are required:

1. The Tarrant County Deputy will make a stolen vehicle inquiry giving the communications dispatcher the VIN and license number, and will also attempt to contact the owner.
2. The Tarrant County Deputy will determine if the vehicle is violating parking restrictions.
3. The Tarrant County Deputy will determine if the vehicle is obstructing traffic, private or public driveway(s), or is a hazard to other motorists.
4. Laws concerning and identification of abandoned vehicles as per State of New Mexico and Tarrant County Ordinances will be followed prior to having any motor vehicle removed.
5. If the owner cannot be located, and the vehicle is not causing a safety hazard, a registered letter will be sent to the last known owner of the vehicle as verified by a registration check through the New Mexico Department of Motor Vehicles within 48 hours.
6. After waiting a thirty- (30) day period if the vehicle has not been removed, it will then be deemed abandoned and will then be towed (per N.M. State Statute 66-1-4.1, A, 1,2,3,
7. Once the vehicle is impounded, another registered letter will be sent notifying the owner of the whereabouts of his/her vehicle. Every attempt to contact the owner prior to removal will be made. Once the owner is located, this information will be given to the owner and a supplemental report will be submitted. The registration inquiry and a copy of the registered letter will be retained and become part of the official report



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## EVIDENCE

EFFECTIVE: 01-14-17

PAGES: 7

### PURPOSE

**118.1** The purpose of this directive is to establish specific guidelines in the collection, processing, and preservation of all evidence that becomes the responsibility of the Torrance County Sheriff's Office

### DISCUSSION

**118.2** The collection, processing and preservation of evidence are functions that are essential to any law enforcement agency where the effective investigation and prosecution of offenders rely mainly on the information obtained through careful, methodical and proper use of evidence.

### POLICY

**118.3** It shall be the policy of the Torrance County Sheriff's Office to establish a set of thorough procedures and guidelines to be followed by all employees responsible for crime scene security and the collection and preservation of evidence.

### BASIC STEPS FOR CRIME SCENE PROCESSING.

**118.4** The first Torrance County Deputy on the scene must ensure that the scene and perimeter are secure and protected and increase the outer perimeters of the area if necessary.

**118.5** The first responding Torrance County Deputy must conduct a preliminary survey after securing the scene. This is an initial walk-through of the scene in order to obtain an understanding of the scene as a whole, including the existence and location of readily observable items of possible evidence

**118.6** Torrance County Deputies arriving after the scene has been secured must contact the first Torrance County Deputy scene for pertinent information.

**118.7** All personnel who enter the scene must be accounted for.

**118.8** The narrative description of the scene is prepared during the preliminary survey. This is a description of the original conditions of the scene as found by law enforcement personnel. It is limited to a view of the scene as readily observed by the naked eye. Three (3) common methods of narrative preparation are:

1. Handwritten notes.
2. Audio tape recording.
3. Videotape with sight/sound capability.
  - a. When a video tape is made, the video recorder shall be set to show the correct date and time the scene was recorded.
  - b. It is imperative that once the video taping has begun, the Torrance County Deputy maintain the recorder in a continuous running mode until the scene has been fully recorded.

**118.9** Record the scene.

**118.10** Evaluate latent print evidence.

**118.11** Evaluate physical evidence.

**118.12** Conduct detailed search.

**118.13** Collect, mark, and record physical evidence.

**118.14** Conduct a final survey to ensure that conditions of the crime scene have been documented as thoroughly as possible.

**118.15** Release the scene.

### **RESPONSIBILITIES OF SUPERVISOR IN CHARGE OF CRIME SCENES**

**118.16** It is the responsibility of the supervisor in charge of a crime scene to maintain control of the scene and all personnel involved in the incident. In addition, the supervisor in charge of a scene shall ensure that:

1. The objectives of the crime scene search have been determined.
2. Equipment and personnel needs have been determined
3. Assignments for specific duties have been accomplished.
4. Assignments should be made consistent with the aptitude and training of the personnel involved.
5. Task assignments must be documented. This may be accomplished through the issuance of written assignments, the use of a voice recorder, or by taking written notes to document the assignments made.
6. Personnel given assignments must be made aware of the specific tasks and duties. (NO assumptions can exist in this area.)
7. The trading of assignments is not permitted.
8. Involved personnel must be briefed on the goals and directions of the search prior to the processing of the crime scene.
9. Torrance County Deputies should make no inferences that one assignment is of greater or lesser significance than others.
10. The Major Incident Checklist has been initiated.

11. A command Post has been established, if indicated.
12. Information for actions and direction has been reviewed on a constant basis as the crime scene investigation progresses.
13. Notes have been prepared to document actions and observations made.
14. Unforeseen circumstances are dealt with in a logical manner in keeping with the objectives of the search.

### **COLLECTING AND PROCESSING EVIDENCE IN THE FIELD**

**118.7** It is imperative that proper methods for collecting and preserving evidence be used in the field. Proper methods are those that will preserve the evidence in the process of collection, prevent introduction of foreign material to it and ensure as complete a sample as possible.

#### **118.8 Evidence Collection**

1. Each item of evidence shall be labeled at the time it is collected, seized, or received.
2. Each item shall be numbered separately and sequentially.
3. Items should be tagged and placed in an appropriate package or container and sealed. If sealed with evidence tape, the seal should be marked with the name or initials and ID# of the person collecting the evidence, along with the Offense Incident (O/I)# and date, and Item #. If the evidence tag cannot be attached to item itself, it should be securely attached to the package or container holding the item.
4. Items should also be labeled or tagged in such a way as not to lessen its evidentiary value.
5. Either an initial or supplementary report detailing the circumstances by which the property came into the Torrance County Sheriff's Office possession and describing each item of property obtained shall be submitted for all assignments.

6. Torrance County Deputies collecting evidence, property, or found items will be responsible for the proper preservation and safeguarding of these items until they have been logged into agency records and secured in evidence lockers or released to the Property Custodian before the Torrance County Deputy ends his/her shift.

#### **FORENSIC LABORATORY SUBMISSION**

**118.9** Evidence sent to a forensic lab for analysis must be accompanied, when possible, by standard samples for comparison with the evidence material. To be used as a standard, the material must come from a known source.

**118.10** The major value of lab examinations concerns the identification of substances and comparisons of these with materials from known sources. This is especially true in the analysis of hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks. The location from which standard samples are collected is critical where fractures have occurred, such as in the case of glass, wood, paint, and metal.

**118.11** Perishable evidence that should be analyzed by a forensic lab must be submitted as soon as possible. Until the evidence is submitted, it will be packaged in a manner to preserve its current state and stored in the evidence refrigerator.

**118.12** When a lab will not accept evidence without standard samples, the evidence may be held in property storage pending collection of comparison sample.

#### **CRIME SCENE EQUIPMENT**

**118.13** Crime scene technicians and detectives assigned to the Violent Crimes unit will have at least the following equipment available to them:

1. Fingerprint kit.
2. Tool mark kit.
3. Snow print kit
4. Video equipment.
5. Assorted photographic equipment and lighting.
6. Magnetic dust lifter.

**118.14** Vehicles used by crime scene technicians will have, at a minimum, equipment to be used for the following purposes:

1. Recovery of latent fingerprints.
2. Photography.
3. Sketch of the scene
4. Collection and preservation of physical evidence.

#### **PHOTOGRAPHS**

**118.15** All commissioned and sworn Torrance County Deputies will be trained in basic crime scene photography.

**118.16** Each patrol Torrance County Deputy will be issued a camera with built-in flash.

**118.17** Only one case or incident will be photographed on a single roll of film.

**118.18** The first shot of each roll should be of a sheet of paper showing, at a minimum, the following information:

1. Case number.
2. Date photographs were taken.
3. Name of photographer.



## GENERAL PHOTOGRAPHY PROCEDURES

**118.19** Begin at a distance from the subject for a wide shot and work in towards the subject for close-ups.

**118.20** The scene should be free of all extraneous objects (notebooks, flashlight, Torrance County Deputies, patrol cars, etc.)

**118.21** The first shots of a subject should be free of scales. A scale may be used following the first shots.

**118.22** A scale must be used with small or easily destroyed subjects, such as tool marks, shell casings, blood splatters, bite marks, foot/shoe prints, tire prints, etc.

**118.23** Photograph windows or highly reflective objects from an angle off the perpendicular to reduce reflections of the flash and the photographer.

**118.24** If necessary, include an indicator for north.

**118.25** Periodically include nearby objects for reference.

## SPECIFIC PHOTOGRAPHY PROCEDURES FOR:

**118.25** A dwelling, building, or room.

1. Photograph the location (exterior showing address or nearby street signs).
2. Photograph the exterior of the building or entrance to the room (start out far and work in).
3. Photograph from the four cardinal points (north, east, south, and west) or perpendicular to walls.

**118.26** Vehicles

1. Photograph from each side.
2. Photograph the license plate from a medium distance to include the rear or front of the vehicle, then get a

close-up of the license plate and the Vehicle Identification Number.

**118.27** Tracks or prints.

1. Photograph from directly above and also from an angle to show depth and design.
2. Photograph from the four cardinal points (north, east, south, west).
3. Photographs will be made of prints or tracks before attempting to recover the impressions using casting techniques.

**118.28** Photographs submitted as evidence require proper documentation.

1. The narrative section of the report must contain, at a minimum:
2. That photographs were taken.
3. The name of the photographer.
4. The name or description of the subject.
5. Details of the subject (head injuries, shoe prints, point of entry, blood splatters, etc.)
6. The location where the photographs were taken.
7. The photographs, film, or video tape must be listed in the property section of the report.
8. Exposed rolls of film will be placed in a film envelope and submitted as evidence.

## GENERAL VIDEO CAMERA PROCEDURES

**118.29** When a video camera is used, the date and time indicator must be activated, at least, at the beginning and the end of each video tape. The indicator must be used throughout the entire tape.

**118.30** Video taping will be used only as an addition to still photography, not as a replacement.

**118.31** Only one case or incident will be recorded on a single video tape.

**118.32** Each video tape will be marked with:

1. The case number.
2. The name of the camera operator.
3. The date and time.

**118.33** Video tapes submitted as evidence require proper documentation. The narrative section of the report must contain, at a minimum:

1. That a video tape recording was made.
2. The name of the camera operator.
3. The subject.
4. The location where the video tape was made.
5. Disposition of the video tape.

**118.34** The video tape must be listed in the property section of the report. When a scene sketch is necessary, a rough sketch will be made at the scene with sufficient information to prepare a final, more precise drawing. The rough sketch will be part of the case file and is not to be destroyed. The final sketch may be either manually or computer drawn. The diskette used in the preparation of a computer sketch must be submitted as evidence. The following information must be included on the final draft:

1. Measurements and dimensions;
2. If it is drawn to scale;
3. Address or location;
4. Location of significant features;
5. Relation of the scene to other buildings, or geographic or geologic features;
6. Names of the person who prepared the sketch and the person that assisted with measurements;
7. Date of sketch;
8. Direction of north; and
9. Location of physical evidence.

**118.35** Responsibilities of a Torrance County Deputy who recovers a stolen vehicle:

1. The owner is to be notified of the recovery with information regarding the recovery location, vehicle condition, impound location, and whether it can be released.

**118.36** If an outside agency originated the report, it is to be notified by teletype of the recovery along with a confirmation request from the agency that the owner was notified.

**118.37** Clear the vehicle from NCIC and include the NCIC documentation in the report.

**118.38** Process the vehicle to locate evidence.

#### **CHAIN OF CUSTODY**

**118.39** Information on the evidence tag is the record of chain of custody. Chain of custody is a record of transfer of physical evidence from one person or entity to another. The record will be maintained at the bottom of the evidence tag. The record regarding chain of custody shall include:

1. Date and time of transfer.
2. The receiving person's name and functional responsibility.
3. Reason for transfer.
4. If applicable, the name of the trying court.
5. If applicable, the name and location of the examining laboratory.

**118.40** When evidence is taken or sent to a criminal forensic laboratory, a request will be made to have the analysis results sent to the submitting Torrance County Deputy. A letter is to accompany the evidence stating:

1. Name of Torrance County Deputy last having custody of the item.
2. The date and time of submission or shipping.
3. What type of analysis is requested and what type of analysis has been attempted.
4. Case number and name of the last person to have custody of the evidence.
5. Specific information requested or required by the lab.
6. A request will be made to any forensic lab to submit written results of any analysis to the Department.

#### **EVIDENCE TAG**

**118.41.** Evidence tags will be prepared for all items submitted for evidence, seizure, safekeeping, and found items. An evidence tag supplement (UN-numbered evidence tag) will be used as a receipt when a found item is returned to the owner before the item can be turned over to Property. A receipt will also be given for an item taken for safekeeping. The evidence tag must contain the information outlined in the Department Directive entitled, "Forms, Design, Development, and Application".

#### **TRAINING**

**118.42** Familiarization training for newly hired Torrance County Sheriff's Deputies concerning crime, incident, and accident scenes will occur during the initial orientation training. The training will address, at a minimum:

1. Evaluate potential and limitations of different kinds of evidence.
2. Collection methods and procedures regarding blood, fingerprints, footprints, fibers, weapons, hair, paint, glass, and tool marks.

3. The requirements for collection of materials from a known source for comparison purposes.
4. Preservation methods for various forms of evidence.
5. Maintenance of the chain of custody and records.
6. Scene sketch.
7. Photography.
8. Scene records.
9. Specialized training is provided to all personnel responsible for scene processing to develop the following skills:
  - a. Recovery of latent prints.
  - b. Recovery of foot, tool, and tire impressions.
  - c. Scene photography.
  - d. Scene sketches.
  - e. Collecting, preserving, and transmitting physical evidence, including biological materials.

**118.43** In-service training will be provided annually for investigative personnel as a refresher class for scene processing. The update will include information about laboratory capabilities, new equipment, and examination techniques.

#### **FELONY ARRESTS**

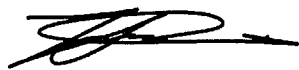
**118.44** All personal possessions of evidentiary value will be taken as evidence from all felony suspects arrested at the time of the offense, or shortly afterward.

**118.45** This may include all clothing (shoes, socks, underwear, hats, etc.) wallet, purse, bags, and packs.

**118.46** The items will be taken after the suspect has been transported to the detention center.

**118.47** If a suspect taken to a hospital for treatment has to stay, the possessions will be taken at the hospital.

**118.48** An inventory of the suspect's possessions shall be made and all items seized shall be listed individually on the Evidence Tag.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## EVIDENCE MANAGEMENT

EFFECTIVE: 01-14-17

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### PURPOSE

**119.1** The purpose of this directive is to establish guidelines and responsibilities for the storage of evidence and property within the Evidence Section of the Torrance County Sheriff's Office

### DISCUSSION

**119.2** This Directive will address evidence and property in the custody of the Torrance County Sheriff's Office, which is acquired by Torrance County Sheriff's Deputies as found, recovered, or evidentiary property. The Torrance County Sheriff's Office Evidence Custodian shall develop and maintain strict controls with respect to the handling, security, and disposition of property.

### POLICY

**119.3** It is the policy of the Torrance County Sheriff's Office to provide safe, efficient, and careful handling and preservation of all property and evidence that comes under the control of the Torrance County Sheriff's Office and to ensure the proper chain of custody on each item.

## ADMINISTRATION

**119.4** All, recovered, or evidentiary property shall be stored in the evidence storage facility located in the Torrance County Sheriff's Office evidence room located in the Patrol Bay.

**119.5** All found property will be submitted at the discretion of the Torrance County Deputy

### STORAGE AREAS

**119.6** The Torrance County Sheriff's Office maintains its primary storage facility at 905 5<sup>th</sup> Street, Estancia, New Mexico. The facility serves as The Torrance County Sheriff's Office evidence storage facility.

### RESPONSIBILITY/ACCOUNTABILITY FOR EVIDENCE

**119.7** Only those persons assigned directly to the Evidence Section shall have the authority to access secured areas.

**119.8** Torrance County Deputies collecting evidence, property, or found items will be responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Evidence Custodian

**119.9** Torrance County Deputies will ensure that these items have been properly marked, sealed and labeled prior to leaving the scene and turning into evidence.

**119.10** The Evidence Custodian will be responsible for the preservation, safeguarding, and disposition of all submitted property. The Evidence Custodian will not be responsible for any evidence or property not turned in or where no receipt was obtained.

**119.20** The duties of the Evidence Custodian are:

1. Maintain all evidence and property in a secure location designated as the property room located in the basement of the police station.
2. Record all submitted evidence and property.
3. Regularly inspect and empty the secure evidence lockers.
4. Maintain the alarm system at all times and engage it when appropriate, which can include, but is not limited to, when the Evidence Custodian is not in the property area.
5. Maintain custody of evidentiary vehicles stored in the impound lot. Vehicle keys will be turned in to the Evidence Custodian along with an evidence tag
6. Dispose of all property in accordance with all applicable laws and ordinances.

#### **EVIDENCE LOGS**

**119.21** The Evidence Custodian shall maintain a computerized log of all items submitted for evidence or safekeeping and the log will contain the information documented by the submitting Torrance County Deputy on the evidence tag.

**119.22** The logs will be available at any time for the purpose of an audit.

**119.23** Copies of the evidence tag will be maintained by the evidence custodian in accordance with the New Mexico Records Retention Act.

#### **EXAMINATION OF EVIDENCE BY OUTSIDE AGENCIES**

**119.24** When evidence needs to be examined by an outside agency, the investigating Torrance County Deputy shall retrieve the evidence from Property and personally deliver it to the outside agency or ship it by registered mail.

**119.25** When the examination is completed by the outside agency, the investigating Torrance County Deputy is responsible for the return of the evidence from the agency to the property Torrance County Deputy.

#### **TRACKING OF EVIDENCE SUBMITTED TO OUTSIDE AGENCIES**

**119.26** Evidence that is transferred from a scene or a Torrance County Sheriff's Deputies custody directly to an outside facility, bypassing the Torrance County Sheriff's Office Property Unit, must be cataloged by the Evidence Custodian.

**119.27** An inventory list or a copy of a receipt for evidence submitted to a facility other than the Torrance County Sheriff's Office Property Unit is to be submitted to the Evidence Custodian.

**119.28** The information will be entered into the property control computer so that the location and status of the evidence can be tracked.

#### **LABORATORY ANALYSIS OF NARCOTICS EVIDENCE**

**119.29** Evidence to be taken to the Department of Public Safety Crime Laboratory for analysis will be retained and submitted by the investigating Torrance County Deputy. Submission to the Office of Public Safety Crime Lab shall be within twenty-four (24) hours, or if on a weekend, submission must be on Monday.

**119.30** All required lab forms will be completed when submitting the items, and a copy of the lab receipt will be included with the items upon return to the Torrance County Deputy. This copy shall be submitted to the Evidence Custodian along with the returned evidence.

**119.31** A report will be written by any person that conducted a field test for any suspected controlled substance.

### **MISCELLANEOUS**

**119.32** No evidence or property will be left unattended and unsecured or turned into anyone other than the Evidence Custodian.

**119.33** The Evidence Custodian will have a storage refrigerator available for perishable items placed into evidence.

**119.34** Items requiring refrigeration will be packaged and tagged separately from items that do not need to be refrigerated.

**119.35** The Evidence Custodian is responsible for ensuring that the property management record system is updated on a daily basis.

1. The date and time property is received or released, the location of property, and the amount of property on hand is to be included in the evidence record.
2. The complete chain of custody will be kept from the time the property was stored until its final disposition.
3. The dates and results of all inspections, inventories, and audits will be included.

### **PROCEDURES FOR SUBMISSION OF EVIDENCE**

**119.36** An evidence tag shall be completed on all articles of evidence, confiscated property, and found items.

1. Each tag will be properly filled out and include all available information.
2. The evidence shall be submitted to the property/evidence control function by the submitting Torrance County Deputy prior to end of his/her tour of duty.

**119.37** After the Evidence Custodian accepts the tagged evidence, the submitting Torrance County Deputy's copy of the evidence tag will become part of the initial report

**119.38** It will be the duty of the investigating Torrance County Deputy to make an attempt to locate the owner of any found item.

1. If the owner is found before the property is turned over to the Evidence Custodian, the Torrance County Deputy shall return the item to the owner and obtain a signed receipt.
2. The Evidence Custodian shall be responsible for mailing or shipping found items
3. Items will be released after proof of ownership has been presented.
4. Only properly tagged, prepared, and packaged evidence will be placed in the evidence lockers.

**119.39** U.S. currency taken as evidence or for safekeeping is to be deposited in the safe in the evidence locker room

**119.40.** Currency that is seized in conjunction with narcotics cases may be submitted directly to into the evidence safe

**119.41** If after regular business hours, evidence that is oversized or that has an inordinately high value cannot or should not be placed in a locker, the Evidence Custodian may be called out to receive the property.

1. The Torrance County Sheriff and/or Torrance County Undersheriff must authorize the call out. If the property custodian cannot be located, the



initial Torrance County Deputy is still responsible for the security of the evidence until it can be submitted.

2. Evidence shall never be left unattended in any team/unit office or in any other unsecured area of the Torrance County Sheriff's Office.

#### **WET BLOOD ITEMS**

**119.42** Since it is necessary to dry evidence that is wet with blood (or other body fluids) prior to being packaged and submitted as evidence, the following procedures will be followed:

1. The evidence will be placed in paper containers when they are collected.
2. The evidence will be hung in the designated biohazard evidence locker to dry.

**119.43** The paper container used to transport the evidence will also be placed in the same locker. The locker will be closed and locked.

**119.44** The dried evidence, transport container, and locker lining paper will be placed in a second clean, paper container and turned in as evidence in the normal manner

**119.45** Latex gloves and protective clothing will be worn while handling items that have blood on them. Preferably, double gloves should be worn.

**119.46** The Evidence Custodian is to ensure that all lockers have been thoroughly cleaned after each use. The following cleaning procedure will be used:

1. The person that cleans the locker will wear double latex gloves.
2. Wash the interior of the locker with a 10% chlorine bleach solution.

#### **TAGGING DRUGS AND OTHER DRUG RELATED ITEMS**

**119.47** Due to the hazardous nature of controlled substances and related materials used in the production of controlled substances, the following procedures will be used when tagging these items for evidence:

1. Controlled substances, with the exception of marijuana, will be submitted with a separate evidence tag. The evidence will be sealed in a plastic bag and the submitting Torrance County Deputy will initial the seal with a permanent marker.
2. Tablets, pills, capsules, etc., submitted as evidence will be counted. The amount will be noted on the description section of the evidence tag.
3. The sealed plastic bag will be weighed and the weight will be written on the evidence tag. Scales are located in the Patrol Bay.

**119.48** Controlled substances will be packaged separately according to type (marijuana, cocaine, amphetamines, barbiturates, etc.).

**119.49** Controlled substances and any paraphernalia or equipment will not be packaged together.

**119.50** Marijuana that is not completely dry will be packaged in a paper bag or cardboard box with an evidence tag attached to the exterior of the package. "Green marijuana" will be written in the description section of the evidence tag.

**119.51** The Evidence Custodian will dry all marijuana that is not completely dry when it is submitted. When the marijuana is dry, the narcotics custodian will package, seal, and weigh the marijuana in the narcotics evidence room. Under no circumstances will marijuana that is not completely dry, be placed in airtight bags or sealed containers.

**119.52** Hypodermic needles confiscated, as evidence must be securely and safely packaged and turned over, in person to the Evidence Custodian or designee. Under no circumstances will hypodermic needles be placed in any evidence locker.

1. In a situation concerning found hypodermic needles not suspected of being involved in criminal activity, the Torrance County Deputy may dispose of them in a safe manner.
2. The approved method of disposal is through the use of an OSHA approved container, which may be turned in at area hospitals or through the Property Section.

#### **STORAGE OF CONTROLLED SUBSTANCES**

**119.53** The Evidence Custodian will store all controlled substances in the evidence room

**119.54** The Evidence Custodian will have one of two necessary keys needed to open the evidence room. The Torrance County Sheriff or designee will have the other key.

**119.55** The chain of evidence should consist of only the investigating Torrance County Deputy and the Evidence Custodian. The investigating Torrance County Deputy will keep a record of the receipt only.

**119.56** At no time will any one person be in possession of both access keys.

**119.57** A log of all money, narcotics, and other evidence will be kept and maintained by the Evidence Custodian.

**119.58** All containers of narcotics, controlled substances, and dangerous drugs shall be periodically inspected for tampering or replacement. The containers holding these substances shall be officially sealed in tamper-proof packages.

#### **SUBMITTING JEWELRY AND/OR PRECIOUS METALS**

**119.59** Jewelry/precious metals will be packaged separately from other evidence or items, in sealed plastic bags with a supplemental evidence tag. Jewelry and precious metals will be stored in a special area for jewelry in the evidence room.

#### **SUBMITTING FIREARMS**

**119.60** All firearms will be run through N.C.I.C prior to submission into evidence.

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

1. All firearms will be unloaded prior to being turned into Property. If the firearm cannot be unloaded, the firearm and package will be boldly and clearly marked to alert the property custodian.
2. Firearms should be packaged in paper bags or cardboard boxes only. The evidence tag will be attached to the outside of the package.
3. Cartridge casings and unfired ammunition removed from the firearm, including magazines, will be secured with the firearm.

#### **SUBMITTING KNIVES AND NEEDLES**

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

**119.63** Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.

**119.64** Knives with exposed blades will be placed between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade and placed in a knife container.

**119.65** Needles must be securely packaged to avoid accidental exposure or punctures as described in this Directive.

### **SUBMITTING MONEY/CURRENCY**

**119.66** When monies are to be taken into the custody of the Torrance County Sheriff's Office, they must be identified as belonging to one of the following categories.

1. Confiscated/seized monies apply to the category of monies taken during an investigation of an incident in which the monies could become the subject of forfeiture under law, to include 30-31-34 NMSA.
2. Evidence monies are those in which the actual money is considered evidence of the criminal act. This type of evidence includes bank bait straps; unique currencies that can be identified easily; monies intentionally marked by this agency for use in an undercover operation; or monies that must be fingerprinted.
3. Monies that fall into the safekeeping category are limited to money/currency that is found and turned over to the Torrance County Sheriff's Office; monies that are found and the owner cannot be identified or located; and money that has been turned in which has an actual value that exceeds face value such as coin collections or rare bills.

**119.67** Once the determination has been made to take money into custody the Torrance County Deputy shall count the money in front of the person from whom it is being taken, if possible.

**119.68** The submitting Torrance County Deputy will count the money again in the presence of another Torrance County Deputy. At that time the money will be sealed in an envelope and the following information will be written on the outside of the envelope:

1. Offense/Incident number;
2. Date;
3. Dollar amount;
4. Name and signature of the submitting Torrance County Deputy;
5. Name and signature of the verifying Torrance County Deputy;
6. The category of money being submitted. (Confiscated/seized; evidence; safekeeping)

**119.69** The sealed envelope will be attached to a numbered evidence tag if the money is the only item being submitted; or

**119.70** The envelope will be attached to a supplemental tag if other items from the same case are being submitted as evidence (no other items shall be listed on the money or envelope or tag).

**119.71** The amount of money being submitted will be documented using the actual denominations, such as five dimes or three, one-dollar bills.

**119.72** Currency/Money shall be submitted as follows

1. Confiscated/seized money will be turned in to the Evidence Custodian or designee.
2. Evidence money will be turned in to the Evidence Custodian. Submission shall be in person during normal hours of operation.
3. Safekeeping monies will be submitted directly to the Evidence Custodian or designee with the exception of rare coins/currency or coin collections. Currency/coin that has a higher actual value **must** be submitted to the Evidence Custodian for safekeeping.

4. In the event that the proper person is not available to accept the monies or submission is after their normal work schedule, the submitting Torrance County Deputy and Torrance County Sheriff and/or Torrance County Undersheriff will submit the envelope and tag by it into the Evidence Locker Room.
5. Money that is submitted as confiscated or safekeeping (other than rare or collector coin/currency) will be transferred to the Torrance County Sheriff's Office Escrow Account as soon as possible.
6. A log of these monies will be kept by the proper authority and receipts will be obtained from the County Managers office for retention and audit purposes.
7. Disbursement of all monies held by the agency will be done through court order, release order from the District Attorney, or upon identification and location of an owner.

#### **VEHICLES AS EVIDENCE**

**119.73** Authorized impounds of a vehicle will be sent to a secured impound lot within Torrance County and complete a tow sheet.

**119.74** The investigating Torrance County Deputy will indicate, in the report, the reasons for a vehicle impoundment.

**119.75** Owners wishing to obtain a vehicle from the impound lot must have an authorization letter from the Office of the District Attorney or a court of law.

**119.76** When a vehicle that is no longer needed for evidentiary purposes is to be released from impoundment, a notice will be sent by registered mail to the registered owner advising of the status of the vehicles.

**119.78** After receipt of the notice, the owner will have 30 days to remove the vehicle from Torrance County Sheriff's Office impound lot.

**119.79** Released vehicles that are not taken from the impound lot after 30 days will be transferred to a private storage lot. The owner of the vehicle will be responsible for all charges incurred.

#### **CONFISCATED/SEIZED PROPERTY**

**119.80** Handling of confiscated/seized property.

1. When property is confiscated or seized from a person, that person is to be told the reason for the confiscation and will be provided with an inventory list of the property.
2. The Torrance County Sheriff and/or Torrance County Undersheriff will submit a letter to the District Attorney's Office and the Torrance County Attorney indicating why it was confiscated and/or seized.
3. The Torrance County Sheriff and/or Torrance County Undersheriff will retain all documentation concerning seized/confiscated cases. All future documentation and correspondence concerning the case will be kept in the same file.

**119.81** Any property which has been received by the Torrance County Sheriff's Office as a result of delivery of legal process services shall be accounted for in Torrance County Sheriff's Office records. This shall include property seized pursuant to a court order and shall include a description of the property and the name of the person from whom the property was received.

**119.82** Any property acquired through legal process will be utilized or disposed of as ordered by the Torrance County Sheriff. This will only be done after the property has been awarded to Torrance County by a court of competent authority and within the guidelines set by law.

#### **USE/DISPOSAL OF FORFEITED PROPERTY/VEHICLES**

**119.83** All forfeited property or vehicles shall be disposed of as ordered by the Torrance County Sheriff and only after being awarded to the County by a court of competent authority and within the guidelines set by law.

**119.84** Property that is to be disposed of shall be either auctioned or destroyed in the manner prescribed by law, after the proper court order has been submitted and signed.

#### **DISPOSITION OF ARTICLES PLACED INTO EVIDENCE**

**119.85** The Evidence Custodian may release evidence to the concerned Torrance County Deputy for use in court or may personally transport the evidence to court to maintain its integrity.

**119.86** In the event that evidence is released, and such evidence is admitted as an exhibit at a hearing or trial, or otherwise taken into custody of the court, the member responsible for such evidence shall submit a report supplement, using the same case number, specifically listing each item retained by the court.

**119.87** The Evidence Custodian shall get at least 48 hours advance notice for the retrieval and release of evidence needed by an Torrance County Deputy subpoenaed for court or a hearing. An exception would be if a subpoena is issued on short notice.

**119.88** The release or disposal of evidence after adjudication will be the responsibility of the respective Evidence Custodian. This release or disposal will be done in accordance with all County Ordinances, State Statutes, or Court Orders.

**119.89** No Torrance County Deputy will make appointments for people with the Property Custodian for the purpose of releasing or viewing items. The people will be told to contact the Evidence Custodian at the Torrance County Sheriff's Office to make the arrangements concerning property.

**119.90** All items will be released to the rightful owner or will be disposed by the Property Custodian in accordance with the County Ordinances, State Statute, or Court Order.

**119.91** Property unclaimed by the owner, that is no longer required for any judicial purpose, is not needed for any public purpose, or has been left in the possession of the Torrance County Sheriff's Office for more than 90 days shall be sold at public sale, reverted to City use, or destroyed. No property will be returned to any person that has turned in property but is not the owner. Cash money is deposited and deposited into the General Fund.

**119.92.** Final disposition of found, recovered, and evidentiary property will be accomplished within six months after legal requirements have been satisfied. This will prevent an overload on the property management system and reduce the need for additional storage space. Photographs will be taken of property prior to its return to the owner.

**119.93.** Any person not employed by the Torrance County Sheriff's Office who requests to photograph any item held as evidence must have an authorization letter from the Office of the District Attorney or a court of law.

**119.94** Destruction or disposal of controlled substances and firearms.

**1.** The Torrance County Sheriff and the Evidence Custodian will be responsible for arrangements for destruction or disposal of all controlled substances and firearms in accordance with applicable laws.

#### **INSPECTIONS/INVENTORY**

**119.95** The Torrance County Sheriff, Torrance County Undersheriff or their designee shall inspect the property room and files, at least once a month, to ensure that all procedures are being followed, and to ensure the proper accountability procedures are being maintained.

**119.96** An annual audit of property held by the agency is conducted by an employee not routinely or directly connected with property control.

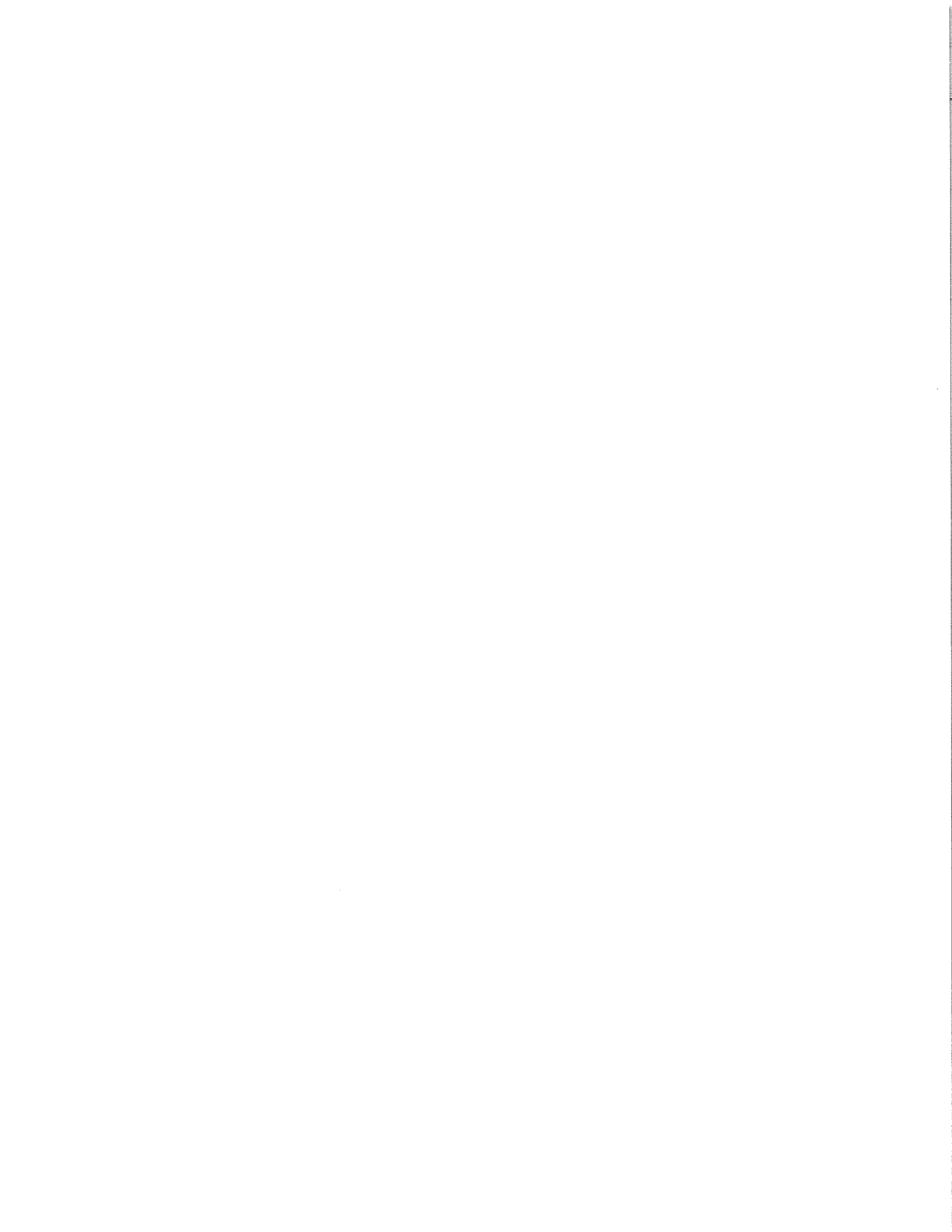
**119.97** When a change of Evidence Custodians occurs an inventory of the property held in the Evidence Section shall be conducted by the new Evidence Custodian and the Torrance County Sheriff designee to ensure that records are correct and properly annotated. When the new Evidence Custodian signs for the inventory he/she becomes responsible for the total inventory.

**119.98** Unannounced semi-annual inspections shall be conducted of the property storage areas to include random inspections of records with physical property, as directed by the Torrance County Sheriff.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## CIVIL AND LEGAL

EFFECTIVE: 01-14-17

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### PURPOSE

**120.1** The purpose of this directive is to establish guidelines for the service of civil legal process and civil arrest procedures.

### DISCUSSION

**120.2** The functions of the courts are affected by the prompt service of court documents. Thus, the effectiveness and image of the judicial system are dependent, in part, upon the effective and timely service of court documents.

### POLICY

**120.3** It is the policy of the Torrance County Sheriff's Office to record the service or attempted service of all legal process assigned to or obtained by this agency.

### LEGAL PROCESS

**120.4** The following types of Legal Process may be handled by sworn members of the Torrance County Sheriff's Office

1. Arrest warrant;
2. Search warrant;
3. Subpoenas for Magistrate, District and Federal Courts;
4. Subpoenas for Administrative hearings;
5. Grand Jury Indictments;
6. Restraining orders and Temporary Restraining Orders;
7. Ex-Parte custody orders;

8. Orders to Confine (New Mexico National Guard)

**120.5** All orders for civil arrest or seizure of real/personal property shall be executed by sworn members of the Torrance County having jurisdiction.

**120.6** An Offense/Incident report to document the assistance will be required

**120.7** All attempts to serve legal process, whether successful or not, will be documented by the following method:

1. The return portion of each document shall be completed by the Torrance County Deputy serving the document.

**120.8** In situations where attempts to serve the document failed, notations should be made into the CAD and on the hard copy to document the date, time, Torrance County Deputy, and location of the attempt.

### ARREST WARRANTS/GRAND JURY INDICTMENTS

**120.9** Upon a person being taken into custody by virtue of an arrest warrant, the arresting Torrance County Deputy shall be responsible for completion of the following steps:

1. Furnish the arrestee with a copy of the warrant. If the warrant has criminal complaints or a Grand Jury Indictment attached, copies shall be given to the arrestee.
2. Fill out the warrant return.
3. An Offense/Incident Report form to document the arrest.
4. A copy of the warrant/fax/official confirmation and intent to extradite will be included in the Torrance County Deputy.
5. The arresting Torrance County Deputy shall, through the Torrance County Regional Dispatch Center, check for other outstanding wants



and warrants through the National Crime Information Computer (NCIC), New Mexico Crime Information Computer (NMCIC) and in-house computer files.

**120.10** If Emergency Dispatch Services notifies a Torrance County Deputy that there is an outstanding warrant in NCIC or NMCIC, which was entered by another agency, the Torrance County Deputy shall request that Dispatch obtain an official confirmation of the warrant and intent to extradite, or a facsimile (fax) of the warrant and intent to extradite prior to making the arrest.

**120.11** Once the Teletype or fax is in hand and the arrest is made, the Torrance County Deputy will notify the Torrance County Regional Dispatch Center to send an official teletype to the originating agency to cancel the warrant.

**120.12** Original copies of District and Magistrate warrants will be turned over to the NCIC Terminal Agency Coordinator (TAC).

#### **COMPUTERIZED WARRANT LOG**

**120.13** Arrest warrants that are obtained and maintained by the Torrance County Sheriff's Office are entered into the Central Records computer master Files (RMS), which allow access on a twenty-four-- (24) hour basis.

**120.14** Upon receiving an arrest warrant, the responsible Torrance County Deputy shall deliver the warrant to the Terminal Agency Coordinator at the Torrance County Regional Dispatch Center for entry into the computer.

**120.15** Warrants are filed alphabetically after entry into NCIC or NMCIC and a copy is routed back to the Torrance County Deputy.

**120.16** Torrance County Regional Dispatch Center personnel are responsible for maintaining a handwritten log, which reflects the status of all warrants filed.

**120.17** Torrance County Deputies or Detectives who serve a warrant must log the name of the person served, the warrant number, the Torrance County Deputy's name, and the date.

**120.18** Torrance County Regional Dispatch Center personnel will verify the information and initial the log to indicate the warrant is no longer in their possession.

**120.19** Original warrants will only be removed from dispatch files at the time of service

**120.20.** If the warrant is served, Torrance County Regional Dispatch Center personnel will remove the warrant from NCIC or NMCIC.

**120.21** Copies will be disseminated

**120.22** Under no circumstances, will any Torrance County Deputy/Detective retain in their possession any original arrest warrant that has not been served.

**120.23** Any discrepancies or inconsistencies between the computer log and existing files will be directed to the District Attorney's Office.

#### **SERVICE OF SUBPOENAS**

**120.24** Subpoenas shall then be given to the Torrance County Sheriff's Office Administrative Secretaries for in-house logging and tracking purposes prior to service. Torrance County Sheriff's Office Administrative Secretaries shall then assigned it to a Torrance County Deputy for actual service.

**120.25** All subpoenas shall be served in a timely fashion, with consideration being given to regularly scheduled days off.

**120.26** This is to allow proper and sufficient notice to the Torrance County Deputy under subpoena. Should service of the named person not be available for prompt service, said subpoena should be returned to the Torrance County Sheriff's Office Administrative Secretaries as soon as possible, in order for him/her to notify the appropriate Court.

**120.27** Personnel who need to be excused from a subpoena shall make arrangements with the Court and/or District Attorney's Office

#### **SERVICE OF SUBPOENAS (DEPARTMENT PERSONNEL)**

**120.28** Torrance County Sheriff's Office Administrative Secretaries will serve subpoenas when possible, services will be placed in each Torrance County Sheriff Deputy assigned folder.]

**120.29** It is the responsibility of all Torrance County Sheriff Deputies to check their folders for all civil documents and document service

#### **SERVICE OF SUBPOENAS/SUMMONS (OTHER THAN DEPARTMENT PERSONNEL)**

**120.30** Torrance County Sheriff's Office Administrative Secretaries will sign for subpoenas issued by the Courts or issuing agency and log the date of receipt.

**120.31** All summons/subpoenas shall be served by sworn members of the Torrance County Sheriff's Office.

**120.32** Service shall be in person.

**120.33** The serving Torrance County Deputy/Detective shall fill out the return portion, provide the person with the original summons/subpoena and return the copy to the Torrance County Sheriff's Office Administrative Secretaries

**120.34** The Liaison will return the copy to the appropriate court/agency.

#### **PICK-UP ORDERS**

**120.35** All pick-up orders shall only be served by sworn members of this Department.

**120.36** Pick-up orders may be issued by:

1. Department of Corrections, Probation and Parole Division; or
2. Juvenile Probation.

**120.37** Torrance County Deputies/ Detectives shall take the following steps, when serving pick-up orders:

1. Have the order in hand, or
2. Verify validity through issuing agency/department.
3. Make the arrest and provide the arrestee with a copy of the order.
4. Complete an Offense/Incident report and attach a copy of the order.

#### **RESTRAINING ORDERS/DOMESTIC VIOLENCE**

**120.38** Restraining orders and Domestic Violence Orders shall only be served by sworn, certified Torrance County Deputies.

**120.39** The Torrance County Sheriff's Office Administrative Secretaries will obtain the orders from the Court representative and log them in for service before distributing them to Torrance County Deputy. The Torrance County Deputy will then decide the risk level.

1. Level 1 - Low-risk; only one Torrance County Deputy will be required to serve the order unless back-up is requested.

2. Level 2 - Medium risk based upon known facts such as possession of weapons and medium risk of resistance; Two Torrance County Deputies will be required for service.
3. Level 3 - High risk - High level of resistance and use of weapons may be anticipated. In these cases, no less than two Torrance County Deputies will be sent and extra security precautions will be taken by the Torrance County Deputies when service is attempted.

**120.40** In situations where sworn members of the Torrance County Sheriff's Office serve the orders, the Torrance County Deputies/Detectives shall take the following steps:

1. Upon reaching the location specified in the order, the Torrance County Deputy will advise the Torrance County Regina Dispatch Center that service of the order is being attempted and the address or location where service will be attempted or made.
2. Provide the person being served with a copy of the order and read the specific order/stipulations to the respondent, to include the date and time that they are mandated to appear in Court regarding the order.
3. In the event that there are stipulations which require the respondent to remove personal effects or require the removal of children from the premises, the Torrance County Deputy(s) will stand by until the respondent leaves the residence.
4. If children are to be removed, the Children, Youth, and Family Department shall be notified.
5. If the respondent refuses to leave or comply with stipulations in the order the serving Torrance County Deputy(s) will place the person under arrest and fully document all actions in an offense/incident report.

6. Complete the return portion of the order and route the return Torrance County Sheriff's Office Administrative Secretaries
7. If service was not made for any reason advise the Torrance County Regional Dispatch Center of the specific reason.

**120.41** Under no circumstances will an assigned Torrance County Deputy fail to attempt service of each document assigned. If service is not possible during the assigned shift, the Torrance County Deputy shall return all outstanding orders to the Torrance County Sheriff's Office Administrative Secretaries, who will assign an Torrance County Deputy from the on-coming shift to make service.

**120.42** In the event that service is attempted but unsuccessful during the 72-hour period, the order will be returned to the Torrance County Sheriff's Office Administrative Secretaries who will be responsible for obtaining an extension from the court.

**120.43** In situations where sworn members serve orders that were not obtained and documented by Torrance County Sheriff's Office Administrative Secretaries

#### **EX-PARTE CUSTODY ORDERS**

**120.44** Ex-Parte custody orders are signed and issued by a Judge and direct that juveniles be taken into protective custody, as per the New Mexico Children's Code. Normally, personnel from Children Youth and Family Services will have the order in hand and be assisted by the Juvenile Services Unit or on-duty sworn personnel.

**120.45** Sworn personnel serving an ex-parte order shall take the following steps:

1. Serve the parent, guardian, or person having custody of the child (children).

2. Leave a copy of the order with the custodial person;
3. Take the children into custody and turn them over to the CYF personnel

**120.46** If the order resulted from an investigation conducted by this Department, a supplemental report will be completed under the original case number.

1. A copy of the order and supplement will be sent to Juvenile Services.

**120.47** If the order resulted from a case handled by another agency, complete an Offense/Incident report with a new case number, classified as assisting other agencies.

1. A copy of the order and supplement will be sent to Juvenile Services.

**120.48** Additional copies of the order will be distributed as follows:

1. One copy to the CYFD personnel;
2. One copy will be routed into RMS with the report or supplemental.

**ORDER TO DETAIN (NEW MEXICO NATIONAL GUARD)**

**120.49** New Mexico State Statutes require that any peace officer in the county in which a National Guard Unit is maintained assist to arrest and confine National Guard members who fail to report for training assembly, drill, or annual training when so ordered.

**120.50** Upon receipt of a request by a National Guard Unit Commander to arrest and confine a National Guard member, the responsible Torrance County Deputy shall:

1. Notify the Torrance County Sheriff and/or Torrance County Undersheriff
2. Proceed to the location of the National Guard member, accompanied by National Guard personnel.
3. Place the National Guard member in custody and transport him/her to either to:

- a. The location directed by the National Guard Unit Commander;
- b. The Torrance County Sheriff's Office; or
- c. The Adult Detention Center if he/she refuses to report for duty/training.

**120.51** Complete a booking sheet and attach a copy of the written request of the Unit Commander.

1. Cite NMSA, Section 20-12-12 (Absence without leave; confinement during period of duty).
2. Note on the booking sheet that the detainee is a county prisoner, as per the Statute.

**120.52** Prepare an Offense/Incident report to document your actions and attach the original request of the unit commander and a copy of the Booking Form.

**120.53** Direct a memorandum to the Accounting, and attach a copy of the booking sheet to allow monitoring of jail charges.

**JURISDICTION FOR SERVICE OF LEGAL PROCESS**

**120.54** Any on-duty sworn member of the Torrance County Sheriff's Office may serve those items of legal process listed.

**120.55** A sworn member of the Torrance County Sheriff's Office may serve criminal process within the State of New Mexico only on those occasions that they are accompanied by a full-time, salaried law enforcement officer that has legal jurisdiction in the area in question

**120.56** Prior to entering any foreign jurisdiction(s), Torrance County Deputies and Detectives shall take steps to contact the Torrance County Sheriff and/or Undersheriff to gain proper clearance

**120.57** Prior to entering a foreign jurisdiction, the Torrance County Deputy shall contact officials of the agency having jurisdiction in the area in question, and request their presence and assistance for service.

**120.58.** The Torrance County Deputy/ Detective shall, when executing criminal process, or participating in any job related function, in another jurisdiction, abide by the laws of this state and any rules set forth by the agency having jurisdiction.

**120.59** Any sworn member of the Torrance County Sheriff's Office may assist another agency in the service of their legal process documents, when a formal request is made and approval is obtained from the Torrance County Sheriff's Office

**120. 60** An Offense/Incident report to document the assistance will be required if directed by the Torrance County Sheriff and/or Torrance County Undersheriff.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## SEARCH AND SEIZURE

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### PURPOSE

**121.1** This policy is established to provide guidelines for enforcement personnel so that searches and seizures comply with Constitutional requirements.

### DISCUSSION

**121.2** The area of constitutional search and seizure law is vital to the day-to-day functioning of law enforcement Torrance County Sheriff Deputies. This directive shall briefly highlight the major topics in order to provide a ready reference for Torrance County Sheriff Deputies. Because of the changing nature of this topic, Torrance County Sheriff Deputies must stay abreast of recent court decisions and case law that may affect them.

### POLICY

**121.3** It is the policy of the Torrance County Sheriff's Office that all searches and seizures of private property will be conducted within well-defined, lawful, and constitutional guidelines. As such, this policy will serve as a standard for all matters concerning search and/or seizure. In all cases, measures shall be taken to assure that all constitutional safeguards are provided to non-English speaking and/or hearing impaired persons in a manner that is clearly understood.

## EXCEPTIONS TO THE REQUIREMENTS OF A SEARCH WARRANT

**121.4** A Torrance County Sheriff Deputy may conduct a search without a warrant and without probable cause if the person to be searched gives consent to search.

**121.5** Consent searches are limited in scope by request of the Torrance County Sheriff Deputy and the permission given by the person granting the consent to search.

**121.6** The Torrance County Sheriff Deputy may not legally search beyond the extent of the permission, which has been given. In addition, the consent to search lasts only as long as the person granting the consent does not change his/her mind.

**121.7** The person granting the consent to search may also limit the area covered by the consent; i.e., giving consent to search only one room or one area or may tell the Torrance County Sheriff Deputies to stop at any time.

**121.8** Because there is a legal presumption against a waiver of a constitutional right, the State (the Torrance County Sheriff Deputies) have the burden of proving to the Court that the consent to search, a waiver of 4<sup>th</sup> Amendment rights was made voluntarily.

**121.9** In determining whether the consent is valid, the Courts look at the age, education, mental condition, whether the person granting the consent was intoxicated, previous contacts of the person giving consent, as well as any other factors which may relate to the question of the voluntary nature of the consent.

**121.10** The courts will also look at the circumstances surrounding the giving of consent much the same as they look at a waiver of Miranda rights. If it appears that the person has been coerced into the consent, the consent will be deemed involuntary and, as a consequence, anything found as a result of the search and seizure will be suppressed.

**121.11** It is always best to record the request for consent and consent to search. This can be done either by tape recording or in writing on a Consent-to- Search form.

**121.12** Either method provides the Court with a clearer picture of the person's waiver of his/her Amendment Rights.

**121.13** Unlike cases involving in-custody questioning where a person must be warned of the rights he/she has in order to have a voluntary waiver of those rights, a person need not be informed of his/her right to refuse the request of the Torrance County Sheriff Deputy for consent to search. However, the much better practice is to advise them of such a right and note such advice in the Torrance County Sheriff Deputy's report. Again, this advice helps establish that the person has given voluntary consent to search.

**121.14** In addition, the courts look to the following environmental factors to determine the voluntarism of the consent to search.

1. Was the person detained for a long time or a short time before the consent was given;
2. Was the person threatened, physically intimidated or punished;
3. Did the person rely on promises or misrepresentations by the Torrance County Sheriff Deputy or others;
4. Was the person in custody or under arrest;
5. Was the consent given in public or secluded place;
6. Did the person object to the search or stand silently by while it occurred?

**121.15** Torrance County Sheriff Deputies must be cautious when seeking to obtain consent to search from a third party, one that is not the owner.

**121.16** The courts have ruled that any person who possesses authority over or otherwise has a sufficient relationship to the premises or effects sought to be searched may grant authority to enter and/or search.

**121.17** "Actual Authority" is required for consent; there is not a "good faith" exception in New Mexico.

**121.18** In making a determination in the ability to give consent; see if the person giving consent has mutual use or joint access to the property.

**121.19** In searching residences based on consent, remember that the 4th Amendment protects the privacy interests of people.

1. A roommate may be able to give consent to search the areas of common use in the house but probably not the private room of his/her co-tenant.
2. Likewise, consent to search an area does not automatically carry with it a right to search locked or closed containers of another even if found in the common area.

**121.20** If there is a question as to the validity of the consent or scope of the search, do not hesitate to contact the on duty Assistant District Attorney.

**121.21** Consent to search is also typically used to draw blood for blood alcohol and/or drug tests, however, if the person refuses to submit to the test, a search warrant must be obtained.

**121.22** If there is probable cause to believe the driver was under the influence of alcohol and/or drugs and the driver caused great bodily harm or death to another as a result of his operation of a motor vehicle while under the influence of alcohol and/or drugs, or this is the driver's fourth or subsequent DUI arrest, and the driver refuses to submit to a blood alcohol test, the Torrance County Sheriff Deputy shall seek and obtain a search warrant for the drawing of the blood sample.

**121.23** Once the search warrant is obtained, the blood may be taken even over the objection of the driver. It is important to note that even if the Torrance County Sheriff Deputy eventually gets the blood sample as a result of a search warrant, the driver has still refused the test and the refusal may still be reported to the New Mexico Department of Motor Vehicles.

**121.24** Torrance County Sheriff Deputies may no longer obtain the results of hospital blood tests for the purpose of determining probable cause. These tests are protected under the physician patient confidentiality.

**121.25** Consent to search is required to draw bodily fluids or tissues, however, if the person refuses to submit, a search warrant must be obtained.

**121.26** With vehicle traffic stops, Torrance County Sheriff Deputies cannot ask to search the vehicle, unless the search is related to the traffic stop.

#### **SEARCH INCIDENT TO A LAWFUL ARREST**

**121.27** Once a person has been lawfully arrested, a search without a warrant may be conducted of the arrested person and the area immediately surrounding the arrested person in which he could hide weapons or from which he may be able to obtain and destroy evidence.

**121.28** The scope of this search is limited to the area immediately surrounding the arrested person.

**121.29** Torrance County Sheriff Deputies cannot lead an arrested person throughout his residence and justify a search of the entire residence as incident to arrest.

**121.30** There are several factors, which the courts use evaluate the validity of this exception to the search warrant requirement.

**121.31** The search must be contemporaneous in time and place to the arrest of the person.

**121.32** Torrance County Deputies may search only the person and immediate area from which evidence or weapons could be obtained.

**121.33** The search is invalid if the arrest is merely a pretext to allow the search of the person or the surrounding area.

**121.34.** Locked areas and items which may contain a weapon or evidence may not be searched if it is unreasonable to believe that the person could obtain such items and destroy them or pose a threat to Torrance County Sheriff Deputies making the arrest.

#### **PROTECTIVE SWEEPS (WHERE ARREST HAS BEEN MADE)**

**121.35** A home or other premises where a lawful arrest has been made may be subjected to a limited "sweep," for the purpose of finding other persons, if the circumstances give the arresting Torrance County Sheriff Deputies a basis for reasonably believing that there are other persons on the premises who pose a danger to those at the arrest scene.



## HOT PURSUIT

**121.36** To apply this exception, Torrance County Sheriff Deputy must have probable cause to believe that a serious crime has been committed, that the person they are pursuing committed it and that the person is in the dwelling or structure they are entering.

**121.37** The time between the finding of probable cause to believe that a person is in a given building and the warrantless entry should be short and there should be some semblance of continued pursuit throughout the period.

**121.38** The key question to be answered in this matter is whether a Torrance County Sheriff Deputy would risk losing a suspect if time were taken to obtain a warrant.

**121.39** The scope of the search must be limited to areas where the suspect could reasonably be found.

**121.40** Once the suspect is located, further search beyond his reach, incident to arrest, cannot be justified unless there is more than one suspect or a protective sweep can be justified

**121.41** If it is believed that evidence may have been placed or hidden in the residence by the suspect and it is not found on a search incident to his arrest, a search warrant must be obtained before there is a further search of the residence.

***NOTE: THIS EXCEPTION CANNOT BE USED TO JUSTIFY THE TORRANCE COUNTY SHERIFF DEPUTY IN PROCESSING A CRIME SCENE. BEFORE A CRIME SCENE CAN BE PROCESSED IN A RESIDENCE OR VEHICLE OR OTHER BUILDING IN WHICH PERSONS HAVE A POSSESSORY INTEREST, A SEARCHWARRANT MUST BE OBTAINED.***

## STOP AND FRISK

**121.42** *Terry v. Ohio*, 392 U.S. 1 (1968), gave officers the right to conduct a limited pat down of a person they lawfully stopped when they have reason to believe that the person is armed and/or presently dangerous.

**121.43** Factors the Courts consider in this regard to determine the reasonableness of a pat down include:

1. You have to have knowledge of facts that reasonably lead you to believe that the suspect is involved in criminal activity.
2. You identify yourself as a Torrance County Sheriff Deputy and make reasonable inquiries as to the suspect's conduct.
3. His response to your stopping him and questioning him does not relieve your suspicions.
4. Suggestive movements by the suspect, and there are visual clues as to the presence of weapons.

**121.44** You may frisk the suspect if you have knowledge of facts that reasonably lead you to believe that the suspect is armed or otherwise dangerous to yourself or others. A frisk must be a carefully limited search of the suspect's outer clothing, aiming at discovering weapons

**121.45** Items that feel as if they may be weapons may also be removed to determine what they are.

**121.46** It must be remembered that a pat down is a search for weapons and is not an authorization for a complete search of the person or the pockets or clothing of the person unless intrusion is justified in retrieving something which the pat down found which reasonably could be believed to be a weapon and inspection of the item is reasonable to determine its nature.

## PLAIN VIEW

**121.47** If Torrance County Sheriff Deputies are legally in the area or at a location, they may seize any item in plain view, which is evidence of a crime, contraband, or items that are otherwise seizable by the Torrance County Sheriff Deputy.

**121.48** The key to this exception to the search warrant requirement is that the Torrance County Sheriff Deputy be legally in the position he is at when the observation of the crime occurs. Such authority may be in the form of:

1. By some other exception to the search warrant requirement.
2. Objects noticed by the Torrance County Sheriff Deputy, which are open to public view.
3. During execution of a search warrant.

**121.49** Torrance County Sheriff Deputies may not make entry into a vehicle based on plain view.

**121.50** There are two (2) tests which must be met in order to seize the property which is observed in plain view:

1. The Torrance County Sheriff Deputy must be lawfully present at the location of the seizure.
2. The items seized must be immediately recognizable as evidence or contraband.

**121.50** The items seized, must by its own nature, the way it looks, the way it smells or the way it sounds, give Torrance County Sheriff Deputy probable cause to believe that it is evidence of criminal activity.

**121.51** If, during the course of executing a search warrant, Torrance County Sheriff Deputies come upon property which they believe to be stolen, Torrance County Sheriff Deputies must be able to articulate a sufficient basis for the probable cause to believe that the items

are stolen when they observed them and before they "seized" the items to check serial numbers or other identifying marks which may be contained on the items.

## INVENTORY SEARCHES

**121.52** The vehicle is lawfully in Torrance County Sheriff Deputy custody, and The inventory is conducted pursuant to established Torrance County Sheriff Deputy regulations.

**121.53** The purpose of an inventory search is not to search for contraband or for evidence of a crime but to justify and note property, which has come into the possession of Torrance County Sheriff Office. The purposes of inventory searches as outlined by the Courts are;

1. To protect the owner's property while the vehicle is in the Torrance County Sheriff's Office custody by creating a record of the property.
2. To protect Torrance County Sheriff's Office from unfounded claims of lost property.
3. To protect the Torrance County Sheriff's Office from potential danger.

**121.54** While Torrance County Sheriff Deputies have a duty to follow department guidelines in conducting inventory searches of vehicles, Torrance County Sheriff Deputies are not allowed to arrest persons for the purpose of seizing their vehicles and then using an inventory search as a pretext to search the vehicle.

**121.55** If an inventory is to comply with the reasons outlined by the Courts for allowing them in the first place, then it stands to reason that containers within the vehicle may also be searched to determine their contents in accordance with the department's policy.

## **PROBABLE CAUSE & EXIGENT CIRCUMSTANCES**

**121.55** Exigent circumstances are circumstances which arise which call for emergency and/or immediate action by Torrance County Sheriff Deputies to prevent the imminent destruction of evidence or to save persons from death or injury.

**121.54** The exigent circumstance exception is generally used to justify entry into a building or residence without a search warrant, and when probable cause exists to search.

**121.55** It is important to remember that once the emergency ends so too does the exigent circumstance. Torrance County Sheriff Deputies, depending upon the circumstances at the time, may be justified in making a protective sweep of the premises or conducting a search incident to an arrest.

**121.56** This exception to the search warrant requirement is not a blanket authorization to search everywhere and everything.

**121.57** Once the person is out of danger or once the evidence that was going to be destroyed is saved, the search must end.

**121.58** If there is need to search further, and probable cause can be found to support the further search, a search warrant for the remainder of the premises must be obtained.

**121.59** As with other exceptions, this is not an authorization to process a crime scene. Even if exigent circumstances justify the entry, Torrance County Sheriff Deputies must obtain a search warrant before any processing of a crime scene is begun.

**121.60** It is important to note that Torrance County Sheriff Deputies cannot "create" the exigent circumstance to gain entry or access and then to justify the entry or access based upon an exigent

circumstance they have created. Any evidence so received would be suppressed.

## **ARRESTED PERSONS**

**121.61** Persons who are arrested and taken into custody and booked are subject to search of their entire person along with any and all clothing and items in their possession at the time of the arrest.

**121.62** Once the person has been arrested, the person has in effect been seized for 4th Amendment purposes and the items the arrested person has with him or her, including clothing, may be seized and retained by the arresting Torrance County Sheriff Deputy.

**121.63** As a consequence, all clothing and personal items of the persons arrested for felony offenses where identity or description or the presence of trace evidence may be an issue should be seized by the Torrance County Sheriff Deputy. When clothing is removed and retained in accordance with the Torrance County Sheriff Deputy policies for collection of trace evidence and items which may contain trace evidence.

**121.64** Each item of clothing should be bagged separately.

## **ABANDONED PROPERTY**

**121.65** Property, which has been abandoned by its owner, even though the owner may retain legal property interest in the property, may be searched without a warrant.

**121.66** The Courts have held that the person who abandons property loses any reasonable expectation of privacy in the object.

**121.67** If Torrance County Sheriff Deputies are called to a location in regards to property being found, Torrance County Sheriff Deputies may inspect the property and even open containers for the purpose of determining the owner and nature of the materials inside, and for the purpose of accounting for the contents and assuring the safety of the Torrance County Sheriff Deputies.

**121.68** In the event that a Torrance County Sheriff Deputy opens a container with items which are obviously criminal in nature such as drugs or evidence of a crime, the better policy is to stop at that point and obtain a search warrant before proceeding to dig through the found container.

**121.69** The reason for getting a search warrant at this point is that the Torrance County Sheriff Deputies mindset and intent are now different; the Torrance County Sheriff Deputy is now searching for information, which connects a person to criminal activity.

**121.70** Since the history of the container is not known to the Torrance County Sheriff Deputy, the container may in fact not have been abandoned by its owner and while the Torrance County Sheriff Deputy had legal justification to begin inspection of the contents, continuing a search after the criminal nature of the contents is apparent may violate the owner's 4th Amendment rights.

#### **STRIP/BODY CAVITY SEARCH**

**121.71** Strip searches shall not be conducted unless the Torrance County Sheriff Deputy has reasonable suspicion to believe that the suspect is concealing a weapon or contraband on their person and then only with the approval of a Torrance County Sheriff and/or Torrance County Undersheriff. *Strip searches shall be completed in the presence of two (2) employees who are of the same sex as the person who is being searched. The strip search will be*

*conducted in a private and secure area.* If a weapon or contraband is observed, i.e., taped to the body, the employee shall remove the item in a tactful manner maintaining the dignity of the suspect. If a possible weapon or contraband is observed inside a body cavity, the employee shall appropriately restrain the suspect and obtain a body cavity search warrant. Under no circumstances will the employee remove the item. The suspect shall be kept under constant and watchful supervision and shall be taken to a medical facility where the search warrant shall be executed.

**121.72** Under no circumstances shall any employee conduct a body cavity search on any person. A body cavity search requires a search warrant and must be conducted at a medical facility by a licensed and practicing medical physician.

#### **SEARCHES OF CRIME SCENES**

**121.73** The 4th amendment protects people, not places. It protects the expectation of privacy which people have in locations and in objects. The expectation of privacy must be what the Courts have phrased as "reasonable expectation" of privacy.

**121.74** Various items or locations have been held to have various levels of 4th Amendment protection depending upon the nature of the item or location and the purpose for which it is used.

**121.75** The highest level of expectation of privacy has generally been held to be the home or residence of an individual and the person of an individual.

**121.76** Vehicles and businesses have been held to have a lesser degree of protection because of the reputations to which they are subject and the fact that they are subject to inspection for any number of reasons.

**121.77** Open fields or vacant land probably have the lowest degree of protection.

**121.78** The fact that an expectation of privacy is less in a vehicle or business does not mean that it can be searched without a warrant absent one of the above exceptions.

**121.79** The U.S. Supreme Court in **Thompson v. Louisiana 469 U.S. 17 (1984)**, made it very clear that there is no exception to the requirement for a search warrant because a place is a crime scene; in that case a residence was the scene of a homicide.

**121.80** The fact that a crime was committed in a certain location does not take away a person's property rights or lessen the 4th Amendment protection in the location.

**121.81** This situation arises most often in the context of crimes and crime scenes that are discovered within a residence. The Torrance County Sheriff Deputy must examine the facts and circumstances carefully.

**121.82** It is always safer to obtain a search warrant than it is to proceed on the assumption that an unknown suspect has no reasonable expectation of privacy in the residence, which contains the crime scene.

**121.83** As mentioned in the beginning of this section, Torrance County Sheriff Deputies may have sufficient grounds to seize evidence at a crime scene but not be legally allowed to search the scene without a warrant.

**121.84** Torrance County Sheriff Deputies called to a given location who discover a crime, such as a homicide, may do the following:

1. Secure and thereby seize the residence and establish a crime scene log.
2. Make a protective sweep of the residence as explained above. (Only if the circumstances give the Torrance County Sheriff Deputies a basis for reasonably believing that there are other persons on the premises who may pose a danger to those on the scene.)
3. Refuse access to the residence and secure the contents of the residence.
4. Note and seize any obvious items of evidence, which are in plain view. Of course most Torrance County Sheriff Deputies understand the importance of documenting a crime scene and will leave items that are in plain view in place until after the scene as been thoroughly processed.
5. Conduct a search incident to arrest after an arrest has been made.
6. Allow any and all emergency medical treatment to be given to any victim.
7. Conduct a pat down of persons at the location if there is a sufficient basis for the Torrance County Sheriff Deputies to do so.
8. Interview witnesses or take statements as may be necessary.

**121.85** Other than these acts which could be done immediately or soon after the entry, the Torrance County Sheriff Deputies may **NOT** search for trace evidence, take blood samples, or otherwise process the crime scene without a search warrant.

1. Of course this does not apply to crime scenes which are in public places.

**121.86** As there is no reasonable expectation of privacy in public places, the scene may be searched and processed as necessary.

**121.97** If the crime scene is in a vehicle, while ownership from the registration may be easily obtained, that may not show if the vehicle was recently sold to another.

**121.98** If there is any possible doubt as to the ownership of a vehicle, a search warrant should be obtained before a search of the vehicle, other than an inventory search, is conducted.

**121.99** The vehicle may of course be seized and secured and held until a search warrant is obtained.

#### **ARRESTS IN THE HOME/THIRD PARTY HOMES**

**121.100** The Courts have held that a warrant for the arrest of a defendant implies that the Torrance County Sheriff Deputies may search the defendant's residence for the defendant.

**121.101** This search requires, first, a warrant for the arrest of the defendant and two, a search of his/her residence, not some other person's residence where the suspect may be hiding.

**121.102** As a result, Torrance County Sheriff Deputies who are not in hot pursuit of a suspect may not enter his/her residence without a warrant to search for the suspect

**121.103** Even if the Torrance County Sheriff Deputies have a warrant for the arrest of the defendant, the search of the residence is only for the suspect, not for evidence of the crime.

**121.104** Evidence of the crime, which is found in a location where the defendant could not have been located, will be suppressed.

**121.105** Once the defendant has been located in the residence and Torrance County Sheriff Deputies wish to search for additional evidence of the crime, a search warrant must be obtained for the residence.

**121.106** Of course evidence which is of an immediately apparent nature to the Torrance County Sheriff Deputy which is discovered in plain view during the course of the search for the suspect may be seized on the basis of the plain view exception.

**121.107** In addition, evidence discovered during a search incident to the suspect's arrest may also be seized.

#### **SEARCH WARRANTS**

**121.108** Torrance County Sheriff Deputies shall obtain search warrants for any search to be conducted other than the exceptions listed in this Directive.

**121.109** The following procedures will apply in obtaining a valid search warrant. The Torrance County Sheriff Deputy or Detective shall prepare an affidavit for a search warrant, which specifically and clearly describes:

1. The Torrance County Sheriff Deputy's name, occupation, and training and experience that leads him/her to believe probable cause exists for the search;
2. The items to be searched for/seized;
3. The name of the owner/person in legal control of the place to be searched;
4. The exact location and detailed description of the place or person to be searched, and if known, the location of the items within the place to be searched.
5. All information and facts to support a finding of probable cause to believe that a crime has been committed and that evidence or fruits of the crime are located in the place to be searched.

6. A notarized statement that the Torrance County Sheriff Deputy/Detective has accurately and truthfully stated known facts in the affidavit.
7. The Torrance County Sheriff Deputy/detective must have the affidavit approved by the on-duty Assistant District Attorney.
8. Upon obtaining approval, the Torrance County Sheriff Deputy/Detective must submit the affidavit to either a Magistrate or District Judge, who must sign the order. Remember Magistrates only have authority in their specific county. District Judges have statewide jurisdiction.
9. If the search is to be conducted between the hours of 10:00 p.m. and 6:00 a.m. additional probable cause must be outlined and specific authorization must be granted in writing by the issuing Judge.

#### **SERVICE OF SEARCH WARRANTS**

**121.10** Search Warrants shall be served only after completing a warrant matrix risk assessment packet.

**121.11** When an Torrance County Sheriff Deputy or Detective obtains a search warrant that is signed by a judge, he/she has ten (10) days in which to serve the warrant. The Torrance County Sheriff Deputy/Detective shall notify the Torrance County Sheriff and/or Torrance County Undersheriff of the warrant. The Torrance County Sheriff and/or Torrance County Undersheriff may be present.

- 121.12** Upon executing the search warrant
1. Make sure that the return is properly filled out;
  2. Verify that the subject named in the search warrant is served with the appropriate copies;
  3. Verify the list of items seized, if any.

**121.13** The responsible Detective/Torrance County Sheriff Deputy will:

1. Fill out the return and inventory pages.
2. Have the subject sign and date the inventory to acknowledge seizure of any items taken.
3. Provide the subject with a copy of the affidavit for search, a copy of the inventory and a copy of the search warrant.
4. The original search warrant must be returned to the court within three (3) days.
5. Complete a supplemental report that includes the following information:
  - a. Original case number;
  - b. Date of receipt of the search warrant;
  - c. Date of service;
  - d. Location of service;
  - e. Name of person on whom the warrant was served;
  - f. Name of the Judge and court who issued the warrant;
  - g. Name of those persons present when the warrant was served;
  - h. Items seized in the search; and
  - i. Any arrests and/or pending charges.

#### **HIGH RISK WARRANTS**

**121.14** When there are facts to suggest that a place to be searched, or persons at the location present a special danger to the Torrance County Sheriff Deputies/Detectives, the following steps shall be taken:

1. A Case Plan shall be prepared.
2. All persons who respond to the scene shall wear Department issued ballistic resistant body armor.
3. All search warrants that are served with the assistance of a S.W.A.T. Team will be in accordance with their standard operating procedures.
4. Magistrates and Judges may **NOT** pre-approve a no-knock entry. Such

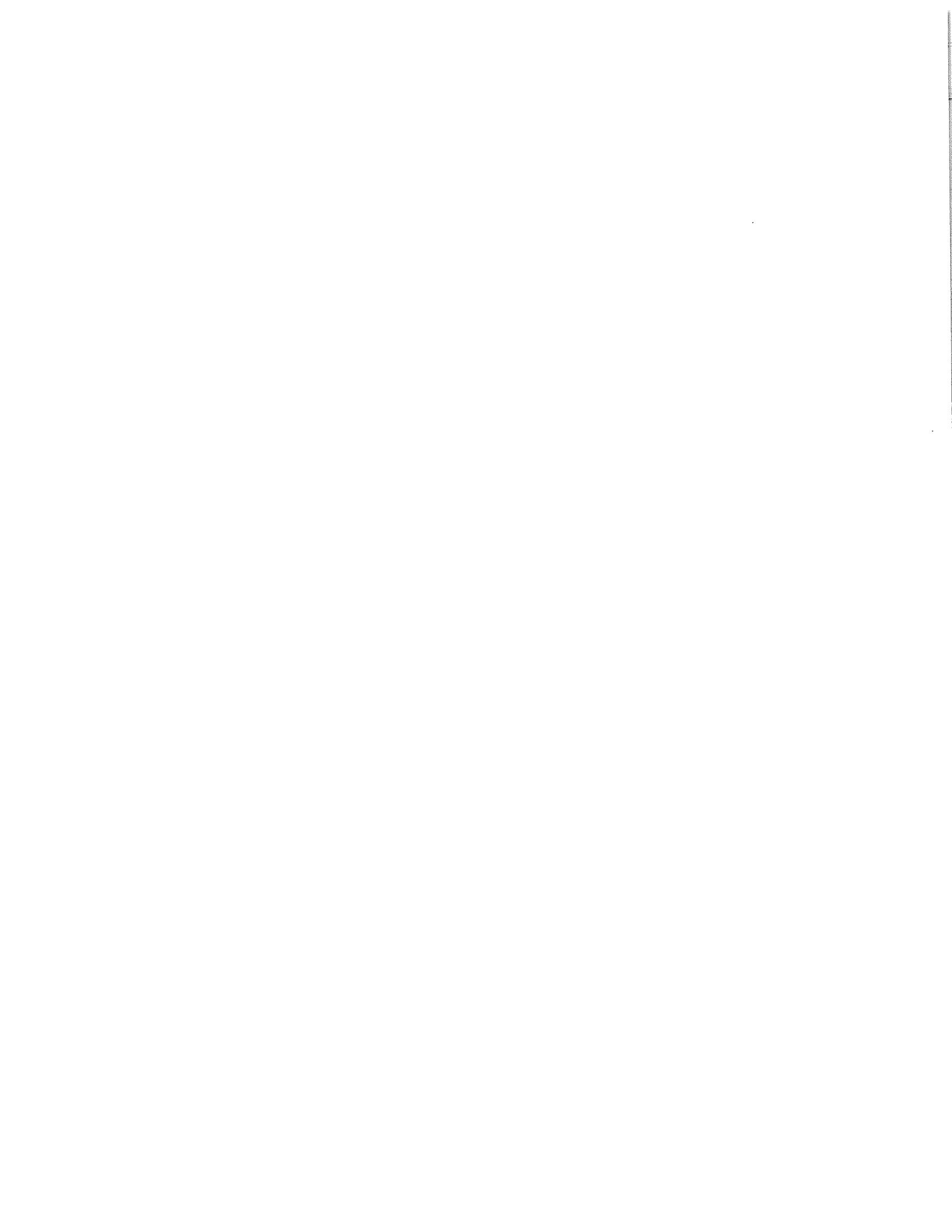
entry is the decision of Torrance County Sheriff Deputies executing the search warrant. The decision must be based on facts known to the Torrance County Sheriff Deputies relating to the danger posed by knocking and announcing their presence and intent. The fact that narcotics are involved and/or that the person(s) owns firearms is not sufficient. There must be a reasonable likelihood, based on articulable facts, that the weapons will be used against the Torrance County Sheriff Deputies.



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APPROVED BY:  
Sheriff Heath White





# TORRANCE COUNTY SHERIFF'S OFFICE

## MIRANDA WARNING

EFFECTIVE: 01-14-17

PAGES: 6

### PURPOSE

**122.1** The purpose of this directive is to establish guidelines regarding the responsibilities of members of the Torrance County Sheriff's Office as they apply to Miranda warning.

### DISCUSSION

**122.2** Suspect interviews and interrogations shall be conducted in accordance with established state and federal laws to ensure the suspect's civil rights are not violated. No attempt will be made to obtain confessions or statements by force, coercion, threat or promise.

### POLICY

**122.3** Miranda warnings must be given when an individual is in custody and being interrogated. The purpose of Miranda warnings is to advise a person who is in custody or who is detained under circumstances in which a reasonable person would believe he or she is not free to leave, of the rights they have under the Fifth and Sixth Amendments of the United States Constitution and corresponding sections of the New Mexico Constitution. Such warnings must be given before any statements are taken from these individuals. Miranda warnings are not required for minimal custodial stops for traffic violations. Non-custodial interviews do not require Miranda warnings.

Custody is the critical factor which triggers the requirement to give Miranda warnings before an interview or questioning. Custody includes an arrest, detention, or any other situation where the person would not feel free to leave.

### INTERVIEWING WITNESSES NON-CUSTODIAL INTERVIEWS

**122.4** Non-custodial interviews do not require Miranda warnings.

**122.5** No Miranda warning is required to be given to persons being interviewed **UNLESS** the person is placed in a situation where he/she would feel that he/she is not free to leave.

**122.6** Interviews conducted in the home of the person do not require Miranda warnings unless the person is arrested in the home or the interview would be viewed as taking place in a coercive atmosphere.

**122.7** Persons who come to the Torrance County Sheriff's Office to discuss matters with investigating Torrance County Sheriff Deputies, even at the Torrance County Sheriff Deputy's request, need not be given the Miranda warnings so long as they are advised that they are free to leave at any time.

**122.8** Persons who are under "investigative detention" should be advised of their Miranda rights as they are detained in custody and are not free to leave.

**122.9** Persons who are mere witnesses or from who factual information is gathered during the course of an investigation need not be advised of their Miranda rights, unless they are in custody.

## **INTERVIEWING SUSPECTS BEFORE ARRESTS**

**122.10** It is no longer required that persons be advised of their Miranda rights simply because they have become the focus of an investigation or are considered to be a suspect in a criminal matter. Custody, not focus, determines whether Miranda warnings are required.

**122.11** Persons who have become the suspect of an investigation may be interviewed in noncustodial settings without giving Miranda warnings, just like other witnesses.

**122.12** Suspects who voluntarily come to the Torrance County Sheriff's Office at the request of the investigating Torrance County Sheriff Deputy, they should be advised that they can leave at any time. This should either be documented in writing or on tape in every instance.

**122.13** In cases where a Torrance County Sheriff Deputy/Detective intends to arrest the person on an outstanding warrant or if certain information is gained during the course of the interview, no Miranda warnings are required as long as the person remains free to leave at any time.

**122.14** Torrance County Sheriff Deputies **MUST** remember that once the warrant for a person's arrest is mentioned, much less served, the person will be in a custody situation where he or she will feel they are not free to leave, and Miranda warnings are required before the interview of the person continues.

**122.15** Once the person is placed in custody and is no longer free to leave, warnings must be given before any further questioning takes place.

**122.16** It should also be noted the circumstances under which the interview was conducted, (how many persons present and who they are as well as where the interview was conducted).

**122.17** If a Torrance County Sheriff Deputy is unsure of the status of the person to be interviewed or is not familiar with the facts and circumstances of how this person came to be interviewed, the Torrance County Sheriff Deputy **MUST** get answers to these questions before the interview or give the person the Miranda warnings and secure waivers of the Miranda rights before proceeding with the interview.

## **INTERVIEWING SUSPECTS AT THE TIME OF ARREST**

**122.18** Persons who have been arrested, whether on the charge which they are to be interviewed about or on an unrelated charge, **MUST** be advised of their Miranda rights because an arrest means that they are in custody. An intelligent and voluntary waiver of those rights must be obtained from the person to be interviewed **BEFORE** any interview is conducted.

**122.19** Miranda warnings need not be given before obtaining personal identification such as name, address, date of birth and/or social security number. A person is not required to provide their SSN or Green Card for identification purposes alone. If a person volunteers this data however, it is acceptable.

**122.20** The arresting Torrance County Sheriff Deputy is **NOT** required to advise a person of the Miranda rights unless the Torrance County Sheriff Deputy is planning to interview the arrested person beyond the scope of those items noted in paragraph, **A**, above.

**122.21** If the arrest is on an outstanding felony warrant from this Department, the arresting Torrance County Sheriff Deputy should contact the Torrance County Sheriff Deputy or detective in charge of the case before advising the arrested person of their Miranda rights or conducting any interview.

**122.22** In the event the Torrance County Sheriff Deputy or detective in charge of the case is not available or cannot be contacted, the Torrance County Sheriff Deputy's supervisor should be contacted before proceeding with any interview.

**122.23** Once an interview is being conducted, any statement by the arrested person, whether in response to questioning by a Torrance County Sheriff Deputy or otherwise given, should be recorded or noted in the Torrance County Sheriff Deputy's report along with the notice of Miranda Warnings.

**122.24** Torrance County Sheriff Deputies/ Detectives should also note all answers given by persons who were not properly notified of their rights as per Miranda as this information might prove to be valuable later on.

**122.25** If it is determined that an Torrance County Sheriff Deputy/detective forgot to notify an arrested person of their rights as per Miranda, stop the interview, provide the Miranda warnings, then continue with the interview.

**122.26** If, after notice of Miranda the person now decides to invoke their rights, this does not relieve the Torrance County Sheriff Deputy/Detective from documenting each statement made by the person even though proper warnings were not given.

**122.27** The Torrance County Sheriff Deputy advising a person of his or her Miranda rights should note the date, time, and location where the rights were read to the

arrested person. In addition, the following items should be documented in the Torrance County Sheriff Deputy's official report:

**122.28** The Torrance County Sheriff Deputy should note if the Miranda warnings were read from a Miranda Card;

**122.29** The Torrance County Sheriff Deputy should note in the report whether the Miranda warning was read in Spanish or in English

**122.30** The Torrance County Sheriff Deputy should note the date time and location of the waiver of the Miranda Rights and the name of any Torrance County Sheriff Deputies who were witnesses to the advisement of the rights and the waiver of the rights.

#### **ADVISEMENT OF MIRANDA RIGHTS**

**122.31** All persons meeting the criteria of being in custody, under arrest, or held under circumstances under which a reasonable person would believe they are not free to leave, and who are to be interviewed or questioned shall be advised of their Miranda rights.

**122.32** The rights shall be administered in the language, which the arrested person understands, either English or Spanish. In the event the arrested person understands neither English nor Spanish, the shift commander shall be notified.

**122.33** Waivers to **BOTH** the Fifth Amendment and Sixth Amendment portions of the Miranda warning shall be obtained before interviewing or questioning of the person. The arrested person should not be asked, "Do you wish to waive your rights."

122.34 The Torrance County Sheriff Deputy advising the person or his/her Miranda rights should determine first if the person wishes to waive the right to remain silent.

122.35 If the person says "yes" then Torrance County Sheriff Deputy should proceed to determine whether he/she wishes to waive the right to have an attorney present.

122.36 If the person says "yes" to both, then the interview may proceed.

122.37 If a person gives an ambiguous answer to either, the Torrance County Sheriff Deputy conducting the interview may continue questioning only to determine if the person wishes to waive the specific rights to which the ambiguous answer was given.

122.38 If it is determined that the person wishes to waive the rights, then the interview may proceed.

122.39 If a person indicates that he/she does not wish to waive the rights to remain silent, any and all questioning must stop at that time. The Torrance County Sheriff Deputy will not ask if he/she wishes to waive the right to counsel.

122.40 If, after having invoked his/her right to silence, a person later wishes to make a statement to the Torrance County Sheriff Deputy may conduct an interview only if the following are done:

1. The arrested person initiated the post invocation of rights contact.
2. The Torrance County Sheriff Deputy again advises the arrested person of all of the Miranda rights.
3. The arrested person knowingly, intentionally and voluntarily waives **BOTH** his/her right to remain silent and the right to counsel.
4. A proper written waiver is executed.

122.41 If a person indicates that he/she is willing to waive his/her right to remain silent **BUT NOT** the right to counsel, otherwise makes it known that he/she wishes to have an attorney present, any and all questioning must stop at that point and may not be started again until after the arrested person has his/her attorney present.

122.42 Even if the arrested person wishes to talk before the attorney arrives or advises the Torrance County Sheriff Deputy of a change of mind, there can be no further interview or statement until after the person has been allowed to contact an attorney.

122.43 In this case the Torrance County Sheriff Deputy should contact a supervisor who will contact the District Attorney's office for further guidance.

122.44 This difference between the effect that the invocation of rights has on the resuming of the interview process is the reason for the separate waiver of the rights to remain silent and to counsel.

122.45 The Miranda rights are deemed to be invoked any time a person asserts that he/she does not want to answer any additional questions or that he/she wants to talk to an attorney.

122.46 If the arrested person or other person being interviewed requests a break in the questioning, the date and time of the request should be noted and recorded. If questioning is resumed with the same person, the date and time the questioning is resumed should be noted and recorded.

122.47 In the event there is a long break between termination and resumption of the questioning, the person being interviewed should again be advised of his or her Miranda rights and proper waivers obtained before the questioning or interviewing is resumed.

**QUESTIONING PERSONS ARRESTED  
FOR DRIVING WHILE INTOXICATED**

**122.48** When a person is arrested for Driving Under the Influence of alcohol/ drugs, the Torrance County Sheriff Deputy should, after arrest and before any other questioning, advise the person of the Implied Consent Law. Once the person has either given consent to take the blood alcohol test or refused to take the blood alcohol test, **ONLY** then, should the Miranda rights be administered.

**122.49** With D.W.I. suspects, the Miranda warnings apply to "in custody" situations.

**122.50** There is no need to give a D.W.I. Suspect Miranda warnings prior to arrest. The Torrance County Sheriff Deputy, of course, cannot delay the actual arrest an unreasonable amount of time so as to avoid the Miranda warnings.

**122.51** During the initial contact with the driver, the prefield test interview, and the administration of the field sobriety tests, there is no need to give the Miranda warnings to the defendant.

**122.52** If the Torrance County Sheriff Deputy is not going to question the arrested person about the facts and circumstances surrounding the charges for which the person is under arrest, there is no need to advise the person of his/her Miranda rights and no need to obtain any waiver.

**QUESTIONING PERSONS ARRESTED  
FOR VEHICULAR HOMICIDE, OR  
GREAT BODILY HARM BY VEHICLE  
INVOLVING DWI**

**122.53** In cases of vehicular homicide or great bodily harm, where it is not determined initially or readily apparent who the driver of the vehicle was, Miranda warnings should be given to any and all persons who are custodially detained and are going to be interviewed or questioned about the accident. The key is

the detention of the persons. For purposes of investigation and information gathering, questioning of persons at the scene, who are not detained does not require the Miranda warnings.

**122.54** For custodial questioning of individuals in connection with accidents, the Miranda warnings should be given and a waiver obtained as described above.

**RECORDING TELEPHONE  
CONVERSATIONS**

**122.55** During the course of an investigation, persons may be interviewed over the telephone.

**122.56** Under such circumstances, it may be desirable to tape record this information for:

1. Use as evidence in the case; or
2. Future reference in the continuing investigation; or
3. For use during preparation of the written report.

**122.57** The recording of telephone conversations may be used towards this end pursuant to **30-12-1 (NMSA)** without the Torrance County Sheriff Deputy or Detective being required to provide Miranda Warnings.

**122.58** This section does not apply to wire-taps which have special requirements. **NOTE:** In the event a question concerning Miranda warnings or any related legal matter arises, the Torrance County Sheriff Deputy should contact his or her supervisor. In the event the supervisor has a question about how to proceed under the circumstances of a given case, the supervisor may contact the on-call Assistant District Attorney.

## MIRANDA RIGHTS

122.59 The rights afforded to all persons under the Constitution of the United States as interpreted in **MIRANDA V. ARIZONA**. The rights are listed as follows:

### *ENGLISH:*

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk to a lawyer for advice before we ask you any questions, if you wish.
4. If you cannot afford a lawyer, one will be appointed for you, before any questioning, if you wish.
5. If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.



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APPROVED BY:  
Sheriff Heath White

### *SPANISH:*

1. Usted tiene el derecho de quedarse callado.
2. Cualquier cosa que diga puede emplearse y se empleara en contra de usted en el juzgado.
3. Usted tiene el derecho de hablar con un abogado y de pedirle que este presente mientras los interrogan a usted.
4. Si usted no puede pagar a un abogado, se nombrara uno para representario antes de que lo interroguen, si lo desea usted.
5. Usted puede decidir cuando quiera ejercer estos derechos y no contestar ningunas preguntas ni hacer ningunas declaraciones.

# TORRANCE COUNTY SHERIFF'S OFFICE

## ARREST PROCEDURES

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**123.1** The purpose of this directive is to provide guidelines for sworn members to follow when taking subjects into custody.

### DISCUSSION

**123.2** Torrance County Sheriff Deputies are entrusted by the communities they serve to fairly and impartially enforce the laws of the State of New Mexico and the ordinances of the Torrance County. These guidelines are intended to provide Torrance County Sheriff Deputies with the information needed to make an informed decision regarding the arrest of a subject and are not designed to override Torrance County Sheriff Deputy discretion.

### POLICY

**123.3** It is the policy of the Torrance County Sheriff's Office to take criminal offenders into custody and to follow correct legal procedures so that the rights of the criminal offender are not diminished.

### DEFINITIONS

**123.4 Arrest:** A subject is considered to be under arrest as soon as an Torrance County Sheriff Deputy indicates by word or action his intention to take the subject to the police station or before a judicial Torrance County Sheriff Deputy, or otherwise to take him into custody.

**123.5 Probable Cause:** A Torrance County Sheriff Deputy must have sufficient knowledge of facts and circumstances that would lead a reasonable police Torrance County Sheriff Deputy to conclude that the suspect committed the crime.

### ARREST WITHOUT A WARRANT

**123.6** Torrance County Sheriff Deputies may arrest a person for a **felony** offense in a public or private place when the Torrance County Sheriff Deputy has probable cause to believe a felony has been committed and that the person being arrested committed the offense. Additionally, Torrance County Sheriff Deputies may only arrest a person in a public or private place for a felony offense when at least one of the following exigent circumstances also exists:

1. Swift action is required to prevent the imminent destruction of property;
2. Swift action is required to prevent imminent destruction of evidence;
3. Swift action is required to prevent imminent risk of flight;
4. Swift action is required to prevent imminent danger to the community.

**123.7** Torrance County Sheriff Deputies may arrest a person for a **misdemeanor** offense committed in the presence of the Torrance County Sheriff Deputy, unless there is a statutory exception to the requirement that the crime be committed in the presence of the Torrance County Sheriff Deputy.

**123.8** "In the presence of the Torrance County Sheriff Deputy" is generally held to mean that the Torrance County Sheriff Deputy either through team concept or his sight or hearing observed the crime.



## STATUTORY EXCEPTIONS

**123.9** The following are statutory exceptions to the requirement that a misdemeanor offense be committed in the presence of an Torrance County Sheriff Deputy:

1. **Section 30-3-6(B) NMSA**; allows warrantless arrest of a person an Torrance County Sheriff Deputy has probable a use to believe committed the offense of assault or battery, public affray or criminal damage to property occurring at establishments licensed to sell alcoholic beverages.
2. **Section 31-1-7 NMSA**; allows warrantless arrest of a person an Torrance County Sheriff Deputy has probable cause to believe committed the offense of assault or battery upon a household member at the scene of a domestic disturbance.
3. **Section 30-16-23 NMSA**; allows warrantless arrest of a person an Torrance County Sheriff Deputy has probable cause to believe committed the crime of shoplifting.
4. **Section 30-16-14 NMSA**; allows warrantless arrest of a person an Torrance County Sheriff Deputy has probable cause to believe has committed the crime of falsely obtaining services or accommodations.
5. **Section 66-8-125 NMSA**; allows warrantless arrest of a person present at the scene of a motor vehicle accident, on a highway when charged with theft of a motor vehicle and charged with a crime in another jurisdiction upon receipt of a message giving the name or a reasonably accurate description of the person wanted, the crime alleged and a statement that the person is likely to flee the jurisdiction of this state.

**123.10** Torrance County Sheriff Deputies who make an arrest for any misdemeanor traffic violations must be in uniform or, readily identified as a Law Enforcement Torrance County Sheriff Deputy.

**123.11** Torrance County Sheriff Deputies should remember that there is no prohibition against a Torrance County Sheriff Deputy investigating a misdemeanor offense which the Torrance County Sheriff Deputy does not witness and then, based on his investigation, obtaining a warrant for the arrest of the suspect.

## MISCELLANEOUS

**123.12** When a Torrance County Sheriff Deputy makes an arrest under authority of a State statute, the Torrance County Sheriff Deputy shall book the arrested person into the Adult Detention center under the proper State statutes. Likewise, a Torrance County Sheriff Deputy shall use the correct County ordinance when arresting a person under authority of County ordinance.

**123.13** In cases where a suspect is not arrested at the scene or shortly after the commission of a crime, the investigating Torrance County Sheriff Deputy should prepare an affidavit for and obtain an Arrest Warrant.

## FELONY AND HIGH COURT MISDEMEANOR ARREST

**123.14** Criminal complaints and statement of probable cause will be prepared by the arresting Torrance County Sheriff Deputy and will be reviewed by the on-duty Assistant District Attorney.

**123.15** The arrested person will be served with a copy of the criminal complaint prior to booking at the Adult Detention Center.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## RESTRAINTS AND TRANSPORTATION OF A PERSONS IN CUSTODY

EFFECTIVE: 01-14-17

PAGES: 7

### PURPOSE

**124.1** The purpose of this directive is to establish guidelines for the safe and expedient transport of persons in custody.

### DISCUSSION

**124.2** Any person in custody can become a danger to a Torrance County Sheriff Deputy and the public by the mere fact that being in custody has taken his/her freedom away. The chances of an escape or compromise can be greatly reduced, if not totally removed, when proper security measures are adhered to.

### POLICY

**124.3** It is the policy of the Torrance County Sheriff's Office to ensure safety and security for prisoners, transporting Torrance County Sheriff Deputies, and the general public when restraining prisoners and transporting them in police vehicles.

### VEHICLES USED FOR TRANSPORT

**124.4** The Torrance County Sheriff's Office shall issue and install safety barriers between the driver's compartment and back seat compartment of vehicles that routinely transport prisoners.

**124.5** The barrier may be of wire mesh, heavy gauge plastic or similar material that shall not impair the ability of the Torrance County Sheriff Deputy and prisoner from communication, nor shall it impair the ability of the Torrance County Sheriff Deputy's visibility of the prisoner.

**124.6** Under no circumstance shall a violent prisoner be transported in a vehicle that is not equipped with a safety barrier.

**124.7** Use of restraints to secure prisoners is limited to one or a combination of the following department approved restraining devices:

1. Handcuffs (double locking)
2. Leg Shackles (double locking)
3. Flexcuffs (department issued)
4. Waist chain or similar device

**124.8** All vehicles normally used for transporting prisoners have been modified to prevent escape, as follows:

1. Doors where prisoners are seated cannot be opened from the inside of the vehicle.
2. Windows in these areas have been modified to open a limited distance or not at all.
3. All unmarked vehicles are equipped with lockout capabilities to preclude rear doors and windows from being open from the inside.
4. The prisoner transport van is available for transport of violent, handicapped, multiple prisoners, or prisoners that present a security risk.

## **IDENTIFICATION OF PRISONERS PRIOR TO TRANSPORT**

**124.9** Torrance County Sheriff Deputies are responsible for verification that any person transported from a detention facility is positively identified prior to transport. Positive identification may be accomplished by:

1. Personal knowledge of the prisoner's true identity,
2. Picture I.D. (i.e. driver's license, etc.), or jail records photograph
3. Matching biographical information (i.e. name, social security number, etc.), or
4. Identification by other members of law enforcement who has personal knowledge of the prisoner's identity.

## **TRANSPORTATION OF PRISONERS**

**124.10** The primary duty of a Torrance County Sheriff Deputy while transporting a prisoner, is the safe delivery of the prisoner in his/her care.

**124.11** Any Torrance County Sheriff Deputy who transports a prisoner shall personally search that prisoner for contraband or weapons prior to transport.

**124.12** Whenever a person is taken into custody, they will be handcuffed with their hands behind their back and the handcuffs shall be double locked.

1. The only exception to this regulation is when the application of handcuffs is a risk to the prisoner's health, or if the application is physically impossible.
2. Very careful evaluation and discretion must be utilized by the Torrance County Sheriff Deputy in determining when exceptions apply, due to elderly, invalids, ill or injured individuals, or other persons with physical disability, which preclude the use of handcuffs.
3. The nature of an individual's disability must be weighed against

the threat the individual poses to the Torrance County Sheriff Deputy and/or himself. Partial restraint is preferable to no restraint at all.

**124.13** Alternatives include waist chains, leg chains and/or similar devices that are approved by the department. When this type of restraint is used, it too, will be double locked.

**124.14** Under no circumstance will any prisoner be hog tied, have items placed over their nose and/or mouth that would restrict breathing, or be allowed to lie in a position that could restrict the airway.

**124.15** Under no circumstance will prisoners be handcuffed to the vehicle, or to each other. Prisoners must be individually restrained for their safety.

**124.16** Prior to transporting a prisoner in a police vehicle, the transporting Torrance County Sheriff Deputy will ensure that no contraband or weapons are present in the area that the prisoner is to occupy.

**124.17** After the transport is completed, the transporting Torrance County Sheriff Deputy will search the area in the transport vehicle that was occupied by the prisoner for contraband or weapons.

**124.18** Prisoners being transported in a vehicle equipped with a barrier (screen) shall be seat-belted in the back seat, on the right side.

**124.19** At no time will a Torrance County Sheriff Deputy ride with or otherwise be seated with a prisoner in custody within the secured area of the vehicle.

**124.20** No more than three prisoners will be transported in the back seat.

**124.21** During all prisoner transports, seat belts will be utilized by each prisoner and the driver. Vehicles without seat belts will not be used to transport prisoners.

**124.22** Violent or high-risk prisoners will not be transported in a vehicle without a cage.

**124.23** A prisoner being transported by one Torrance County Sheriff Deputy will be seat belted on the right rear seat.

**124.24** The prisoner to Torrance County Sheriff Deputy ratio will never exceed one to one in an uncaged vehicle.

**124.25** The transporting Torrance County Sheriff Deputy will always be aware of the prisoner's location and actions.

**124.26** The prisoner will not be left unattended in the transport vehicle.

**124.27** During the transport, the Torrance County Sheriff Deputy will maintain as much visual contact with the prisoner as safety allows.

**124.28** During the transport, a prisoner should not be allowed to communicate with other persons.

**124.29** Torrance County Sheriff Deputies of the Torrance County Sheriff's Office shall schedule transports that do not conflict with meal schedules at the Detention facility.

**124.30** Long distance transport requires a meal be provided, the transporting Torrance County Sheriff Deputy shall make random selections of locations, for security purposes.

**124.31** When a member is transporting a prisoner Torrance County Sheriff Deputy shall advise the dispatcher of the current location, destination, and the vehicle mileage (to the tenth).

**124.32** Upon arriving at his destination, the Torrance County Sheriff Deputy will give the vehicle mileage again (to the tenth).

**124.33** Any unusual circumstances encountered during transport will be immediately relayed to Torrance County Regional Dispatch Center.

#### **TRANSPORTATION ROUTE**

**124.34** The transporting Torrance County Sheriff Deputy will use the most expedient route to the appropriate facility or detention center in light of extenuating circumstance, e.g. traffic, weather, etc. conditions.

**124.35** The Torrance County Sheriff Deputy will not perform other law enforcement duties when transporting prisoners, unless so ordered under extenuating circumstances in an emergency.

**124.36** Prisoner transportation will be prompt and without delay in all situations and the transporting Torrance County Sheriff Deputy/Detective shall immediately return to performance or regular duties upon completion of any transport.

#### **SPECIAL TRANSPORTATION SITUATIONS**

**124.37** Under extenuating circumstances, a male Torrance County Sheriff Deputy may pat down a female prisoner (or female Torrance County Sheriff Deputy a male prisoner) only with the back of his/her hands, and in the presence of another Torrance County Sheriff Deputy, to ascertain the presence of weapons.

**124.38** Physically and/or Mentally Handicapped Prisoners may require some considerations not normally associated with prisoner transportation. When dealing with a prisoner in this category, the following will be done, at a minimum:

1. Remove personal property and conduct a thorough search for weapons at the scene;

2. Physical condition permitting, handcuff behind the back and double lock the cuffs;
3. Seat belt the subject in the right, rear seat;
4. Transport in a vehicle equipped with a barrier/cage;
5. Casts, braces, or artificial limbs must be searched for contraband or weapons; and
6. If the prisoner is being transported to Las Vegas, New Mexico State hospital, an evaluation will be made whether an ambulance or Department vehicle is better suited, dependent on the stability and medication of the prisoner. In this case, no less than two Torrance County Sheriff Deputies will be used to transport.

**124.39** The Detention Facility will refuse to accept those prisoners who have visible injury, complaint of injury if involved in a vehicle accident in the past 24 hours, extremely intoxicated persons, those persons will be depressed or elevated vital signs, and those persons who have medical problems/illnesses. In these cases, the transporting Torrance County Sheriff Deputy(s) will:

1. Summon medical aid to the scene prior to any transport.
2. If a problem is noted during transport, the Torrance County ambulance and/or rescue units will be called to render immediate medical attention; or
3. If the prisoner's condition requires that he/she be transported to a medical facility, the Torrance County Sheriff Deputy will either ride in the ambulance with the medical personnel, or follow the ambulance in his/her patrol vehicle; or
4. The Torrance County Sheriff Deputy may choose to transport the prisoner directly to a medical facility or fire station to obtain medical aid.
5. In making this determination, the Torrance County Sheriff Deputy will

consider the requests of the ambulance personnel, the violent nature of the prisoner, and any evidence to be preserved. The

6. Torrance County Sheriff Deputy's decision should be based upon the severity of the illness or injury, location and the length of time to complete the transportation.
7. Handcuffing procedures will be the same with sick and injured prisoners as with other prisoners.

**124.40** When a prisoner has been transported to a medical facility and is subsequently admitted by the attending physician, the Torrance County Sheriff Deputy will immediately notify the Torrance County Sheriff and/or Torrance County Undersheriff. The Torrance County Sheriff and/or Torrance County Undersheriff will immediately determine whether issuing a citation is an option when the prisoner is being held on misdemeanor charges.

**124.41** Hospitalized prisoners being held on felony charges are the responsibility of the Torrance County Sheriff's Office until first appearance.

**124.42** If the injury can quickly be treated, the Torrance County Sheriff Deputy will remain with the prisoner.

**124.43** If the injury requires a prolonged stay at the hospital, the Torrance County Sheriff and/or Torrance County Undersheriff shall attempt to make arrangements with a Magistrate Judge to conduct a first appearance hearing at the hospital.

**124.44** After first appearance, responsibility for the prisoner rests with the Torrance County Sheriff's Office

**124.45** The Torrance County Sheriff Deputy will maintain control over the prisoner's actions at all times. The prisoner shall be kept in restraints unless the attending physician requests they be removed for medical purposes, but only if the Torrance County Sheriff Deputy determines it is safe to do so.

**124.46** Torrance County Sheriff Deputies will stay with the prisoner unless the treating physician requests the Torrance County Sheriff Deputy to remain clear. Torrance County Sheriff Deputies will maintain a post immediately outside the restricted area.

**124.47** The Torrance County Sheriff Deputies in charge of the prisoner shall maintain security of the prisoner until officially relieved

**124.48** Torrance County Sheriff and/or Torrance County Undersheriff shall ensure that the Torrance County Sheriff Deputy(s) guarding prisoner(s) are checked periodically and relieved as necessary.

**124.49** The Torrance County Sheriff Deputy must provide a copy of a release from a medical facility or a copy of the prisoner's refusal to accept treatment by ambulance personnel to Detention Facility personnel when booking the prisoner.

**124.50** Any problems with Detention personnel refusing to accept a prisoner shall be reported to the Torrance County Sheriff and/or Torrance County Undersheriff, who will be responsible for making contact with Detention personnel to solve the problem.

#### **PRISONERS THAT PRESENT A HEALTH HAZARD**

**124.51** All sick persons except those with a contagious or highly communicable disease will be transported in normal fashion as per policy guidelines.

**124.52** If the malady is contagious or becomes serious, other means of transportation will be sought. All sick prisoners with control of their facilities will be restrained.

#### **PRISONER ESCAPE/SUICIDE POTENTIAL**

**124.53** Torrance County Sheriff Deputies assigned to transport prisoner(s) shall attempt to acquire as much insight into his/her potential for escape, suicide, or unusual illness, prior to any such transport. Information may be obtained in any one of the following manners:

1. Personal knowledge of the prisoner's history.
2. Initiating a computer check on the prisoner.
3. Information from Detention Center Records

**124.54** Should a transporting Torrance County Sheriff Deputy/Detective learn of a prisoner having the potential for escape, the Torrance County Sheriff Deputy shall notify Torrance County Sheriff and/or Torrance County Undersheriff to request a chase unit or back-up Torrance County Sheriff Deputy to accompany the transport.

**124.55** In the event of a prisoner being identified as a suicide risk, the Torrance County Sheriff Deputy shall take precautions to prevent any such incidents during transport. One of many police responsibilities is to prevent suicides. Special procedures are needed for prisoners who threaten suicide or who are known to be suicidal. Physical warning signs of serious depression:



1. Depressed physical appearance;
2. Walks slowly for no apparent reason; and
3. Slumps when walking or sitting; sits in the corner in a fetal position.

**124.56** Behavioral warning signs of serious depression:

1. Cries frequently for no apparent reason;
2. Retarded thinking; speaks slowly;
3. Apathy and despondency;
4. Sudden social withdrawal; little communication with Torrance County Sheriff Deputy's or other persons;
5. Feelings of helplessness and hopelessness;
6. Perhaps general anxiety, with physical and mental symptoms;
7. A lot of talk of self-pity, of life not being worth it; of people being happier if the prisoner killed himself;
8. Talks of suicide, composes suicide notes;
9. Talks of getting out of jail unrealistically;
10. Gives away personal possessions;
11. Has previously attempted suicide and talks about it; and
12. Exhibits sudden changes in behavior, such as making an unprovoked attack upon a Torrance County Sheriff Deputy or another person.
- 13.

**124.57** Torrance County Sheriff Deputies should consider all suicide threats by prisoners to be serious and take appropriate steps to insure that the prisoner does not have the opportunity to carry out his threat. This includes constant observation of the prisoner or seeking professional mental health assistance for him. Arresting Torrance County Sheriff Deputy should recognize the symptoms of potential suicide, such as depression or a sudden change in the prisoner's behavior.

**124.58** Unusual illnesses will be handled on a case-by-case basis and aid from the Fire Department Paramedic Team may be requested when necessary.

#### **ESCAPE OF PRISONERS**

**124.59** The Torrance County Sheriff and/or Torrance County Undersheriff will be notified in order to make an assessment of additional security required during transport.

**124.60** On those occasions when an Torrance County Sheriff Deputy/Detective becomes aware of security hazards involving the prisoner being transported, he or she shall take steps to notify the court of the possible risk.

**124.61** Further action shall be determined by the presiding judge, to include the possible use of restraining devices or additional security being assigned during the court appearance.

**124.62** Situations presenting possible security hazards include, but are not limited to the following:

1. Prior escapes from court
2. Threats against the prisoner's life.
3. Information involving possible plans for escape.

#### **OTHER PRISONER TRANSPORTS**

**124.63** The Torrance County Sheriff's Office is responsible for additional transports, as listed below. All transports shall be in accordance with the policies set forth in this Directive.

1. Arraignment on felony/misdemeanor charges.
2. Preliminary hearings.
3. Transports to psychiatric facilities.
4. Transport for subsequent hearings

## TRANSPORT

**124.64** The Torrance County Sheriff's Office shall maintain records of all prisoner transports, to court or other facilities.

**124.65** Entries will be made into the log whenever a prisoner is transported to District or Magistrate Court.

**124.66** During transport to District or Magistrate Court a copy of the prisoner's booking sheet shall accompany the prisoner. This sheet reflects the prisoner's biographical and charge information, should it be required.

**124.67** During transport of a prisoner to a mental facility, the applicable Court Commitment papers, available medical records, and physician's evaluation shall accompany the prisoner, along with any personal property that is to be left at the receiving facility.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## ESCAPE FROM CUSTODY

EFFECTIVE: 01-14-17

PAGES: 4

### PURPOSE

**125.1** The purpose of this directive is to provide guidelines for the safe and expedient capture of escaped prisoners.

### DISCUSSION

**125.2** Torrance County Sheriff Deputies must be prepared to act quickly to apprehend the escaped prisoner(s). The following procedures shall be followed in the event of the escape of a prisoner(s).

### POLICY

**125.3** It is the policy of the Torrance County Sheriff's Office to immediately respond to situations regarding escapes from custody, to include: escapes from the CCA, and escapes from law enforcement custody that occur within Torrance County. The amount of support provided in each of these situations will be based upon manpower availability, existing mutual aid agreements and plans, and the seriousness of the situation.

### ESCAPE AND/OR RIOT PLAN

**125.4** The Torrance County Sheriff's Office will provide assistance and support to other law enforcement agencies and units of the New Mexico National Guard when there is an escape from any incident requiring the execution of the Escape and/or Riot Plan.

**125.5** The Torrance County Sheriff and/or Torrance County Undersheriff is responsible for the maintenance, confidentiality, and implementation of the tactical response plan.

**125.6** Support Plans outline specifics for implementation of roadblocks, procedures for communication and coordination between agencies, and set up chain of command for the operation. All commanders shall be responsible for familiarizing themselves with the procedures for implementation.

**125.7** The Torrance County Emergency Regional Communications Center also maintains this support plan to assist with tactical operations.

### ESCAPES FROM PENITENTIARY/ DETENTION FACILITIES

**125.8** When the Torrance County Sheriff's Office is notified of an escape or riot condition at the Penitentiary or Detention Facilities, the Torrance County Sheriff and/or Torrance County Undersheriff shall be responsible for implementing the Escape/Riot Plan. Duties and responsibilities are listed as, but not limited to:

1. Establish lines of communications with the appropriate agencies and/or facilities.
2. If the escape/riot condition involves the Penitentiary, communications will be established with the CCA and Department of Public Safety State Police Division to address responsibilities of command and line personnel;
3. Request that Torrance County Regional Dispatch Services make the necessary notifications and obtain verification of the situation.
4. Normally, first notification of a possible or confirmed escape will be by telephone or Teletype.

5. In the event an alert is received by telephone, Torrance County Regional Dispatch Center Dispatch personnel are to report an immediate confirmation by Teletype.
6. Torrance County Regional Dispatch Center Dispatch personnel will immediately notify the Torrance County Sheriff and/or Torrance County Undersheriff, and he/she will be responsible for making the notifications.

**125.9** All agencies involved with the execution of the operational plan shall establish liaison with the coordinating agency.

**125.10** Upon implementation of the operational plan, (confirmed incident), all agencies will implement the automatic road block plan.

**125.11** Road blocks to be covered by members of the Torrance County Sheriff's Office. Implementation of the roadblocks may be affected by availability of manpower.

**125.12** Roadblocks will be supplemented by Department of Corrections Personnel. Lack of personnel should be reported to the Warden's representative or Correction's communication personnel at the command post.

**125.13** Implementation of roadblocks in regards to escapes from the Detention facility will be directed in the confirmation or after contact is made at the facility.

**125.14** The Torrance County Sheriff and/or Torrance County Undersheriff implemented the automatic road block plan shall proceed to, or send a Torrance County Sheriff Deputy representative to, the designated point of contact.

1. District One, Department of Public Safety State Police Division Headquarters.
2. CCA

3. He/she will continue to coordinate operations and provide liaison with involved agencies.

**125.15** Command Post(s) may be deployed, as follows :

1. If the Torrance County Sheriff's Office mobile command post is deployed, a Torrance County Sheriff Deputy will be assigned as driver and Torrance County Sheriff Deputy in charge.
2. Deployment of the mobile command post will be at the discretion of the Torrance County Sheriff's Office and/or Torrance County Undersheriff or his/her designee.

**125.16** A general call-out of additional personnel shall be at the discretion of the Torrance County Sheriff and/or Torrance County Undersheriff or his designee.

**125.17** Methods for call out include notification by the Torrance County Regional Dispatch Center, notification by assigned sworn personnel, or notification through use of the automated calling system.

**125.18** Torrance County Sheriff Deputies will be directed to report at specific times, places, and to specific personnel for assignment.

**125.19** All personnel are required to report and will remain on-duty until properly relieved or until authorized to secure posts/assignments.

**125.20** Search operations will be coordinated and implemented by the Torrance County Sheriff and/or Torrance County Undersheriff.

**125.21** Personnel are to be clothed in a manner clearly identifying them as Torrance County Sheriff Deputies.

**125.22** Patrol Division personnel will report for duty in full uniform.

**125.23** Plainclothes personnel will report for duty wearing clothing and accessories that clearly identifies them as Torrance County Sheriff Deputies.

**125.24** All sworn personnel shall report for duty with ballistic resistant body armor, and all required equipment.

**125.25** Personnel are to operate as a unit, unless otherwise directed.

#### **MEDIA NOTIFICATION**

**125.26** The Torrance County Sheriff will be responsible for all media notifications and press releases.

**125.27** Torrance County Sheriff may authorize or make direct contact with area media representatives in the interest of public safety/well being of our community.

#### **ADDITIONAL NOTIFICATIONS**

**125.28** In the interest of public safety, the Torrance County Sheriff may direct activation of the automated dialing system to provide all residents in the affected area with a tape recorded bulletin of the incident.

#### **ESCAPES FROM CUSTODY (OTHER THAN FROM FACILITIES)**

**125.29** The custodial Torrance County Sheriff Deputy shall immediately notify Emergency Dispatch personnel of the following information:

1. Prisoner's name, if known;
2. Height, weight, and physical descriptors;
3. Last known location and direction of travel;
4. Charge(s) the person was under arrest for; and
5. Any other pertinent information to assist in the immediate capture of the escapee.

**125.30** The Torrance County Sheriff and/or Torrance County Undersheriff shall be briefed immediately and, unless there is an immediate capture, he/she shall be responsible for the following:

1. Request that Torrance County Regional Dispatch Center Dispatch personnel contact the New Mexico State Police by telephone and notify the agency of the escape.
2. Request that the Torrance County Regional Dispatch Center follows-up the telephone calls with official teletypes containing all information provided by the Torrance County Sheriff Deputy.
3. Direct and coordinate a command post and initial search operations and implementation of roadblocks, if necessary.
4. The Torrance County Sheriff and/or Torrance County Undersheriff will also obtain the details regarding the escape, investigate the incident.
5. The involved Torrance County Sheriff Deputy shall complete an offense/incident report or offense/incident supplemental report detailing all facts of the escape and all efforts at capture, and a copy of this report will be submitted along with the memorandum.

**125.31** If immediate capture does not take place, the Torrance County Sheriff and/or Torrance County Undersheriff will be responsible for making the following notifications:

1. In situations involving escape of misdemeanants or juveniles who do not present a known risk to the community, the Torrance County Sheriff and/or Torrance County Undersheriff will make a determination as to further notifications being necessary.
2. Notifications when multiple escapes and/or escapes of felons occur will be handled in the same manner as escapes/riot conditions at the Penitentiary or Detention Facilities.

**ESCAPE FROM CUSTODY - OTHER  
AREA LAW ENFORCEMENT AGENCIES**

**125.32** When the Torrance County Sheriff's Office is notified of an escape from custody of another department, and assistance from the Torrance County Sheriff's Office is required, the Torrance County Sheriff and/or Torrance County Undersheriff:

1. Establish lines of communications with the appropriate agency to determine the level of assistance required.
2. Conduct an assessment of manpower, location of the escape, and assistance requested.
3. Coordinate and direct assistance to the requesting agency.
4. A general call-out of additional personnel shall be at the discretion of the Torrance County Sheriff and/or Torrance County Undersheriff.
5. Methods for call out include notification by Torrance County Regional Dispatch Center Dispatch Center, notification by assigned sworn personnel, or notification through use of the automated calling system.
6. Torrance County Sheriff Deputies will be directed to report at specific times, places, and to specific personnel for assignment.
7. All personnel are required to report and will remain on-duty until properly relieved or until authorized to secure posts/assignments.
8. If an extended search operation is required, it will be coordinated and implemented by the Torrance County Sheriff and/or Torrance County Undersheriff
9. Personnel are to be clothed in a manner clearly identifying them as Torrance County Sheriff Deputies.
10. Patrol Division personnel will report for duty in full uniform.
11. Plainclothes personnel will report for duty wearing clothing and

accessories that clearly identifies them as Torrance County Sheriff Deputies.

12. All sworn personnel shall report for duty with ballistic resistant body armor, and all required equipment.
13. Personnel are to operate as a unit, unless otherwise directed.

**MEDIA NOTIFICATION**

**125.33** Torrance County Sheriff will make direct contact with area media representatives in the interest of public safety/well-being of our community.

**ADDITIONAL NOTIFICATIONS**

**125.34** In the interest of public safety, the Torrance County Sheriff and/or Torrance County Undersheriff may direct activation of the automated dialing system to provide all residents of the affected area with a tape-recorded bulletin of the incident.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## PHOTO LINEUPS

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**126.1** The purpose of this directive is to establish guidelines regarding the duties and responsibilities of members of the Torrance County Sheriff's Office as they apply to lineups, photographic arrays and one on one lineups.

### DISCUSSION

**126.2** It is beneficial to all concerned that procedures exist which provide for the proper identification of suspect(s). This ensures that all suspect identifications are conducted in a professional and consistent manner.

### POLICY

**126.3** It is the policy of the Torrance County Sheriff's Office to treat all suspects in a manner that assures their rights in accordance with Constitutional requirements and applicable Supreme Court Decisions. During the course of any investigation, the uniformed Torrance County Sheriff's Deputy or Detective may find the need for the victim(s) and/or witness(s) to make an identification of a suspect using a lineup, photographic array or one-on-one line-up. When this becomes necessary the following procedures will be used to conduct this identification.

## LINEUPS

**126.4** Lineups are conducted to obtain positive identification of a suspect in a criminal investigation. The victim(s) and/or witness(s) will be allowed to view persons (including the suspect) in order to make an identification of the suspect.

### CONDUCTING THE LINEUP

**126.5** Suspects in custody may not refuse to participate in a lineup. However, certain constitutional safeguards must be followed:

1. Suspects have a right to have an attorney present.
2. At least five (5) persons will participate with the suspect in the lineup.
3. All participants should be of the same sex, similar physical description and attire.
4. Each participant will be instructed in the lineup procedure.
5. Each participant will be assigned a numbered position, which may be changed between lineups to assure a positive identification.
6. Participants will be asked to step forward by using their numbered position. They will each be asked to turn to offer profile and back views for the victim and/or witness.
7. If verbal identification is necessary, each participant will be asked to say the same phrase.
8. If necessary, all participants may be requested to repeat certain steps above.
9. In conducting a lineup the Detective/ Torrance County Sheriff's Deputy should avoid making any suggestive statements to the witness, and avoid suggestive circumstances.
10. In addition, the lineup should be documented photographically as part of the investigation.



### **CONDUCTING A LINEUP WHEN THE SUSPECT IS NOT IN CUSTODY**

**125.6** If a suspect is not in custody, the suspect may participate voluntarily, or by court order.

**125.7** In each case the Torrance County Sheriff's Deputy/Detective should consider whether this person is to be interviewed.

**125.8** If an interview is anticipated, it may be necessary to advise suspect of their Miranda Rights.

### **NOTIFICATION OF SUSPECTS ATTORNEY**

**125.9** The suspect's attorney will be given at least a half day notice before conducting the lineup. If the suspect's attorney cannot attend and the lineup must be held because of hardship to victims and/or witnesses, efforts must be made to have an attorney present to protect the suspects constitutional rights.

**125.10** Torrance County Sheriff personnel are authorized to request that the Public Defender attend the lineup if necessary.

### **ATTORNEY'S ROLE DURING THE LINEUP**

**125.11** Attorneys viewing lineups may make comments or suggestions; however, the investigating Torrance County Sheriff's Deputy shall remain in charge. The attorney shall not interview victims or witnesses.

### **SELECTION OF LINEUP PARTICIPANTS**

**125.12** Volunteers may be asked to participate in a lineup or inmates from the jail may be used to obtain the required number of participants. Under no circumstances will federal prisoners be used and the use of inmates charged with felonies will be avoided.

### **EXCEPTIONS**

**125.13** Lineups will not be held under the following circumstances:

1. A suspect is personally known to the victim or witness.
2. A suspect has been arrested at the scene of a crime and in the presence of the victim or witness.
3. The victim or witness apprehended the suspect.

### **PHOTOGRAPHIC ARRAYS**

**125.14** Any photographic array shown by a Torrance County Sheriff's Deputy will require a complete report containing the following information.

1. Name of person(s) to whom the array was shown.
2. Name of suspect.
3. Type of identification made (positive, negative or tentative).
4. Name of other persons photographs shown in the photographic array.
5. Use of at least five (5) photos along with suspects.
6. All photographs used in the photographic array will be of persons similar in appearance to the suspect.
7. The Detective/Torrance County Sheriff's Deputy should avoid making any suggestive statements and avoid suggestive circumstances while having a witness view a photographic array.
8. It should be noted that the suspect has no right to counsel prior to using his/her photograph in a photographic array.

**125.15** In the event identification is made, the Torrance County Sheriff's Deputy will ensure that the person making the identification initials each photograph.

**125.16** The photograph that is identified should contain the date, time and signature of the person identifying it.

**125.17.** Once the photographic array has been shown to all victim(s) and/or witnesses and the above requirement has been completed, the photographs will be sealed in an envelope and submitted as evidence to the property room.

**ONE-ON-ONE SHOW-UP (IN THE FIELD FOR FELONY OFFENSES)**

**125.18** When a Torrance County Sheriff's Deputy deems it necessary to conduct a one-on-one lineup in the field during an ongoing felony investigation, the following conditions should exist:

1. Must be a reported crime.
2. The description of the suspect(s) given to law enforcement by the victim and/or witnesses must match that of the suspect(s) being detained.
3. The suspect(s) must be found within a reasonable time and distance from the crime scene.
4. Identification of the suspect(s) should be made as soon as possible.
5. The victim or witnesses will be taken to the location of the suspect(s) if the suspect(s) is only being detained.

**125.19** The suspect(s) will not be taken back to the scene of the crime because once the suspect(s) have been moved, the suspect(s) might be considered under arrest.

**125.20** A report will be written describing the circumstances and conditions of the one-on-one show-up, including the location of the suspect, his surroundings and the name and location of all other persons present at the time of the identification.

**125.21** It should be noted that the suspect(s) should not be handcuffed or placed in the back of a police vehicle except for the purpose of Torrance County Sheriff's Deputy safety.

**125.22** When this occurs, the Torrance County Sheriff's Deputy conducting the one-on-one identification must ensure that the victim(s) and/or witness(s) making the identification understands that this conditions are not meant in

any way to indicate that this is the suspect and that these conditions do not influence their identification.

**125.23** This situation should be considered the exception and avoided, if possible.

**125.24** In situations where multiple victims and/or witnesses are present, Torrance County Sheriff's Deputies will select the appropriate victim(s) or witness(s) to view the suspect(s) based on credibility, degree of involvement, etc., to establish probable cause for making an arrest.

**125.25** All efforts must be made to avoid the appearance of police suggested identification.

**125.26.** In addition each witness or victim should view the suspect(s) separately and kept separated through the viewing in order to avoid the appearance of "group" identification.

**125.27** Exceptions must be approved by the on call Assistant District Attorney and will be documented in the report.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## PERFORMANCE EVALUATIONS

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**127.1** The purpose of this directive is to establish uniform guidelines for performance evaluations.

### DISCUSSION

**127.2** The Torrance County Sheriff's Office has adopted the Performance and Development Plan for documenting the work performance of personnel. This plan includes rating of personnel by their direct supervisors in four possible categories, to include quantity, quality, time, and cost. In addition to rating by the supervisor, employees are required to set goals and objectives for themselves at the beginning of the rating period and identify behaviors that they feel are important in rating of their overall job performance. This system of evaluation allows for objective rating, while allowing the employees to begin directing themselves toward a career goal.

### POLICY

**127.3** It shall be the policy of the Torrance County Sheriff's Office to maintain and administer a fair and equitable performance evaluation program for all employees.

## NOTICE OF EVALUATION DUE

**127.4** The Torrance County Sheriff's Office shall distribute a reminder, which lists those employees who are due for evaluation during the following thirty-day period.

**127.5** The rating period shall normally cover the last 12 months, prior to the evaluation due date. In all cases, the dates of the specified rating period must be include on the form. This is to ensure that employees are rated only on performance during the specified rating period.

### SUPERVISOR DUTIES

**127.6** Supervisors who will be rating employees shall be responsible for distributing the Employee Performance Planning Work Sheet to each employee listed in the reminder notice at least two weeks prior to the Performance/ Planning meeting.

1. This section allows for input by the employee regarding information that the employee may feel is important for rating performance of duties and responsibilities.

**127.7** Immediate supervisors are responsible for rating those employees who work directly under their supervision and for ensuring that the existing job description is still current for the position being rated.

1. In the event that an employee has worked for more than one supervisor during the rating period, both supervisors will be required to confer and agree on the rating for that twelve-month period.

**127.8** The supervisor must retrieve the evaluation form from the Torrance County Personnel Files located in the Administrative Office of the Sheriff, where it has been stored since completion of the Planning Section at the beginning of the rating period.

**127.9** The supervisor must now complete the employee responsibility rating section, while still being open to input from the employee.

**127.10** Explanations must be provided in the comment section of the rating form for each responsibility the employee is rated on.

**127.11.** The supervisor and employee meet for the Performance/Planning meeting. The supervisor should fully explain the ratings to the employee, to include providing direction to the employee about improving any mediocre or substandard ratings.

**127.12** Both the supervisor and the employee must sign the completed rating section, and the completed forms are routed through the chain of command for review and signature, then forwarded to the Torrance County Sheriff and/or Torrance County Undersheriff. The employee's signature does not indicate agreement or disagreement, it simply signifies that he/she has read the evaluation.

**127.13** Should the employee refuse to sign the completed evaluation, the supervisor will route the forms through the chain of command, giving the employee the opportunity to meet with Torrance County Sheriff and/or Torrance County Undersheriff

**127.14** In the event that the employee still refuses to sign the forms, the Torrance County Sheriff and/or Torrance County Undersheriff will note this on the form and route the evaluation to the Human Resources Director.

**127.15** At this point, the employee is given another opportunity for mediation prior to the evaluation being placed in his/her personnel file.

**127.16** At any point, the employee may decide to sign the form and indicate any comments in the employee comment section of the rating form.

**127.17** After the Supervisor has signed the forms, a copy is retained in the employee's Personnel File at the Torrance County Sheriff's Office, and the original is routed for inclusion in the employee's Personnel File at the Human Resources Department. Retention is governed by the Personnel Rules and Regulations and the Records Retention Act.

**127.18** A copy of the completed evaluation will also be given to the employee once all signatures are obtained.

**127.19** Upon completion of the rating portion of the meeting, the supervisor must now assist the employee in the planning portion of the form for the upcoming twelve months. The supervisor obtains the Planning Worksheet from the employee in order to fill out the Planning Section of a new form for the coming year.

**127.20** The supervisor and employee agree on areas of responsibility and the list of behaviors for the upcoming year. The employee is also counseled regarding the level of performance expected along with the evaluation rating criteria. The supervisor will then assist the employee in determining goals for the year and both persons sign the form.

**127.21** Upon completion of the Planning portion, the Torrance County Sheriff and/or Torrance County Undersheriff is responsible for routing the completed forms to the Torrance County Sheriff Administrator for filing in the employee's personnel file. The forms shall remain in this file until such time the supervisor is notified of evaluation being due. At this point, the process begins again.

#### **OPTIONAL REVIEW**

**127.22** An optional review may be conducted at any point during the rating year for probationary employees, for those whose duties and responsibilities change significantly during the rating period, or for those who experience a significant increase or decrease in performance.

**127.23** The rating will follow the steps in the regular performance evaluation to allow for feedback to the employee.

**127.24** Probationary employees shall be rated on a daily, weekly, and monthly basis in accordance with the Field Training Officer Program. Upon successful completion of the FTO Program, all probationary employees shall be rated on the approved forms.

**127.25** In addition to the Performance and Development Plan, all immediate supervisors are responsible for advising employees in writing, ninety (90) days prior to evaluation that their performance is deemed unsatisfactory. This ninety (90) day period is set to allow counseling, retraining, remedial training, or improvement by the employee prior to the end of the rating period.

#### **RATER TRAINING**

**127.26** All supervisors are trained to conduct ratings in accordance with the Performance and Development Plan, as well as in employee counseling techniques. The training is conducted by the Torrance County Sheriff's Office and newly appointed supervisors shall receive training within 30 days of promotion and/or before rating of any employees is required.

**127.27** All supervisors are provided with a copy of the manual to assist them in the process.

#### **INSPECTION OF THE PERFORMANCE AND DEVELOPMENT PLAN**

**127.28** The Torrance County Sheriff and/ Torrance County Undersheriff and Sheriff Administrator will conduct an annual review of the Performance and Development Plan Evaluation process.

**127.29** This review will be conducted in the month of August, each year and a final report to the Torrance County Sheriff is due fifteen (15) days after the review.

#### **OBJECTIVES OF THE PERFORMANCE AND DEVELOPMENT PLAN**

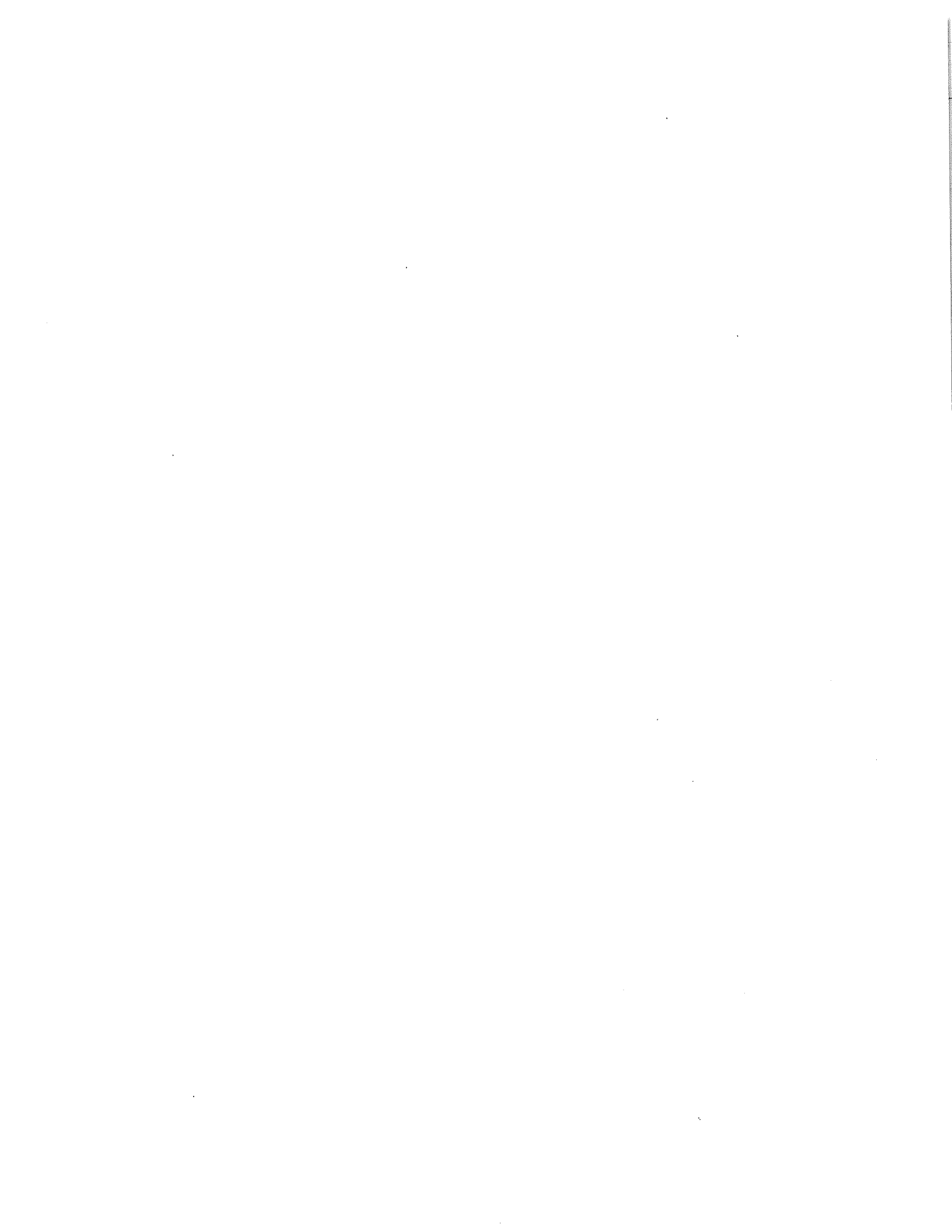
**127.30** The objectives of the Torrance County Sheriff's Office Performance and Development system are as follows:

1. To foster fair and impartial personnel decisions and standardize the nature of the personnel decision making process;
2. Maintain and improve performance to assure the public that the agency's personnel are qualified to carry out their assigned duties;
3. Provide a medium for personnel counseling and provide job incumbents with necessary behavior modification information to allow them to maintain behaviors that are appropriate from the agency's standpoint and to eliminate inappropriate behaviors;
4. Facilitate proper decisions regarding probationary employees;
5. Provide an objective and fair means for measurement and recognition of individual performance in accordance with prescribed guidelines;
6. Identify training needs; and Provide a means for documenting individual employees career goals and allow the Department a means by which to allow employees to progress toward those goals.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## EMPLOYEE FILES

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**128.1** To establish lines of communication and criteria for employee requests to review and purge personnel files.

**128.2** The files at Torrance County Sheriff's Office are the official departmental copies of employment history of the member. This directive affects those files kept by the department and does not mandate policy for those official records kept by the Human Resources Department of Torrance County.

### REVIEW OF PERSONNEL FILES AUTHORIZATION

**128.3** Authorization for Review of Personnel files may be granted, as follows:

1. The Torrance County Sheriff and/ or Torrance County Undersheriff and those he/she authorizes.
2. By a subpoena ordering discovery or by the employee providing a signed release reviewed
3. Employees may request to review their personnel file. Such requests shall be made verbally and employees must sign and date a control log.

### PROCEDURE FOR REVIEW

**128.4** Review of files must take place between the hours of 0800 and 1700 hours, on normal workdays.

**128.5** Review of files must be done within the confines of the Torrance County Administrative Offices.

**128.6** No material(s) may be removed or duplicated without authorization from the Torrance County Sheriff and/or Torrance County Undersheriff.

### PURGING OF INFORMATION

**128.7** Purging of any employee's file are as follows:

1. Employees may request that material be purged from his/her file. This request must be in writing.
2. Employees may request disciplinary actions be purged after the period specified on the disciplinary action forms, or after the period designated
3. Material purged by virtue of a court order shall also apply to material held in the employee personnel file at the Torrance County Human Resources Department.
4. It is the responsibility of the individual member to submit a formal written request to purge material from his/her personnel file(s). Purging cannot and will not occur until such time as the written request is submitted and approved by Torrance County Sheriff and/or Torrance County Undersheriff
5. Any time a request for purging is submitted, or any additions are placed in the files, a copy of that paperwork shall be routed to Human Resources Department .
6. The action may be purged from the employee's file at the times listed here below:
  - a. Oral reprimand expires after (6) six months and the "request-to-purge" memorandum may be submitted at that time if the employee has shown improvement and has had no other infractions during that time.



- b. Written reprimands expire after (1) one year and the employee may submit a "request-to-purge" memorandum at that time if the employee has shown improvement and has had no other infractions during that time.
  - c. On suspensions, the employee may submit a "request-to-purge" memorandum after 18 months have passed. This can only be submitted if the employee has shown improvement and has had no other infractions during that period of time.
7. Personnel files shall be reviewed and updated regularly.



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APPROVED BY:  
Sheriff Heath White

#### **DESTRUCTION OF FILES**

**128.8** Personnel files which are held by the Santa Fe Police Department shall be destroyed in accordance with the New Mexico Records Retention Act.

#### **STORAGE OF FILES**

**128.9** Active files shall be stored in the locked file cabinet.

**128.10** Personnel files normally contain the following items:

- 1. Job applications
- 2. Transfer documentation
- 3. Promotional information
- 4. Demotion documentation
- 5. Any disciplinary action taken
- 6. Letters of complaint
- 7. Letters of commendation
- 8. Adjustments in position classification
- 9. Certifications/educational information
- 10. Miscellaneous information, i.e. supervisor's accident reports.

**128.11** No medical records shall be maintained in the personnel file.

# TORRANCE COUNTY SHERIFF'S OFFICE

**MEDIA PIO**

**EFFECTIVE: 01-14-17**

**PAGES: 6**

## **PURPOSE**

**129.1** The purpose of this directive is to establish guidelines and define responsibilities for the release of information to the news media.

## **DISCUSSION**

**129.2** In order to provide and disseminate information to the community and the news media, Torrance County Sheriff's Office must establish and maintain media relations' procedures. These procedures should provide for the timely and effective distribution of information, which bolsters community support, provides for the rights of the public to be informed, yet safeguards against the release of information which could impede ongoing investigations or damage the integrity and rights afforded to victims.

## **POLICY**

**129.3** It is the policy of the Torrance County Sheriff's Office to support the fundamental principles of the First Amendment to the Constitution of the United States, as it pertains to the rights of the news media and the public. The Torrance County Sheriff's Office is committed to, and recognizes the right of the public and news media to be fully and accurately informed on matters concerning public safety. All members of this department will strive to maintain a relationship of trust, cooperation, mutual respect and free flow of information with the public and news media without partiality.

**129.4** The Torrance County Sheriff or his/her designee shall handle the Police Media Relations and function as the Public Information Officer.

**129.5** The Public Information Officer (Torrance County Sheriff) will be available 24 hours a day to handle liaison duties between the media and the Torrance County Sheriff's Office. Regular working hours will be 0800 to 1700 hours. After regular hours, weekends, or holidays the Torrance County Sheriff may be contacted by the media via the Torrance County Sheriff's County Cellphone, or the Torrance County Regional Dispatch Center.

**129.6** Public information shall be released as promptly as circumstances allow in an impartial, courteous and objective manner.

**NOTE:** If the Torrance County Sheriff is unavailable, notice will be provided to staff and to the media regarding the designated Torrance County Sheriff and appropriate contact numbers for the designee. This person shall assume the responsibility of releasing the information, or shall designate the person who will disseminate this information. The Torrance County Sheriff shall be notified as soon as possible as to the content of information that was released.

**129.7** The Torrance County Sheriff shall be notified on the following:

1. Any major incident likely to attract news media attention shall be brought to the attention of the Torrance County Sheriff.
2. Accidents involving Law Enforcement vehicles, or injury to Department personnel.
3. Vehicle accidents involving fatalities, or serious injury or major property damage that may prompt an inquiry by the media.
4. Homicides, accidental deaths or malicious wounding with serious injury.
5. Police shootings.

6. Tactical situations (i.e., hostage, barricade situations).
7. Incidents involving persons whom, by their position in society, are of interest to the public.
8. Felonies such as business robberies, kidnapping, or verified abduction.
9. Natural or man-made disasters resulting in Loss of life and/or extensive property damage.
10. Demonstrations, strikes or civil disorders, regardless of damage.
11. Missing persons, when intensive search is required, or when there are indications that a crime has been committed.
12. Suicides when committed in a public place or manner as to attract attention.

**129.8** The Torrance County Sheriff shall also be notified of any incident or event that the Torrance County Sheriff deems necessary, or upon the arrival of news media to an incident. The Torrance County Sheriff shall use discretion in making notification based on the significance of each incident. Notification can be made in person, by phone (after hours), or by a copy of the incident report prior to the end of the shift.

**129.9** Department personnel are responsible for ensuring that the Torrance County Sheriff is advised of all interesting or newsworthy events occurring within their purview.

**NOTE:** Any time a Department employee is approached by the media concerning a major incident involving the Torrance County Sheriff's Office, or an incident being investigated by the Department, he/she shall notify the Torrance County Sheriff. This will allow the Torrance County Sheriff an opportunity to be prepared for any follow-up inquiries by the media.

**128.10** The release of information on incidents involving other city, state or federal agencies will be conducted by the agency having primary jurisdiction.

## **RELEASE OF INFORMATION TO MEDIA BY POLICE PERSONNEL**

**129.11** The Torrance County Sheriff shall be responsible for the release of routine news information after 1700 hours, Monday-Friday, and on weekends and holidays.

**129.12** There may be times when Torrance County Sheriff's Deputies are approached about an incident by the media. The Torrance County Sheriff's Deputy will advise the Torrance County Sheriff.

**129.13** Known facts and circumstances relating to the crime that will not hinder or prejudice the investigation (e.g., the time and place of arrest, any resistance encountered, and pursuit).

**129.14** A general description of the suspects, if known, or evidence seized. A suspect may **NOT** be identified by name until he has been formally charged with the commission of a crime or a warrant has been served. Exceptions for earlier release shall be at the discretion of the Torrance County Sheriff.

**129.15.** The identity of the investigating and/or arresting Torrance County Deputies, providing such information does not jeopardize or compromise personnel assigned to undercover operations.

**129.16** The name and general address of the victim, except:

1. In death investigations, when next-of-kin has not been notified.
2. In any situation where safety/security of the victim is in question.

**NOTE:** Addresses will be given by block number (e.g.: 2500 block of Martinez, 2800 block of Ice Plant Road)

**129.17** The identity of the victim **AFTER** next of kin has been notified and the Torrance County Sheriff has approved release of name. If notification cannot be given within a reasonable time, the reason will be determined and the news media advised of the circumstances.

**NOTE:** Supervisors wishing to restrict the release of victim information listed under

**129.17,** Torrance County Deputies must notify the Torrance County Sheriff with the compelling reasons for not releasing the information. The Torrance County Sheriff will make a final decision concerning release of the information.

**129.18** The media shall not have access to the following information:

1. A detailed description of suspects or evidence that could hinder or prejudice the investigation.
2. Prior criminal record of accused if NOT formally charged with prior crimes.
3. The character or reputation of the accused. (If the accused has not been apprehended, a Law Enforcement Officer associated with the investigation may release any information necessary to aid in the apprehension of the accused or advise the public of potential danger.)
4. The existence or contents of any confession, admission, or statement given by the accused or information about the presence or absence of any examination or tests conducted in the course of an investigation.
5. Personal opinions about the suspect, his guilt or innocence, mental status, anticipated plea, or value of evidence against the accused.
6. The identity, testimony or credibility of confidential witnesses.
7. Suspects who are interviewed but not charged shall not be identified.
8. Present location of any victims of sexual offenses.
9. Home address or telephone number of any Torrance County Sheriff's Office employee.
10. The contents of a suicide note or electronically recorded message.
11. The amount of money taken in any robbery except for a general description i.e. undisclosed amount.
12. Specific cause of death until announced by the State Medical Examiner or his/her deputy.

## **CRIME SCENES**

**129.19**Media representatives may be given guided access to crime scenes when it is determined practical by the Torrance County Sheriff, except in the following instances:

1. When the crime scene is on private property.
2. When the presence of news media representatives might adversely affect the preservation of evidence at the scene or interfere with the investigation.

**129.20**Crime scenes will be secured by the Torrance County Sheriff's Office and media access will not be permitted within the outer limits unless authorized by the Torrance County Sheriff. News media coverage will be permitted adjacent to any barriers. Major scenes may require two perimeters, one for the general public and a second for assembly personnel and media representatives. Media representatives may be allowed access to the inner perimeter provided access does not contaminate the scene, endanger life and conflict with sound police procedures. The Torrance County Sheriff will be responsible for this decision.

**129.21** A newsperson may be permitted in the area of a crime scene or serious police incident, but he does not have the authority to be within a crime scene or area that has been secured to preserve evidence or at any location where his presence jeopardizes police operations.

**129.22** The media representatives should be assisted in gaining access to the scene as soon as possible provided it will not interfere with the investigation.

**129.23** The media will be advised against access to a scene for legitimate safety reasons.

**129.24** The media is responsible for obtaining any permission necessary for access to a scene.

**129.25** News media representatives will be provided information about the crime at all crime scenes either by the Torrance County Sheriff

## **INTERVIEWS AND PHOTOGRAPHS**

**129.26** Photographs or videotape may be taken from any area where the news media representatives have been given access. Torrance County Sheriff's Deputies may restrict the use of flash, strobe, or high intensity lights when the use of such equipment would hinder a police operation, endanger Torrance County Sheriff's Deputies or citizens by exposing them to unnecessary risks, or create a hazard (for example, may cause an explosion in a gaseous atmosphere).

**129.27** Members of the department will not prevent the photographing of defendants when they are in public places outside the courtroom. They will neither encourage nor discourage pictures and must not pose with the accused.

**NOTE:** Department photographs of a suspect may be released provided the photograph will not jeopardize an investigation AND if a valid law enforcement function is served. It is proper to disclose this type of information to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as other information if not prohibited by policy or law.

**129.28** Areas of access for news media representatives within confines of the Torrance County Sheriff's Office facility will include:

1. Any areas open to the public.
2. Any designated area set aside for news media briefings.
3. Any area to which the news media representatives are provided guided access by a member of this department.

**NOTE:** No photographs of suspects or witnesses will be permitted in any areas of the Department.

**129.29** News media representatives shall be permitted to interview victims of a crime or disasters, who have consented to such interviews provided:

1. The victim appears able to make sound decisions, is not visibly upset, severely injured or emotionally distraught.
2. Investigative personnel have completed their interviews.
3. If victims desire not to be interviewed, the news media representatives will be so advised.

## **RELEASING SENSITIVE INFORMATION**

**129.30** Items of evidence should not be made public, which if disclosed, would be prejudicial to the solution of the case. Photographs may be furnished of a person accused by indictment or warrant, without police identification on them. Where the identity of a suspect has not been established, it may be desirable to publicize descriptions, artists' sketches, or other information that could lead to the identification and arrest of the suspect.

**129.31** Suspects who are interviewed, but not charged, should not be identified.

**129.32** The finding of physical evidence, such as weapons or proceeds of the crime, the issuance and service of a search warrant, and the positive or negative results of a search, may be released provided the search was not carried out under authority of a federal search warrant which has, or may be, subject to a federal gag order. Information as to how a weapon or evidence of the crime was located should be withheld if this involved information that is prejudicial or confidential.

**129.33** Fugitive cases may require wide publicity. The circumstances and facts in each case will be the controlling factors in decisions. In some fugitive cases it may be necessary to withhold information when its publication would be detrimental to the apprehension of the wanted person. Common sense should dictate the manner in which fugitive cases are handled with a positive view toward the public interest

and safety protection of other law enforcement agencies.

**129.34** References to cases being tried in court will be directed to the District Attorney. Members of the Torrance County Sheriff's Office will not comment on any case being tried. The only exception to this shall be by or at the direction of the Torrance County Sheriff.

#### **GUIDELINES FOR NEWS MEDIA REPRESENTATIVES ARRIVING AT THE SCENE**

**129.35** News media representatives shall have the proper identification (credentials) before being allowed access. If the news media representative does not have the proper identification, the Torrance County Sheriff may permit access.

**129.36** When mobile television or radio transmitting units arrive at the scene, operators shall be directed to go on foot to the Torrance County Sheriff to receive assistance in determining the most strategic location to place the vehicles. Torrance County Sheriff's Office personnel will provide assistance to advance such mobile units to that location.

**129.37** Situation briefings will be provided at the media command post on a timely basis. The Torrance County Sheriff will conduct such briefings.

**129.38** Request for information regarding any investigation not released at the scene should be directed to the Torrance County Sheriff for follow-up.

**129.39** For daily news releases, news media representatives should contact the Torrance County Sheriff during regular working hours

**129.40** All day-to-day requests for information, interviews with department personnel shall be scheduled through the Torrance County Sheriff during normal working hours.

#### **REQUESTING WITHHOLDING OF PUBLICATION**

**129.40** Newspersons may photograph or report anything they observed when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Torrance County Sheriff's Office. Upon such circumstances, Torrance County Sheriff's Deputies should advise the Torrance County Sheriff of the possible consequences of publication; however, Torrance County Sheriff's Deputies may not interfere with news persons' activities as long as that performance remains within the confines of the law.

#### **PRESS CONFERENCES**

**129.41** A press conference may be conducted with the consent of the Torrance County Sheriff.

**129.42** In most cases, the Torrance County Sheriff and any other knowledgeable Torrance County Sheriff's Deputies will be present to provide additional background information.

**129.43** Torrance County Sheriff's Office representatives should be appropriately attired and respond to inquiries courteously.

**129.44** The Torrance County Sheriff should not respond to improper questions or adversarial situations. When required, the Torrance County Sheriff should address inappropriate situations with the media representatives' direct supervisor.

**129.45** Media representatives will be supplied with appropriate packets. Packets may include, but are not confined to:

1. When appropriate, a general press release detailing the incident, with correctly-spelled names, dates of birth and addresses of suspects
2. Applicable statistics.

3. Photographs of suspects, news clippings and other visual objects that will meet the special needs of television crews.

**129.46** In instances where the Torrance County Sheriff's Office is engaged in an activity with another agency (e.g., another law enforcement agency, fire department, Medical Examiners Office), the agency having primary jurisdiction shall be responsible for releasing or coordinating the release of information.

**MEDIA INPUT INTO PUBLIC  
INFORMATION POLICIES**

**129.47** When changes are made to policies and procedures relating to the news media, representatives of the various media will be encouraged to participate in the development of the policy and procedure.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## INTERVIEW ROOMS

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**130.1** To ensure that any use of an interview facility/room is done in such a manner that protects the rights and wellbeing of any persons using it.

### DISCUSSION

**130.2** The use of an interview room is a commonly used tool in the investigative process. It is essential that officers understand the civil liability that can be incurred when the room is used to hold an arrestee/prisoner who is not under constant observation.

### POLICY

**130.3** It is the policy of the Torrance County Sheriff's Office to promote the use of an interview facility/room as long as its operation is consistent with a set of procedures designed to protect officers, arrestees/prisoners, and any other persons using it.

**130.4** Any room used for the express purpose of interviewing arrestees/prisoners must meet certain requirements.

**130.5** Physical aspects:

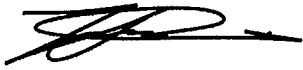
1. Any access doors to the room must not be lockable from the inside.
2. The room must only be lockable from the outside by the use of a thumb-lock or other manual device. The room must not be lockable by any method that may be accessible to the arrestee/prisoner.

3. The use of key type locks on the interview room doors is strongly discouraged.
4. The room must be equipped with a monitoring device such as one-way glass or a video transmitter. In the absence of such devices an arrestee/prisoner must be accompanied, and under constant visual observation by a sworn officer.

**130.6** Personnel Rules:

1. Before and after any use of the interview room, a thorough search of the premises must be made to ensure the room is clear of any contraband, weapons, or any other items that may endanger the safety of the arrestee/prisoner, officers, or any other occupant.
2. A thorough search of each and every arrestee/prisoner must be made prior to being admitted to the interview room.
3. While the interview room is in use, support officers shall remain in the immediate vicinity in order to provide assistance to any occupants of the room.
4. Prior to using the interview room, officers shall evaluate the necessity of bearing weapons of any kind while conducting their interviews. The decision shall be based on the risks of being in confined spaces and the potential danger posed by the arrestee/prisoner.
5. All sworn officers involved in the interview process, and those responsible for the safety of the arrestee/prisoner shall be trained in standard police methods related to prisoner safety as prescribed by the NMDPS Basic Police Academy.





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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## FIELD TRAINING AND OBSERVATION PROGRAM

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**131.1**The purpose of this directive is to establish guidelines for the operation of a Field Training and Evaluation Program (FTEP) within the Department

### DISCUSSION

**131.2**Recruit Torrance County Sheriff's Deputies should be provided with some form of initial training to easily and efficiently assimilate them into the Torrance County Sheriff'. The new-hire should also be provided with the training necessary to enable them to perform at a minimum level of job competency.

**131.3**To perform this task, there must be a system that can organize, administer and evaluate the training of these recruits. Provisions should be made to train these individuals. The ultimate goal for field training is to expose the trainee to as many varied situations as possible in the shortest period of time under controlled circumstances.

### POLICY

**131.4**It shall be the policy of the Torrance County Sheriff's Office to establish and maintain a field-training program, which shall provide all new Torrance County Sheriff's Deputies with a minimum of sixteen (16) weeks of post academy training, which includes training in the Department's rules, regulations and policies regardless of their future assignment.

### RESPONSIBILITIES

**131.5** Field Training Torrance County Sheriff's Deputies shall be under the supervision of the Torrance County Sheriff and/or Torrance County Undersheriff for matters relating to the Field Training and Evaluation Program.

**131.6** The Torrance County Sheriff and/or Torrance County Undersheriff shall maintain a close Liaison with the Department of Public Safety Academy staff while overseeing the field training and evaluation program in order to ensure training compatibility.

**131.7** All new-hire Torrance County Sheriff's Deputies will complete designated field training as applicable to their assignments.

**131.8** The curriculum shall be based upon the most recent Job Task Analysis of the most frequent assignments and associated duties of a Torrance County Sheriff's Deputy. Evaluation techniques will be designed to measure competency based upon the skills, knowledge, and abilities as identified in the Deputy Job Task Analysis.

performance will not be evaluated by the FTO during Limbo Week.

## **PHASE ONE TRAINING (ACADEMIC)**

**131.9** Phase one is an academic program administered by the New Mexico Department of Public Safety Law Enforcement Academy and includes in-residence instruction in basic law enforcement topics.

**131.10** All new Torrance County Sheriff's Deputies, regardless of assignment, will complete this training phase.

**131.11** The curriculum for all basic recruit classes is governed by New Mexico Law Enforcement Academy Board Standards, which are reviewed on an annual basis. The current length of the NMLEA Recruit/Basic Training course is 16 weeks.

**131.12** Certification of the Recruit Officer will be in accordance with the Standards set forth by the NMLEA Board

**131.13** Trainees who fail to perform at an acceptable level during Phase One training may be either retrained or terminated, as directed by the Torrance County Sheriff.

**131.14** Upon successful completion of Phase One training, the trainee may enter Phase Two training.

## **PHASE TWO (FIELD TRAINING OFFICER PROGRAM)**

**131.15** Phase two contains the following four stages:

### **FIELD STAGE A – PRIMARY FTO**

**131.16** The trainee is assigned to a "Primary FTO" for 4 weeks. The first week of which will be "Limbo Week", during which time the trainee will only observe his/her FTO. Daily Observation Reports (DOR'S) will be filled out, however, the trainee's

### **FIELD STAGE B - SECOND FTO**

**131.17** The trainee is assigned to a second FTO for four weeks. DORs and performance evaluations will be completed daily/weekly.

### **FIELD STAGE C – THIRD FTO**

**131.18** The trainee is assigned to a third FTO for four weeks. DORs and performance evaluations will be completed daily/weekly.

### **FIELD STAGE D – RETURN TO PRIMARY FTO**

**131.19** The trainee is re-assigned to the Primary FTO for a final observation period of two weeks. During this time the trainee will handle all aspects of patrol work and the FTO will be present to observe the trainee and render assistance and direction as needed. DORs and evaluations will be conducted daily/weekly

### **END OF PHASE TEST**

**131.20** The trainee will report to the Training Officer on the final Friday of the 14<sup>th</sup> week for his/her end of phase test.

**131.21** Upon successful completion of the end of phase test, and review of the completed DORs and a recommendation for placement on a team may be made by the Training Officer.

**131.22** The Torrance County Sheriff will place the newly certified on a Patrol Team that best meets manpower considerations.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## BANK ALARMS

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**132.1** To establish guidelines and procedures for responding to bank alarms.

### DISCUSSION

**132.2** Operations are more efficient and safety is enhanced when dispatchers, Torrance County Sheriff's Deputies and bank employees communicate effectively about the status of a bank alarm.

### POLICY

**132.3** It is the policy of the Torrance County Sheriff's Office to establish a formal policy for answering bank alarms. This policy is established for the safety of the Torrance County Sheriff's Deputies and the citizens.

### DUTIES

**132.4** Duties of members of the department when dispatched, responding to, and/or handling bank alarms are as follows:

1. Dispatchers:
  - a. When a bank hold-up alarm is activated, the radio dispatcher will dispatch a Torrance County Sheriff's Deputy and a back-up unit to respond.
  - b. Upon the Torrance County Sheriff's Deputies arrival, the Torrance County Deputy will notify the dispatcher to

contact the bank personnel by telephone.

- c. The dispatcher will then call the bank using the designated phone number listed for the particular bank(s).
- d. When the dispatcher makes phone contact, he/she will identify themselves as a dispatcher with the Torrance County Regional Dispatch Center, and ask the person answering the phone if a robbery is in progress.
- e. If the response from the bank employee is "YES", or there is no answer, Torrance County Sheriff Deputies will respond to that financial institution as if there is a robbery in progress.
- f. If the response from the bank employee is "NO", the dispatcher will ascertain from the bank employee the identity and description of the bank employee that is stepping outside to meet the Torrance County Sheriff's Deputies.
- g. The dispatcher will then notify the Torrance County Sheriff's Deputies at the scene of the situation and broadcast the name and description of the bank employee who will be stepping outside.
- h. An unanswered telephone will be treated as a valid alarm or as an alarm of unknown status. Dispatchers will stand-by for further instructions from Torrance County Sheriff's Deputies at the scene or from the Torrance County Sheriff

and/or Torrance County  
Undersheriff

**132.5** Torrance County Sheriff's Deputies assigned are cautioned to approach the bank silently, and with care.

**132.6** The first Torrance County Sheriff's Deputy on the scene will survey the area and await the arrival of a back-up unit.

**132.7** Torrance County Sheriff's Deputies will then take up positions to cover the front, sides, and rear exits, without being conspicuous, while keeping officer safety in mind.

**132.8** Once the units are in position, the first Torrance County Sheriff's Deputy will then advise the dispatcher to telephone the bank.

**132.9** If the alarm is deemed false, Torrance County Sheriff Deputy (s) will stand-by to meet the designated bank employee who will step out to confirm the alarm status.

**132.10** If the alarms is real, Torrance County Sheriff Deputies will then exercise caution and proceed to evaluate the situation before making and executing a plan of action.

**132.11** If the alarm is real, the first responding Torrance County Sheriff's Deputy will be responsible for assigning personnel and communicating with dispatch

**132.12** All Torrance County Sheriff's Deputies will use extreme caution even in situations where the alarm has been deemed to be false.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## REMEDIAL TRAINING

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**133.1** The purpose of this directive is to delineate and define responsibilities and procedures as they apply to identifying and providing remedial training.

### DISCUSSION

**133.2** Traditionally, remedial training has meant sending the employee to specific classes in the subject area within which he or she is having difficulty.

**133.3** Remedial training may be simply practice by the employee, with supervision, or orders to rewrite a report. In whatever form it appears, remedial training should be identified and handled as a bona fide training opportunity. Documentation as to what strategies were used and the results of the remedial training should be kept by the agency.

**133.4** Criteria should be established that identifies candidates for remedial training. Timetables for this training should be established to keep remedial training from dragging on endlessly, and to give the employee a time goal to reach during the training.

**133.5** The Department should attempt to retrain and motivate those employees whose skills and knowledge levels have declined. This should be a continuous process. Learning proceeds best when the

employee is motivated to learn and it should be the responsibility of each Torrance County Sheriff and/or Torrance County Undersheriff to train his/her subordinates by the most effective methods available.

**133.6** The employee should also know the consequences of non-participation or failure to successfully complete a remedial training course. Remedial training strategies should be structured to the individual employee.

### POLICY

**133.7** It shall be the policy of the Torrance County Sheriff's Office to provide needed remedial training to employees in order to update, improve, or re-establish the skills and knowledge required to perform the tasks assigned.

**133.8** Remedial training shall be provided to employees when their task effectiveness has been judged to be less than acceptable.

**133.9** Remedial training will be provided under the following circumstances:

**133.10** When the employee perceives a problem in performance or behavior, he/she may request remedial training to improve skills or knowledge. Requests shall be made in writing, via the chain of command.

**133.11** When requested by the Torrance County Sheriff and/or Torrance County Undersheriff. This request may take any of the following forms:

1. The Torrance County Sheriff and/or Torrance County Undersheriff may suggest that the employee apply for remedial training.
2. The Torrance County Sheriff and/or Torrance County Undersheriff may conduct his/her own remedial training for the affected employee.
3. The Torrance County Sheriff and/or Torrance County Undersheriff may make a formal request.



**133.12** When a written performance evaluation or behavior identifies deficiencies, the employee or Torrance County Sheriff and/or Torrance County Undersheriff may request remedial training in areas that are deemed as unsatisfactory.

**133.13** Prior to training, goals, objectives and time allotted shall be specified in writing.

**133.14** Adequate time to complete the training and show improvement shall be allotted.

**133.15** Those employees who do not show improvement in the allotted time may be subject to disciplinary action.

**133.16** Remedial training shall be conducted or coordinated through the Torrance County Sheriff and/or Torrance County Undersheriff

**133.17** All remedial training records will be maintained by the Torrance County Sheriff's Administrator.

**133.18** When requested, remedial training will be conducted in response to those specific areas in which the employee has received unsatisfactory employee performance ratings unless special circumstances exist.

**133.19** Upon receipt of a request for training, the Torrance County Sheriff and/or Torrance County Undersheriff will review all pertinent information and meet with the employee. Torrance County Sheriff and/or Torrance County Undersheriff s will assist in the development of the remedial training.

**133.20** Torrance County Sheriff and/or Torrance County Undersheriff, will ultimately decide what remedial training solution will be employed.

**133.21** Remedial training solutions include, but are not limited to, assignment of the employee to any of the following:

1. Training courses offered by outside entities, i.e. New Mexico Law Enforcement Academy, other agencies, etc..
2. Training courses offered by the agency through the Torrance County Sheriff's Office.
3. Individualized remedial training as prescribed by the employee's Torrance County Sheriff and/or Torrance County Undersheriff .

## **RESULTS**

**133.22** If an employee fails to successfully complete the training program, one or more of the following may apply:

**133.23** Additional remedial training may be needed, alternate strategies may be identified and additional training assigned.

**133.24** Recommendations may be made to assign or reclassify the employee to a position that does not require use of the skills or knowledge in which the deficiency occurs.

**133.25** Recommendations may be made for termination, if all remedial efforts are deemed to be ineffective and the employee can no longer meet the requirements of the duty position.

**133.26** Non-participation by the employee may result in serious consequences, to include termination. Care shall be taken to insure that the employee is given every opportunity to participate in the training by the employee's Torrance County Sheriff and/or Torrance County Undersheriff.

**133.27** All remedial training and the effectiveness of this training shall be included in the employee's training file maintained by the Torrance County Sheriff's Administrator.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## RIDE ALONG PROGRAM

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**134.1** The purpose of this directive is to establish guidelines for the transportation of civilians, other than prisoners, in on-duty vehicles

### DISCUSSION

**134.2** The Torrance County Sheriff's Office encourages community interest and involvement in the law enforcement process and allows reputable citizens and student interns to ride as passenger observers in Torrance County Sheriff's Office vehicles for legitimate civic or educational purposes.

**134.3** The ride along program is a public relations tool, which is designed and intended to promote a better understanding of a Torrance County Sheriff's Deputy's duties on patrol.

**134.4** Participation in the program is considered a privilege extended by the Torrance County Sheriff and/or Torrance County Undersheriff and is subject to cancellation or adjustment at any time without prior notification.

### POLICY

**134.5** It is the policy of the Torrance County Sheriff's Office to allow interested and reputable members of the community to view police operations by allowing them to accompany a Torrance County Sheriff's Deputy during his/her tour of duty.

**134.6** Members of the community who meet the listed qualifications and who desire to participate in the Torrance County Sheriff's Office's ride along program may acquire approval from the Chief Office in the following manner:

1. Submit a written request to the Torrance County Sheriff's Office, which contains the person's name, age, reason for wanting to be considered as a participant, and a date and time they wish to ride.
2. The request will be routed to the Torrance County Sheriff's Administrator for entry into the log and to ensure that the individual has not participated in the program during the previous year.
3. Upon entry, the request will be routed to the Torrance County Sheriff and/or Torrance County Undersheriff or his/her designee for approval. (Information contained within the request is submitted for verification at this time). Torrance County Sheriff and/or Torrance County Undersheriff or his/her designee will assign the date, time and shift the individual may ride with a Torrance County Sheriff's Deputy. Times and dates requested by individuals will be honored when and if possible.
4. The Torrance County Sheriff's Administrator will then contact the person initiating the request; an appointment will be arranged for the completion of the waiver form(s) and verification of age.

5. Notification of approval and conditions of approval will be routed to the Torrance County Sheriff's Deputy.

### ELIGIBILITY

**134.7** All individuals eighteen or older, who have not been convicted of a felony, and have a valid reason for desiring to view police operations are eligible to participate in this program.

**134.8** Juveniles between the ages of fifteen and eighteen who have their parent's written consent, are enrolled in, and sponsored by a school or community program which promotes understanding the criminal justice system and/or the social sciences, are eligible to participate in this program.

**134.9** All participants must abide by the rules, regulations, and requirements outlined herein.

### RESTRICTIONS

**134.9** The following restrictions shall apply to all individuals participating in the Torrance County Sheriff's Office's ride along program:

1. Persons requesting permission to participate in the program must provide a picture identification card or driver's license for the purpose of verifying age.
2. Participation in the program is limited to once a year, per person, unless waived by the Torrance County Sheriff and/or Torrance County Undersheriff
3. All participants will be required to submit a written request outlining the reason(s) they are asking for authorization to participate in the program.
4. All information submitted is subject to verification.

**134.10** Juvenile participants will be required to be enrolled in a school or community service program, and have both parental and school consent.

**134.11** Juvenile participants are restricted to ride-along during daylight hours only. Upon completion of the ride-along the juvenile must be de-briefed by the Torrance County Sheriff and/or Torrance County Undersheriff who will note the ride-along Torrance County Sheriff's Deputy's name on the waiver form and whether the ride-along proceeded without incident.

**134.12** All individuals who participate in the program must complete and submit a waiver of liability form prior to being allowed to ride. Original waiver forms shall be filed in the Torrance County Sheriff and/or Torrance County Undersheriff. Copies will be maintained by the Torrance County Sheriff's Administrator

**134.13** For juveniles the parent or guardian must complete and sign the waiver of liability.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## DAMAGE TO PROPERTY CIVILIAN AND DEPARTMENT EQUIPMENT

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**135.1** The purpose of this directive is to establish guidelines for the proper documentation of damage that occurs to department or civilian property.

### DISCUSSION

**135.2** It is a public expectation that material resources provided a government entity be carefully maintained and accounted for.

### POLICY

**135.3** When sworn personnel of this department damage civilian property in the course of their official duties such damage shall be properly documented.

### DAMAGE TO DEPARTMENT PROPERTY

**135.4** Photographs will be required for documentation whenever damage to department equipment is sustained.

**135.5** If the incident that caused the damage involved a criminal offense, the person taking the photographs will submit a supplementary report.

**135.6** If the incident did not involve a criminal offense, the Torrance County Sheriff's Deputy involved will write a brief memorandum to the office of the Torrance County Sheriff and/or Torrance County Undersheriff explaining the incident and photographs. This memo will be submitted through the chain of command.

**135.7** In every incident, a case number will be generated and the event will be documented. The case number will be in the subject line of the memo "17-00000 Damage to Torrance County Sheriff's Office Property or 17-0000 Damage to Civilian Property" and it sent to the Torrance County Sheriff and/or Torrance County Undersheriff through the chain of command.

### DAMAGE TO CIVILIAN PROPERTY

**135.8** The Torrance County Sheriff's Deputy will photograph the damage that was caused by the Torrance County Sheriff's Deputy(s). Torrance County Sheriff's Deputies will not leave the scene until detailed photographs of the damage have been taken.

**135.9** Photographs, along with the summation of events leading to the damaged property will be submitted along with the photographs to the office of the Torrance County Sheriff and/or Torrance County Undersheriff,

**135.10** The Torrance County Sheriff's Deputy working the case will write an original or a supplemental report detailing the exact damage caused by the Torrance County Sheriff's Deputy(s) and forward a copy to the office of the Torrance County Sheriff and/or Torrance County Undersheriff.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## ISSUANCE OF EQUIPMENT

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**136.1** The purpose of this directive is to delineate the Torrance County Sheriff's Office initial issue standard of equipment.

### DISCUSSION

**136.2** Torrance County Sheriff Office employees perform a diversity of functions, which entail the use of a variety of equipment. The issuance, condition and appearance of this equipment influence the perception of the public and the performance of duties.

### POLICY

**136.3** It shall be the policy of the Torrance County Sheriff's Office to issue equipment as required for employees to accomplish assigned functions and to allow for the care and maintenance of this equipment.

**136.4** It shall further be the policy of the Torrance County Sheriff's Office to have an accounting of all items of equipment issued by the Torrance County Sheriff's Office.

## HAND HELD/PORTABLE RADIO PROCEDURES

**136.5** Hand held/portable radios and battery chargers shall be issued to Torrance County Sheriff's Office personnel by the Torrance County Sheriff and/or Torrance County Undersheriff or designee. This is to assure that all persons engaged in a field assignment have constant access to radio communications. As a result, when Torrance County Sheriff's Deputies are away from their patrol vehicles, the Torrance County Sheriff's Deputies will be able to maintain communications with radio dispatchers for exchange of information, requests for assistance, receipt of orders and/or instructions, and for response to calls for service.

**136.6** Proper care and use of the radio shall rest with the assigned Torrance County Sheriff's Deputy, who shall be responsible for damage to the hand held/portable radio as outlined in the policy regarding damage to Torrance County Sheriff's Office/civilian property. Torrance County Sheriff's Deputies shall be responsible for physical inspection of the hand held/portable radios during regular vehicle/personal inspection.

**136.7** If any supervisor finds that a hand held/portable radio is unaccounted for, they shall contact the Torrance County Sheriff's Deputy who was last assigned the radio and ascertain the location of the radio.

**136.8** Prior to going on duty, members shall check their mobile and hand held/portable radios for damage or malfunction. If any are found, they shall submit a written memorandum explaining the problem and route it through the chain of command.

**136.9** Hand held/portable radios will not be left in any out of service vehicle for any reason.



**136.10** Borrowing or lending of hand held radios requires:

1. Notification of the Torrance County Sheriff and/ or Torrance County Undersheriff.

**136.11** Ballistic resistant body armor will be issued by the Torrance County Sheriff's Office to the Torrance County Sheriff's Deputy upon beginning employment with the Torrance County Sheriff's Office. The Torrance County Sheriff's Office will assure that each Torrance County Sheriff's Deputy is measured for proper size and fit.

**136.12** Batteries and writing materials will be issued through the individual Torrance County Sheriff's Deputy. Torrance County Sheriff's Deputies will assure that their unit has an adequate amount of supplies in stock.

#### **USE OF TORRANCE COUNTY SHERIFF'S OFFICE EQUIPMENT**

**136.13** Agency owned property shall only be used for official business and personal use of agency owned property is strictly prohibited.

**136.14** Members shall utilize Torrance County Sheriff's Office equipment only for its intended purpose and shall not negligently abuse, damage, or lose Torrance County Sheriff's Office equipment.

**136.15** All Torrance County Sheriff's Office equipment issued to members shall be maintained in proper order.

**136.16** Damage or lost property may subject the responsible individual to either reimbursement charges or disciplinary action, if the individual is found to be negligent. Any lost or damaged equipment shall be reported as soon as possible to Torrance County Sheriff and/or Torrance County Undersheriff

#### **PURCHASE OF AGENCY OWNED PROPERTY**

**136.17** The procurement and/or requisitioning of Torrance County Sheriff's Office-owned property and equipment, whether fixed, expendable, installed, uninstalled, whether vehicles, munitions, and personal wear items are the responsibility of the Torrance County Sheriff's Administrator, with final approval from the Office of the Torrance County Sheriff and/or Torrance County Undersheriff.

**136.17** The distribution and issuance of Torrance County Sheriff's Office-owned property to authorized users is the responsibility of the Torrance County Sheriff's Administrator, under the direction of the Torrance County Sheriff and/or Torrance County Undersheriff or designee. The Torrance County Sheriff's Administrator will keep an account of all disbursed property and equipment and will conduct periodic inventories.

**136.18** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee, shall inspect all of his/her unit's stored property a least once per month to ensure that the stored property is maintained in a state of operational readiness which includes care, cleaning and preventive maintenance.

**136.19** A written report (memorandum) shall be submitted to the office of the Torrance County Sheriff and/or Torrance County Undersheriff whenever damage to agency property is discovered.

#### **EQUIPMENT & WEAPONS RETURN**

**136.20** Upon separation, personnel shall return all assigned equipment and weapons in the following manner:

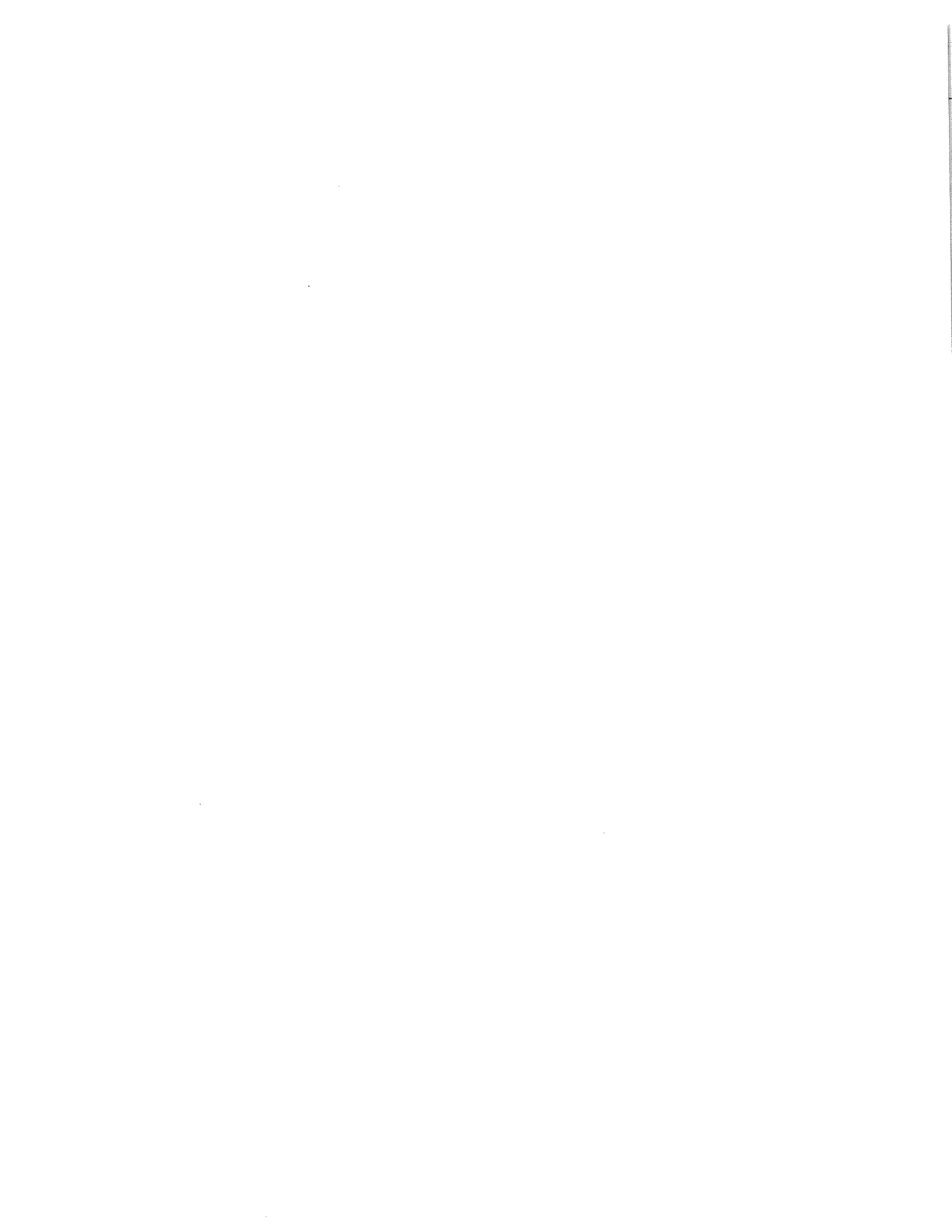
2. Keys- Returned to the Office of the Torrance County Sheriff

3. Firearms & ammunition- Returned to the Torrance County Sheriff's Office Armorer.
4. Vehicles and all other equipment - Returned to the Torrance County Sheriff's Administrator.
5. Handheld radio- Returned to the Torrance County Sheriff's Administrator.
6. All passwords allowing access to Torrance County Sheriff's Offices records shall be cancelled by the Torrance County Sheriff's Administrator



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## INSPECTIONS

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**137.1** The purpose of this directive is to provide general guidelines and responsibilities for conducting regular inspections of personnel, facilities and equipment.

### DISCUSSION

**137.2** Line inspections ensure that employees are acting in concert with the Torrance County Sheriff's Office's requirements in such areas as personal appearance, use and maintenance of equipment and adherence to directives and orders. Additionally, line inspections encompass the status and conditions of physical facilities.

### POLICY

**137.3** It is the policy of the Torrance County Sheriff's Office to conduct frequent inspections of facilities, equipment, personnel and operational guidelines to ensure the proper, effective and efficient operation of the Torrance County Sheriff's Office. These inspections are normally performed by the first line supervisor with a frequency that ranges from daily to annually. However, supervisors at all levels are responsible for conducting inspections.

## INSPECTION OF FACILITIES

**137.4** Facilities will be inspected daily for security, damage and cleanliness.

**137.5** Facilities or equipment that is discovered to be in a state of disrepair shall be reported verbally, or in writing to the Torrance County Sheriff's Office Administrator, who will prepare a work order to effect repairs.

1. This includes minor problems such as burned out bulbs, inoperative locks, and other items that have not been damaged through negligence.

## INSPECTION OF EQUIPMENT AND AGENCY PROPERTY

**137.6** The Torrance County Sheriff and/or Torrance County Sheriff or his/her designee, shall inspect all of his/her unit's stored property at least once per month to ensure that the stored property is maintained in a state of operational readiness which includes care, cleaning and preventive maintenance.

**137.7** A written report (memorandum) shall be submitted to the office of the Torrance County Sheriff whenever damage to agency property is discovered.

## LINE INSPECTIONS

**137.8** Supervisors shall be aware of the condition of their subordinate's uniforms and/or appearance and equipment. Informal inspections will be made daily, during regular briefings to assure that all personnel maintain uniforms and equipment in accordance with Torrance County Sheriff's Office policy and procedure

**137.9** Formal line inspections of all personnel, assigned vehicles, and assigned equipment shall be conducted on a monthly basis. Line inspections include, but are not limited to:

1. Physical inspection of assigned vehicle and all equipment;
2. This inspection shall include verification of mileage and scheduled preventative maintenance.
3. Uniform inspection; and
4. Weapons Inspection.

**137.10** The Torrance County Sheriff and/or Torrance County Undersheriff and/or designee shall personally complete a Personnel/Vehicle Inspection form for each person.

**137.11** The completed forms shall be kept on file in the area office for a period of one (1) year for use in personnel evaluations.

**137.12** All administrative personnel shall be responsible for maintaining their uniforms, equipment, and vehicles in accordance with Torrance County Sheriff's Office Policies and Procedures.

**137.13** Written inspection reports are not required, however, any deficiencies will be addressed immediately, and corrected within three days of noted deficiencies.

**137.14** Repeated infractions or failure to correct deficiencies within the three-day (3) period shall be documented, and non-compliance may be cause for progressive disciplinary action, as outlined in this Policy.

### **SUBSTANDARD INSPECTIONS**

**137.15** Personnel are required to maintain an acceptable rating level in regards to inspections.

**137.16** Torrance County Sheriff's Deputies will be required to correct deficiencies in any category marked unacceptable within three days (3) of the inspection.

**137.17** The Torrance County Sheriff and/or Torrance County Undersheriff and/or designee will reinspect Torrance County Sheriff's Deputies after the three (3) day period to assure compliance.

**137.18** Personnel who repeatedly fail to maintain their uniform, assigned vehicle, or equipment in the required manner are subject to progressive disciplinary action as outlined in the Torrance County Sheriff's Office Directive entitled, "Disciplinary".

**137.19** If Torrance County Sheriff and/or Torrance County Undersheriff and/or designee encounter situations in which equipment or vehicles are found to be in an unsafe condition, the equipment or vehicle will be deadlined and a replacement found.

**137.20** There will be no deviation from this portion of the Directive.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## BOMBS THREATS

EFFECTIVE: 01-14-17

PAGES: 4

### PURPOSE

**138.1** The purpose of this directive is to establish procedures for handling bomb threats and is applicable to all personnel employed by the Torrance County Sheriff's Office.

### DISCUSSION

**138.2** Experience shows that the majority of all bomb threats are hoaxes; however, some threats are real and appropriate action must be taken to prevent the potential for loss of life, injury and property damage.

### INITIAL RESPONSE

**138.3** Torrance County Sheriff's Deputies shall respond to the scene as quickly as possible with due regard for public safety.

**138.4** Arrival at any bomb threat scene must be as low-key as possible to avoid undue panic.

**138.5** When the report is of a device actually located, responding Torrance County Sheriff's Deputies are authorized to use emergency equipment to get to the scene. All emergency and radio transmission will be discontinued at least three (3) blocks from the scene.

**138.6** Responding Torrance County Sheriff's Deputies will assist with the evacuation of the premises. Under no circumstance will Torrance County Sheriff's Deputies go into the premises to view the device.

**138.7** The first Torrance County Sheriff Deputy at the scene will locate and separate the witness who located the suspected device, so that the EOD Technician may interview him/her.

**138.8** The first Torrance County Sheriff Deputy on the scene shall attempt to establish contact with the person who is responsible for control of the premises. All activity shall be coordinated through this individual.

**138.9** The Torrance County Sheriff Deputy shall evaluate the situation, determine if additional help is needed, and contact a supervisor by telephone as soon as practical to relay all details.

**138.10** If the threat was received by telephone and it was recorded, the Torrance County Sheriff Deputy shall take steps to secure the tape as evidence.

**138.11** The person who received the threat is critical to any investigation into the incident. That person must be thoroughly questioned, with emphasis on the information required to complete the Torrance County Sheriff Deputy's report.

**138.12** If Torrance County Sheriff's Deputies encounter a situation in which they are unsure of what action is to be taken, they will notify Torrance County Sheriff and/or Torrance County Undersheriff. The Torrance County Sheriff and/or Torrance County Sheriff will make the decision to call for additional resources such as; NMSP, APD, or BCSO EOD specialty unit.

## EVACUATION

**138.13** Evacuation of any bomb threat area is a decision that will have to be made on the merits of each individual case. The decision to evacuate where no suspect device has been located will rest with the facility manager or his designee. If Torrance County Sheriff's Deputies advice is sought, it shall always be to evacuate.

**138.14** If a device is found, the police will in all cases order immediate evacuation.

**138.15** The order to evacuate shall be passed along by word of mouth if possible and handled in an orderly manner to prevent panic and unnecessary injury.

**138.16** The facility manager shall be consulted regarding possible evacuation routes and, if time permits, those areas shall be searched prior to evacuation.

**138.17** Care must be taken to ensure that all occupants are out of the building and do not re-enter without permission.

**138.18** Evacuees shall be taken a minimum of 300 feet from the scene and directed to seek cover. Other factors to be taken into consideration when determining a safe distance for evacuation include:

1. Proximity to other potentially explosive areas;
2. Location of adjacent/adjoining buildings;
3. Proximity to occupied areas;
4. Scope and magnitude of the threat; and
5. Availability of adequate cover.

**138.19** The responsibility for returning persons to an evacuated area shall lie with the party responsible.

## SEARCHES

**138.20** The facility manager or designee shall be advised to enlist help from his/her employees to discreetly search those areas with which they are most familiar with.

**138.21** Torrance County Sheriff's Deputies on the scene should advise the facility manager that enlistment of employees to conduct the search should be from volunteers and that the possibility exist of serious injury or death exist should a detonation occur during their search.

**138.22** All search personnel should be instructed to look for anything that is unfamiliar or out of place in a given area and **NOT TOUCH OR DISTURB** any suspicious or unfamiliar packages or containers.

**138.23** Search personnel should also be advised not to turn lights on/off while in the building and to carry a flashlight to search dark areas or rooms.

**138.24** On-scene Torrance County Sheriff's Deputies may assist in the search, but their search will be limited to public areas, such as rest rooms, stairways and exterior of the building.

**138.25** An interior search shall be conducted in an organized manner, starting with areas accessible to the public.

**138.26** An exterior search of the facility shall be conducted, paying particular attention to the base of the building and any areas open to the public.

**138.27** Upon completing a search where no suspect device is located, a follow-up search can be made, utilizing different personnel if manpower and time allows.

**138.28** If a detonation time has been given, all persons assigned to the search shall evacuate the area at least one-half hour prior to detonation time given. They shall wait one-half hour after detonation time to re-enter facility.

**138.29** After a thorough search, if no bomb or suspected bomb is discovered, the person in charge of the facility will be informed that "No bomb was found."

**138.30** Under no circumstances shall any member of the Torrance County Sheriff's Office issue an "ALL CLEAR" statement or authorize any person to return to a site that has been evacuated, other than at any police building. That decision rests with the facility manager or their designee.

**138.31** Due to the possibility of booby traps and lack of training in this area, field Torrance County Sheriff's Deputies will not search vehicles for explosive devices. The aid of an EOD technician should be enlisted for this search.

#### **SUSPECTED DEVICE IS LOCATED DURING SEARCH**

**138.32** Do not touch, move or attempt to remove the device.

**138.33** Order an immediate evacuation following the guidelines established in this Directive and secure the scene.

**138.34** Make contact with the Torrance County Regional Dispatch Center by phone and relay pertinent information.

**138.35** Request the Torrance County Sheriff and/or Torrance County Undersheriff to respond to the scene.

**138.36** Request additional police and fire personnel, if needed.

**138.37** If the device is found by a citizen, attempt to ascertain if it has been moved or touched.

**138.38** If time allows, make note of the following:

1. Location of the device.
2. Size.
3. Color.
4. Exposed wires or foil.
5. Oily or greasy stain or residue.
6. Burned marks or areas.
7. Return address if received by mail.

**138.39** When a device is located, it shall be the responsibility of the specialty unit involved to debrief the Torrance County Sheriff and/or Torrance County Undersheriff, following the incident.

#### **POST-EXPLOSION PROCEDURES**

**138.40** If an explosion occurs prior to or after the arrival, it is imperative that Torrance County Sheriff's Deputies on the scene work in unison with other emergency response personnel to stabilize the situation as soon as possible.

**138.41** Seal off the area to prevent any further damage and to minimize contamination of the crime scene.

**138.42** Assume that there may be a secondary device which could be detonated. If time allows and no one's life is in imminent danger, wait a EOD Unit to arrive and conduct investigation.



## EXPLOSIVES IN GENERAL

**138.43** Explosives in general, such as, but not limited to old military ordnance, blasting materials, chemicals (liquid or powder), dynamite (discarded or stored), will be handled in the following manner:

1. The Torrance County Sheriff is only to verify the possibility that the substance is a possible explosive, he/she must **NOT TOUCH IT**. Moving or touching could cause detonation.
2. The Torrance County Sheriff Deputy in charge is to contact the Torrance County Sheriff and/or Torrance County Undersheriff and the civilian in charge, whereupon, a determination will be made if immediate emergency transportation of the substance is warranted. In any case, a EOD Technician is to be notified, if possible by the Torrance County Sheriff and/or Torrance County Undersheriff, of the circumstances and action to be taken before such action is taken.
3. If at all possible, never carry or transport any explosives.

**138.44** Under no circumstances are explosives to be stored by police or civilian personnel in the evidence room, vehicles, lockers, closets, etc..



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## INTERNAL AFFAIRS

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**139.1** In recognition of the need to maintain Torrance County Sheriff's Official integrity, Internal Affairs is created and charged with the responsibility of impartially and objectively investigating all allegations of malfeasance, non-feasance, and misfeasance brought against any member of this Torrance County Sheriff's Office.

### DISCUSSION

**139.3** A system to review and investigate complaints and allegations is essential to establish and maintain the confidence of the citizens of Torrance County, in order to protect the integrity/rights of the Torrance County Sheriff and to protect the public from police misconduct

### POLICY

**139.4** It is the policy of the Torrance County Sheriff's Office to maintain internal discipline, open lines of communication with the general public, and encourage citizens to freely express concerns or complaints of misconduct, malfeasance, or other inappropriate conduct by members of the Torrance County Sheriff's Office. All members of the Torrance County Sheriff's Office are responsible for ensuring Torrance County Sheriff's Office integrity and assisting in the expeditious response to citizen complaints in a fair and impartial manner.

### PROCEDURE ORGANIZATION & STAFFING

**139.5** The Internal Affairs will be operated by Torrance County Undersheriff and/or his designee who report directly to the Torrance County Sheriff

### RESPONSIBILITIES & DUTIES

**139.6** Internal Affairs will be responsible for performing the following duties in accordance with Torrance County Sheriff's Office policies and all applicable laws:

**139.7** Recording, Investigating, registering, controlling, and adjudicating all alleged or suspected misconduct complaints against the agency and its employees;

**139.8** Supervising and controlling the investigation of alleged or suspected misconduct within the Torrance County Sheriff's Office;

**139.9** Overseeing the investigation of complaints into violations of Torrance County Sheriff's Office policy assigned to personnel outside of the Internal Affairs

**139.10** Maintaining the confidentiality and security of the Internal Affairs Investigations;

**139.11** Maintaining all records pertaining to internal investigations in a secure area.

**139.12** Take all proper precautions to ensure the security of these records. These records shall be stored separate and apart from personnel records

**139.13** Administering, maintaining and investigating civil actions brought against the Torrance County Sheriff's Office;

### AUTHORITY

**139.14** The Internal Affairs have the authority to investigate all complaints/allegations of misconduct brought to their attention from any

source. Misconduct is an act or omission by an employee which if proven would normally result in some form of employee discipline or remediation. This includes:

1. Violation of Torrance County Sheriff's Office policies and procedures;
2. Dereliction of duty;
3. Conduct which may tend to reflect unfavorably upon the employee and/or Torrance County Sheriff's Office;
4. Breach of Civil Rights;
5. Commission of a criminal act

**139.15** The most severe sanction, which may arise out of an Internal Affairs Investigation/administrative investigation, is termination.

**139.16** Investigations will be addressed as follows:

1. Employees under investigation will be advised in writing of the investigation and the nature of the allegation.
2. Employees under investigation are required to answer all questions truthfully, even if the answers may result in Torrance County Sheriff's Official sanctions. Failure to answer questions truthfully will result in disciplinary action, including termination. The Torrance County Sheriff's Deputy's compelled statement shall be used only for administrative purposes.
3. An employee may not claim a 5th amendment privilege to avoid self-incrimination during an administrative investigation as the employee's compelled statement may not be used, under any circumstances, for the criminal prosecution of that employee.

#### **CONCURRENT INVESTIGATIONS**

**139.17** In situations requiring that an incident be investigated both administratively and criminally, the administrative portion of the incident will be investigated internally and the criminal allegations will be investigated by an outside law enforcement agency.

**139.18** The designated Torrance County Sheriff's Office Investigator will liaison with the District Attorney's Office or outside law enforcement agency if a Torrance County Sheriff's Office employee is also under criminal investigation.

**139.19** The Torrance County Sheriff's Office Investigator will be responsible for the administrative investigation only.

**139.20** Absolutely no investigative findings may be provided to the agency or person investigating alleged criminal activity by the Internal Affairs Torrance County Sheriff's Office Investigator, nor will any contact(s) be made by both a criminal investigator and administrative investigator at the same time.

#### **INVESTIGATION**

**139.21** Complaints will be classified as one of two categories:

1. Internal Affairs Investigation
2. Operational Complaint

#### **INTERNAL AFFAIRS INVESTIGATIONS**

**139.22** Complaints or allegations of employee misconduct which fall within one of the following areas may be classified as Internal Affairs Investigations:

1. Unnecessary or excessive use of force
2. Discrimination/Biased-Based Profiling
3. Violations of Torrance County Sheriff's Office policies and procedures
4. Breach of civil rights
5. Commission of a criminal act.

#### **OPERATIONAL COMPLAINTS**

**139.23** Complaints of poor employee performance, attitude, or demeanor, or enforcement of Torrance County Sheriff's Office policies or of laws believed by the complainant as unfairly or inequitably applied, may be classified as operational complaints.

**139.24** Operational Complaints may be referred to the Torrance County Undersheriff for investigation.

**139.25** All complaints will be logged on the Internal Affairs case assignment log, and reported to the Torrance County Sheriff, via memorandum, within one day of their receipt.

**139.26** All investigations shall afford Torrance County Sheriff's Deputies their rights.

**139.27** A disagreement simply over the validity of a traffic/vehicle code citation is not grounds for the initiation of an administrative investigation. The complaining person should be advised that this is a matter for adjudication by the proper court system

#### **AUTHORITY TO DISCIPLINE**

**139.28** The Torrance County Undersheriff or his/her designee have the authority to administer corrective action in the form of verbal counseling and letter of counseling.

**139.29** In addition, The Torrance County Undersheriff or his/her designee have the authority to recommend written reprimands, suspensions, demotions, and terminations.

**139.30** Disciplinary action recommendations shall be submitted on a memo to the Torrance County Sheriff or his/her designee. The Torrance County Sheriff or designee is authorized to impose additional disciplinary action or to reduce the recommended disciplinary action as prescribed.

**139.31** Emergency temporary relief of duty against a subordinate may be imposed only in situations where the subordinate member is physically or mentally unable to perform his/her duties and/or the employee is alleged to have committed severe infractions of the Torrance County Sheriff's Office's policies and procedures.

**139.32** If an emergency temporary relief of duty is imposed, the employee and the Torrance County Undersheriff will report to the Torrance

County Sheriff's Office no later than 9:00 AM on the next working day.

**139.33** The Torrance County Sheriff must approve an emergency temporary relief of duty that will extend beyond one (1) workday.

#### **DUTY STATUS DURING INVESTIGATION**

**139.34** The Torrance County Sheriff, in the best interest of the Torrance County Sheriff's Office, may elect to take any of the following actions concerning an employee's duty status during an Internal Affairs investigation:

1. Continue the employee on duty as assigned.
2. Continue the employee on duty in another assignment.
3. Impose administrative leave with pay upon an employee pending the results of the investigation and/or subsequent Torrance County Sheriff's Office.
4. Impose administrative leave without pay based on the severity of the alleged violation.

#### **EMPLOYEE RIGHTS**

**139.35** All Internal Affairs investigations shall be conducted fairly and impartially and in compliance with the New Mexico State Peace Officer Employer-Employee Relations Act. The Act affords certain rights to employees who are under investigation by his/her employer for alleged actions, which could result in administrative action. The requirements for the investigation of an employee are as follows:

1. Any interrogation of an employee shall be conducted when the employee is on duty or during his/her normal working hours, unless the urgency of the investigation requires otherwise.
2. Any interrogation of an employee shall be conducted at the employer's facility, unless the urgency of the investigation requires otherwise.
3. Prior to commencement of any interrogation session:

- a. An employee shall be notified in writing of the nature of the allegations and employees rights and responsibilities relative to the investigation;
- b. An employee shall be informed of the name and rank of the person in charge of the interrogation and all other persons who will be present during the interrogation;
- c. The names of all known complaints shall be disclosed to the employee unless the Torrance County Sheriff who determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation; and
- d. A reasonable attempt shall be made to notify the employee's commanding Torrance County Sheriff's Deputy or supervisor of the pending interrogation.

**139.36** During any interrogation session, the following requirements shall be adhered to:

- a. Each interrogation session shall not exceed two (2) hours unless the parties mutually consent to continuation of the session;
- b. There shall not be more than two (2) interrogation sessions within a twenty-four hour period, unless the parties mutually consent to additional sessions, provided that there shall be at least a one-hour rest period between the sessions;
- c. The combined duration of an employee's work shift and any interrogation session shall not exceed fourteen hours within a twenty-four hour period, unless the urgency of the investigation requires otherwise;
- d. There shall not be more than two (2) interrogators at any given time;

- e. An employee shall be allowed to attend to physical necessities as they occur in the course of an interrogation session; and
- f. An employee shall not be subjected to offensive language or illegal coercion by his interrogator in the course of an interrogation session.

**139.37** Any interrogation of an employee shall be recorded, either mechanically or by a stenographer, and the complete interrogation shall be published as a transcript. Any recesses called during the interrogation shall be noted in the transcript.

**139.38** An accurate copy of the transcript or tape shall be provided to the employee, upon his written request, no later than fifteen working days after the investigation has been completed.

**139.40** After reviewing all the information collected in the course of an investigation of an employee, the Torrance County Sheriff may order the employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:

- 1. All other reasonable investigative means have been exhausted; and
- 2. The employee has been advised of the administrator's reasons for ordering the polygraph examination.

**139.41** When any employee is under investigation for an administrative matter, the employee shall be permitted to produce any relevant documents, witnesses, or other evidence to support his case and he may cross-examine any adverse witnesses during any grievance process or appeal involving disciplinary action.

**139.41** If a Torrance County Sheriff's Deputy is being questioned as a "witness" during an investigation and it is subsequently discovered by the internal affairs investigator that the Torrance County Sheriff's Deputy may have violated police policy, before the violation is sustained by the Torrance County Sheriff, a letter will be written to the Torrance County Sheriff's Deputy giving him/her the opportunity to provide the Torrance County Sheriff's Office with additional information and an explanation

before a violation is sustained by the Torrance County Sheriff.

**139.42** Upon receiving a complaint, the investigator shall notify the complainant that the complaint has been received and shall document the notification.

**139.43** Upon conclusion of the investigation, both the complainant and the employee shall receive, in writing, the conclusion of fact and the disposition of the allegation.

**139.44** The finding for each allegation shall be classified as one of the following:

1. **Sustained** - The allegation is supported by sufficient proof.
2. **Not Sustained** - The evidence is insufficient to prove or disprove an allegation.
3. **Unfounded** - There is no basis for the complaint. Not founded in fact or truth.
4. **Exonerated** - Conduct was proper, cleared of all allegations

#### GARRITY WARNING

1. The purpose of this questioning is to obtain information, which will assist in the determination of whether administrative disciplinary action is warranted.
2. I am not questioning you for the purpose of instituting criminal proceedings against you.
3. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct in this matter, neither your self-incriminating statements, nor the fruits thereof, will be used against you in any criminal proceeding.
4. I am ordering you to answer the questions that I direct to you concerning this matter.

5. If you refuse to answer my questions, you will be subject to immediate dismissal.

#### INTERNAL COMPLAINTS

**139.45** In the event a Torrance County Sheriff's Deputy files a complaint against another Torrance County Sheriff's Deputy, the Torrance County Sheriff's Deputies shall try to resolve the issues in a professional manner. If not, the following steps must be followed:

1. A written detailed memorandum with the Department head and it must be signed.
2. Submission to the Torrance County Sheriff and Torrance County Undersheriff

**139.46** In the event life or public trust is in jeopardy, immediately report to the Torrance County Sheriff and Torrance County Undersheriff.

1. A detailed Memorandum must be completed within twenty four (24) hours.

#### MISCELLANEOUS

**139.47** At the discretion of the Torrance County Sheriff, he/she can assigned any person to collect and review any evidence regarding a complaint against a Torrance County Sheriff's Office Employee.



APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## ROADBLOCK AND CHECKPOINTS

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**140.1** The purpose of this directive is to establish guidelines regarding the use of roadblocks and checkpoints by Torrance County Sheriff's Office.

### DISCUSSION

**140.2** There are circumstances that may necessitate the use of roadblocks or checkpoints, including but not limited to the following types:

1. Fleeing Felon
  - a. Routing a fleeing felon away from densely populated areas;
2. Containment/Isolation
  - a. Containing or isolating of crime scenes, civil disorders or riots;
3. Traffic Emergency/Planned Events
  - a. Limiting or stopping of traffic during emergency/non-emergency situations,
4. D.U.I.
  - a. Determining if motorists are under the influence of alcoholic beverages or narcotics.

## POLICY

### ROADBLOCKS

**140.3** Roadblocks shall not be used when the hazards or risks to the general public exceed the benefits of the roadblock.

#### **140.4** Fleeing Felon

1. The extreme danger inherent in the use of roadblocks (obstruction of the roadway or portion thereof) mandates that they should be used only after lesser means of traffic control have failed or have been determined to be ineffective.
2. The Torrance County Sheriff and/or Torrance County Undersheriff have the authority to authorize the use of a stationary roadblock:
3. To route a fleeing felon away from densely populated areas. For the purpose of this section, the person pursued must have committed an act in which the use of deadly force would have been justified at the time the decision to pursue is made.
4. The roadblock shall be established. An escape route for law enforcement officers, the suspect and the public will be provided.
5. The roadblock shall be immediately discontinued upon accomplishing its goal or if the risks involved are outweighed by public safety.
6. The Torrance County Sheriff and/or Torrance County Undersheriff shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.



## CONTAINMENT/ISOLATION

**140.5** When necessary to preserve crime scenes, in emergency situations, or in the event of road obstructions, fires, riots, civil disorders, to limit or stop traffic.

## TRAFFIC EMERGENCY/PLANNED EVENTS

**140.6** In non-emergency situations such as parades, sporting events, and other planned events involving large gatherings of people or traffic, to limit or stop traffic flow.

**140.7.** Personnel and equipment necessary shall be assembled.

**140.8** All involved personnel shall be briefed on the purpose of the roadblock, limitations imposed and specific duties to be performed.

**140.9** The Torrance County Sheriff and/or Torrance County Undersheriff shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.

**140.10** The Torrance County Sheriff and/or Torrance County Undersheriff and the Torrance County Regional Dispatch Center shall be advised at the time the roadblock is discontinued.

## CHECKPOINTS

**140.11** Driving Under the Influence (DUI) checkpoints will normally be the responsibility of the Torrance County Sheriff and/or Torrance County Undersheriff. The Torrance County Sheriff and/or Torrance County Undersheriff will insure that all uniform procedures are followed as required by New Mexico Case Law (Betancourt vs. Las Cruces).

**140.12** The location will be published to the public prior to the checkpoint.

**140.13** The Torrance County Sheriff and/or Torrance County Undersheriff shall insure placement of:

1. Signs informing the public of the reason for the checkpoint;
2. Cones and/or flares, as needed;
3. Barricades and other safety devices required.

**140.14** A report will be prepared upon completion to include:

1. The name and rank of all personnel involved;
2. The number of citations issued, categorized, i.e.; number of DL, equipment, registration violations and arrests;
3. The sequence or method used for vehicle selection.

**140.15** Only uniformed personnel will conduct traffic checkpoints.

**140.16** All personnel involved will be briefed by the Torrance County Sheriff and/or Torrance County Undersheriff, to include but not limited to:

1. The purpose of the checkpoint;
2. Safety precautions;
3. Assignments;
4. The planned vehicle stop sequence (the order in which vehicles will be stopped);
5. The manner and procedure to be used when contact is made with the public.

**140.17** The Torrance County Sheriff and/or Torrance County Undersheriff shall organize and correlate the availability of personnel and equipment, to provide for;

1. The safety of the public;
2. Transportation of arrested persons;
3. The towing of vehicles;
4. The collection of evidence;
5. Breath testing operations;
6. Other personnel and equipment as required.

**140.17** The Torrance County Sheriff and/or Torrance County Undersheriff may temporarily discontinue operations in order to facilitate the safe flow of traffic.

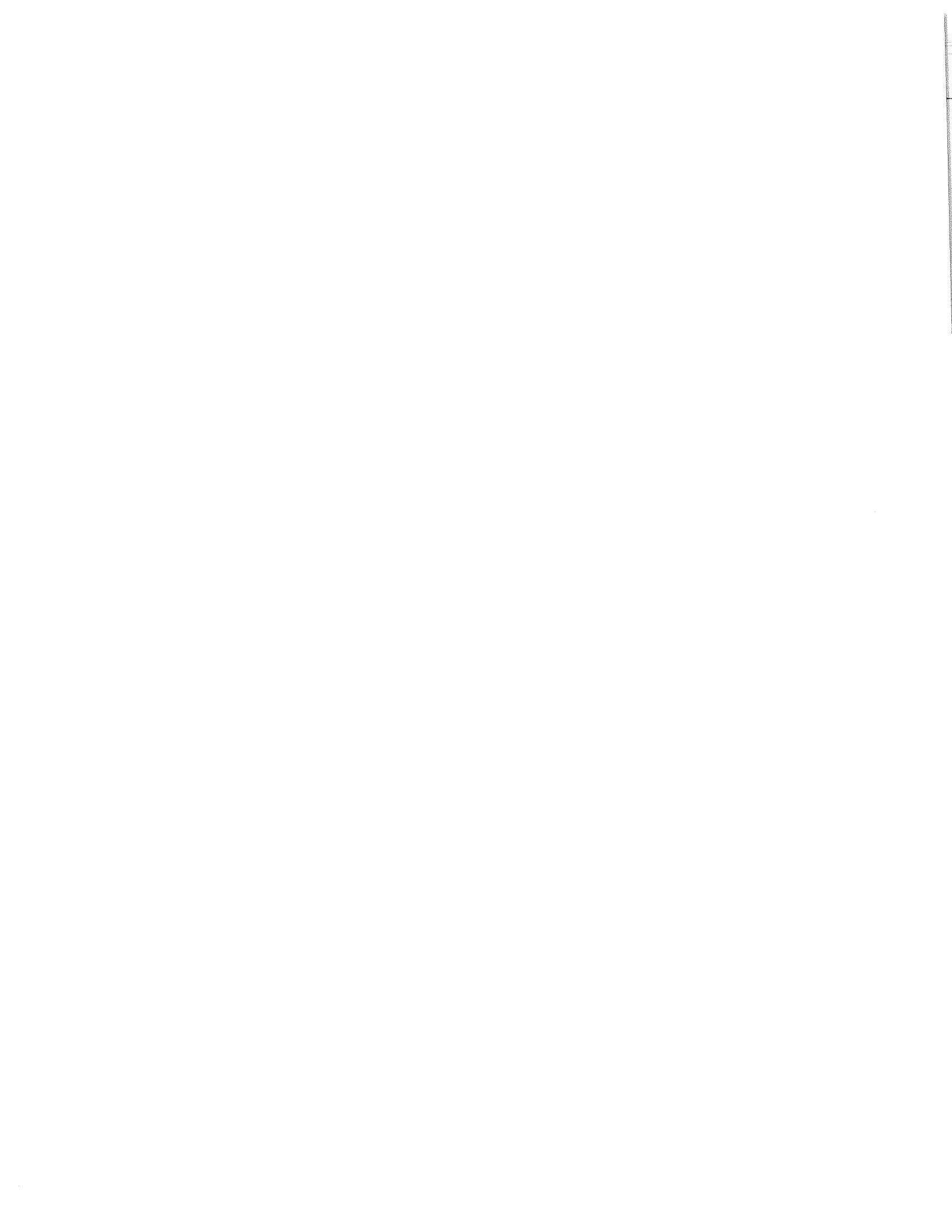
**140.18** Officers will:

1. Identify themselves and inform the operator of the reason for the stop;
2. Adhere to the stopping sequence, unless an enforceable violation occurs;
3. Be observant for signs of criminal activity;
4. Conduct investigations at the designated location;
5. Wear a reflective vest while controlling traffic.



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APPROVED BY:  
Sheriff Heath White



# **TORRANCE COUNTY SHERIFF'S OFFICE**

## **COURT APPEARANCE**

**EFFECTIVE: 01-14-17**

**PAGES: 3**

### **PURPOSE**

**141.1** The purpose of this directive is to establish guidelines and to encourage, promote and maintain cooperation between the Torrance County Sheriff's Office and the various Civil and Criminal Justice Agencies with which the Torrance County Sheriff's Office deals.

### **DISCUSSION**

**141.2** Effective interagency cooperation, coordination and planning are indispensable assets which result in a competent and effective service to the public.

### **POLICY**

**141.3** It is the policy of the Torrance County Sheriff's Office to ensure that personnel appear for court and motor vehicle hearings.

### **PROCEDURE NOTIFICATION TO COURTS OF VACATION AND COMPENSATORY TIME**

**141.4** Personnel who have cases pending in Federal, District or Magistrate will notify the Torrance County District Attorneys Office of their intent to take vacation leave

**141.5** This requirement does not apply when personnel take four (4) days' vacation or compensatory time or less, on short notice. It also does not apply if the officer is on approved emergency leave. In these cases, personnel are not relieved of their responsibility to appear in court when properly notified.

**141.6** In cases of emergency leave concerning illness, death in the family, etc., Torrance County Sheriff's Administrator will advise the court and make a request for either a delay in proceedings, re-scheduling of the mandated appearance, or other such arrangements. Every consideration shall be given the affected employee during this time.

**141.7** Torrance County Sheriff's Administrator will make every effort to assist the affected personnel in scheduling difficulties on a case-by-case basis.

**141.8** When personnel days off are changed, they will contact Torrance County Sheriff's Administrator to obtain a new court or hearing date, when possible. Torrance County Sheriff's Administrator will assist the officer in seeking to have the previously scheduled court case reset.

### **COURT AND MOTOR VEHICLE DIVISION HEARING ATTENDANCE**

**141.9** All personnel directed to appear in court must appear and be prepared to testify. A special court notice or a subpoena is considered as an instruction to appear. Criminal case subpoenas shall be honored regardless of whether they are requested by the prosecution or defense attorneys.

**141.10** Notices of Motor Vehicle Division (M.V.D.) hearings fall within the definition of court notices and will be treated as such.

**141.11** When personnel receive special court notices, subpoenas, or M.V.D. hearing notices requiring simultaneous appearances, the higher court notice shall take precedence between courts, and courts shall take precedence over M.V.D. Hearings. Personnel shall notify the lower court of the second subpoena and shall attend the court of higher jurisdiction. Torrance County Sheriff's Administrator will also be notified and a copy of the subpoena or court order will be presented to him/her, or directly to the court. If it is given directly to the court, the liaison officer must still be notified.

**141.12** When personnel are scheduled for court or M.V.D. hearings and are unable to appear because of unforeseen conditions, they shall notify the court at the earliest possible time, prior to the scheduled appearance

**141.13** In the event that the defendant is represented by counsel, both defense and prosecuting attorneys must be notified and agree to the rescheduling of the hearing..

**141.14** District Court or Grand Jury notifications can be made by contacting the Assistant District Attorney named on the subpoena and/or Torrance County Sheriff's Administrator, Monday thru Friday, 0800 to 1700 hours.

**141.15** Federal Court notification can be made by contacting the United States Attorney's Office in Albuquerque, New Mexico, Monday thru Friday, 0800 to 1700 hours.

**141.16** When personnel miss any court session or M.V.D. hearing for which notice was given, the Torrance County Sheriff and/or Torrance County Undersheriff shall initiate the following disciplinary action. Absent any mitigating circumstances, the following sanctions shall be imposed:

1. A Letter of Reprimand for the first incident in a consecutive twelve (12) month period.
2. A one (1) day suspension without pay for the second incident in a consecutive twelve (12) month period.

3. A suspension without pay for three (3) to ten (10) days for the third and subsequent incidents within a consecutive twelve (12) month period.

### **COURTROOM ATTIRE**

**141.17** Male Torrance County Sheriff's Deputies, not in uniform, who appear or testify in any court, shall be attired in, dress suit or sport coat, slacks, and a tie.

**141.18** Female Torrance County Sheriff's Deputies, not in uniform, shall be attired in, pantsuits, dress suits, dresses, dress pants, or skirt and blouse.

**141.19** Dress shoes or dress boots shall be worn by both male and female Torrance County Sheriff's Deputies. Weapons are not to be in sight while in civilian clothes. If Torrance County Sheriff's Deputies are called to court on short notice, they may wear working attire.

**141.20** Denim blue jeans, T-shirts, tennis shoes, hats, and other such improper attire will not be permissible while at court proceedings.

**141.21** Torrance County Sheriff's Deputies shall have the option of wearing their uniform when attending court, whether on or off duty such as the black Torrance County Sheriff's Office polo, BDU pants, and desert tan or black boots

### **COURTROOM DEMEANOR**

**141.22** When notified by subpoena (or notice is given in writing/by telephone), of a court appearance, pretrial conferences, or meetings with defense attorneys, personnel will be punctual, have the case properly prepared, and the evidence is to be suitably arranged for presentation.

**141.23** Personnel shall show the utmost attention and respect for the court. When giving testimony, they shall speak calmly and in a clear and audible tone. Personnel shall testify truthfully, confining their testimony to the case before the court, and not offering their opinions unless asked for during testimony.

## CONFERRING WITH ATTORNEYS

**141.24** Torrance County Sheriff's Deputies shall cooperate with private attorneys on civil cases

**141.25** At no time will any employee consult with, meet, or otherwise discuss any case with anyone outside of the Torrance County Sheriff's Office, whether pending or otherwise, without prior consultation with the District Attorney.

**141.26** No records, files, reports or other written documentation shall ever be turned over to anyone not authorized to review them without consultation with the District Attorney. There will be no deviation from this directive, and failure to comply will result in disciplinary action against the employee(s).

**141.27** Torrance County Sheriff's Deputies will meet with defense attorneys when requested to do so. Torrance County Sheriff's Deputies should not meet with a defense attorney however, unless the assigned Assistant District Attorney has been briefed on the intended meeting and has been given the option of attending.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## UNIFORMS

EFFECTIVE: 01-14-17

PAGES: 6

### PURPOSE

**142..1** The purpose of this directive is to delineate the Torrance County Sheriff's Office's initial clothing and equipment issue and to establish a standard of appearance and apparel for Torrance County Sheriff's Office employees.

### DISCUSSION

**142..2** Torrance County Sheriff's Office employees perform a diversity of functions which entail the use of a variety of civilian clothing, uniforms and equipment. The issuance, condition and appearance of personnel, uniforms and equipment influence the perception of the public and the performance of duties.

### POLICY

**142..3** It shall be the policy of the Torrance County Sheriff's Office to issue uniforms and equipment as required for employees to accomplish assigned functions and to allow for the care and maintenance of equipment and uniforms. It shall further be the policy of the Torrance County Sheriff's Office that employees present a neat, clean and orderly appearance.

## INITIAL EQUIPMENT ISSUE

**142..4** Most of the equipment that each employee initially receives will be issued by the Torrance County Sheriff's Administrator. Some specialized equipment not normally stocked by the Torrance County Sheriff's Administrator will be purchased directly from suppliers.

## BASIC POLICE OFFICER TRAINING

**142..5** Torrance County Sheriff's Deputies scheduled to attend the Basic Police Officer Training course will be issued the required uniforms and equipment in accordance with Law Enforcement Academy rules and regulations.

## ASSIGNMENT TO FIELD TRAINING PROGRAM

**142..6** Prior to assignment to the Field Training Program, Torrance County Sheriff's Deputies will be issued sufficient uniforms and equipment to successfully carry out their duties.

## OPERATIONS DIVISION UNIFORMED PATROL UNIFORM SHIRTS

**142..7** Long and Short shall be 5.11 tactical polo or comparable with the Torrance County Sheriff's Office Badge embroidered onto the left breast. On the right breast, should be Deputy first initial and last name.

**142..8** Both long and short sleeve shirts can be worn year round at the discretion of the Torrance County Sheriff's Deputy.

**142..9** Personnel are authorized to wear undershirts and thermals under the uniform shirt. If the undershirt is visible at the neckline, it must be plain black and in good condition. Sleeves shall not protrude from underneath the uniform short sleeve shirt.



**142..10** Turtle neck and mock turtleneck shirts black may be worn during the winter months.

**142..11** Sleeves will not be rolled up or turned under on any uniform shirt.

### **UNIFORM TROUSERS**

**142..12** Uniform trousers will be 5.11 khaki with rear pockets. The trousers will have at least two side pockets on the lower leg (Cargo), and belt loops large enough to fit standard Sam Browne inner belts.

### **UNIFORM COAT/JACKET**

**142.13** Trooper coats will be black in color, with a nylon outer shell and removable pile collar. The parka hood should be optional and the jacket should have an appropriately colored quilted liner.

**142.14** The following coats/jackets are also authorized for wear:

1. Leather jacket - Police style only, black in color;
2. Windbreaker - black (lined or unlined);
3. Medium weight bomber jacket - black;
4. Down or poly-filled jacket - black in color.

### **FOOTWEAR**

**142.15** Shoes will be police issue oxford style with a rounded toe and shall be black in color.

**142.16** Patrol boots will be police issue, black in color, with no design, and have a plain toe.

**142.17** During inclement or extreme weather, uniformed personnel will be authorized to wear insulated/waterproof footwear and/or galoshes as long as the

items are black in color. Soles on these boots shall be of a type to prevent falls or puncture wounds.

**142.18** A medical excuse signed and issued by a licensed qualified physician or a podiatrist will be required for exemption from wearing the aforementioned foot gear noting the medical reason(s) which would preclude use of the approved items. The appearance of any medically prescribed footwear must conform to Torrance County Sheriff's Office approved footwear in construction and color.

### **GLOVES**

**142.19** Gloves will be black leather, lined or unlined, and full fingered. White cotton gloves may be required for special occasions, such as funerals or escorts.

**142.20** Gloves shall not be worn with the short sleeved uniform shirt unless the Torrance County Sheriff's Deputy is handling unconscious, intoxicated or other individuals that may present a possible health hazard. In these situations, latex, medical gloves are recommended.

### **RAINCOATS**

**142.21** Raincoats may be yellow or black; slicker or trench coat style.

**142.22** Coveralls may be approved for wear on a case by case basis and when approved should be either navy blue, black or tan in color depending on the assignment.

**142.23** Reflective safety vests shall be worn by personnel when directing or controlling traffic, unless there are emergency or exigent circumstances which would preclude use of the vests.

## PROTECTIVE/BALLISTIC VESTS

**142.24** Protective/ballistic body armor will be Torrance County Sheriff's Official issue and shall be worn by all, on duty, uniformed field personnel.

**142.25** Sworn personnel assigned to permanent or temporary administrative duties, either in uniform or in plain clothes, are exempt from having to wear body armor while on duty. Administrative personnel temporarily assigned to uniformed field duty for any reason, must wear body armor.

**142.26** Plainclothes Torrance County Sheriff's Deputies and detectives will be required to wear body armor under the following conditions:

1. When conducting surveillance;
2. When responding to high-risk calls for service;
3. When high risk arrests or warrants are executed;
4. When directed to do so by The Torrance County Sheriff and/or Torrance County Undersheriff

## HEADGEAR

**142.36** Torrance County Sheriff Deputies are authorized to wear baseball caps while in duty uniform. The authorized baseball cap shall be black in color, plain with no visible logos or with the Torrance County Sheriff's Office logo.

## TIES

**142.37** The uniform tie will be black in color with a four-in-hand style knot. Female Torrance County Sheriff's Deputies may substitute a crossed tie which will be navy blue in color. For safety purposes, ties should be clip on, or in the case of the crossed tie, attached with Velcro.

**142.38** A tie bar or tie tack will be when a tie is being worn with Class A uniform.

## OPERATIONS DIVISION PLAIN CLOTHES PERSONNEL

**142.39** All commissioned Torrance County Sheriff's Deputies working in plain clothes will dress appropriately for the job and follow the following guidelines:

1. Plain clothes Torrance County Sheriff's Deputies will be in court attire with exception for special duty, undercover and other special assignments, or at the discretion of Torrance County Sheriff and/or Torrance County Undersheriff;
2. Unless the Torrance County Sheriff's Deputy is called directly from the field to testify in court or other such hearing, he/she will appear in proper attire.

**142.40** Denim clothing is approved for regular duty wear by plain clothes Torrance County Sheriff's Deputies **ONLY** if the items meet the following standards:

1. The items must be a solid color;
2. They must be clean, pressed and free from fading, tearing, fraying, spotting, patches, holes, or any visible sign of wear;
3. They must be dress style denim;

**142.41** Ice washed, acid washed and tie-dyed denims are strictly prohibited.

**142.42** When wearing plain clothes on duty or acting in the Torrance County Sheriff's Office's behalf, employees (both sworn and non-sworn) will be required to adhere to hairstyle guidelines prescribed for uniformed employees.

### 1. EXCEPTIONS:

- a. Plain-clothes personnel shall be allowed to wear neatly trimmed goatees.
- b. Other exceptions are permitted, at the discretion of the Torrance County Sheriff and/or Torrance County Undersheriff, only while the employee is on active

undercover or vice control assignment.

### UNIFORM WEAR

**142.43** Torrance County Sheriff's Deputies shall wear the uniforms and insignia commensurate with their rank and position.

**142.44** All employees required to wear a uniform will insure they have a sufficient number of uniforms and maintain them in a neat, clean, and serviceable condition.

**142.45** No mixture of civilian clothing with the official uniform shall be permitted on duty or off, with the following exceptions:

1. Plain-clothes Torrance County Sheriff's Deputies may wear Torrance County Sheriff's Office caps, jackets or other special purpose clothing during raids or special operations.
2. Torrance County Sheriff's Deputies using a police vehicle off-duty shall carry an outer garment, which will identify them as a member of the Torrance County Sheriff's Office if called on in an emergency and/or assignment.
3. During training or range exercises.

**142.46** All Torrance County Sheriff's Deputies are accountable for their appearance and assure they have a prescribed uniform and the equipment while on duty.

### CLOTH BADGE PATCH

**142.47** All personnel may wear a colored embroidered replica of the Torrance County Sheriff's Office breast badge on outer garments. This badge will also be worn on the approved polo shirt.

### LEATHER GEAR

**142.48** Equipment belt will be black leather, two inches in width, with basket weave design. Brass buckle or Velcro closures are both acceptable.

1. Leather belts shall be worn with class A uniform.
2. The mixing of leather and nylon components on one belt is not authorized.

**142.49** Holster will be a high rise thumb break or border patrol style, with black basket weave design. Level II and III security are permitted. Any other type of holster is prohibited.

1. Holsters for privately owned weapons utilized or back up and off-duty use will be basket weave. Purchase of the holster will be the Torrance County Sheriff's Deputies' responsibility.

**142.50** Handcuff case will be black basket weave. The cover of the case may secure with either a concealed snap or a Velcro fastener. Any other type is prohibited.

**142.51** Ammunition carriers will be either stacked or side-by-side magazine design, basket weave.

**142.52** The expandable baton holster will be black basket weave leather.

**142.52** Belt keepers will be one-inch-wide with concealed snaps or have a black, basket weave design.

**142.53** Privately owned leather or nylon gear that is used on-duty must meet the same requirements as the Torrance County Sheriff's Office issued equipment.

## BADGES

**142.54** Torrance County Sheriff's Deputies have the option to wear a gold circle badge with gold panels and the word "Torrance County Sheriff's Deputy" indicated on the face.

**142.55** Torrance County Sheriff Deputies will have by minimum an embroidered badge on their approved polos.

**142.56** Detectives will to wear a gold circle badge with gold panels and the word "Torrance County Sheriff's Detective" indicated on the face.

## TROUSERS

**142.57** The trousers will be black dress pants for both male and female commissioned personnel.

## DRESS UNIFORM SHIRT

**142.58** The dress uniform shirt will be a long sleeve black dress shirt and shall display Torrance County Sheriff's Office patches on both sleeves.

## TIES

**142.59** A black, four-in-hand knot style tie will be worn at all times with the dress uniform shirt. Female personnel may substitute a crossed tie which will be black blue in color.

## APPEARANCE AND GROOMING

**142.60** Torrance County Sheriff's Deputies shall keep their hair neat in appearance. The hair shall be kept so as not to extend below the top of the ears, extend below the top of the uniform collar or bush out excessively when the uniform hat or cap is worn.

**142.51** In no case shall the bulk or length of hair interfere with authorized headgear when worn.

**142.52** Hair that is dyed should present a natural appearance. Outlandish or unnatural colors that detract from a professional appearance are not authorized.

**142.53** Female Torrance County Sheriff's Deputies shall wear their hair in styles so that the hair is not on the front of the uniform, shoulders or covering the face.

**142.54** In no case shall the bulk or length of the hair interfere with authorized headgear when worn

**142.55** Females assigned to uniformed patrol duty are encouraged to style their hair in a manner conducive to Torrance County Sheriff's Deputy safety. Styles that require long hair, pig tails or extensions provide easy targets for resisting subjects to grab and may place the Torrance County Sheriff's Deputy at a disadvantage.

**142.56.** Hair that is dyed should present a natural appearance. Outlandish or unnatural colors that detract from a professional appearance are not authorized.

**142.57** Male Torrance County Sheriff's Deputies shall be allowed to wear a neatly trimmed mustache. The mustache will extend no more than on-quarter of an inch (1/4") below the corner of the mouth.

**142.58** No beards, goatees, or other hair on the chin, neck, or cheeks will be allowed while in uniform. Requests for waiver will be considered on a case by case basis and only upon recommendation from a licensed physician.

**142.59** Sideburns will be neatly trimmed and shall not extend below the lowest part of the ear opening. The sideburns will not be flared and will end in a clean shaven horizontal line.

**142.60** Plain clothes Torrance County Sheriff's Deputies assigned to undercover or special operations shall dress and be groomed in accordance with the standards.

**142.61** Plain clothes Torrance County Sheriff's Deputies will be compliance with this directive when wearing the regulation uniform.

**142.62** Wigs and hair pieces are permitted and must comply with all hair standards as set forth in this directive.

#### **PERSONAL JEWELRY AND ORNAMENTATION**

**142.63** Only the following items of jewelry may be worn by uniformed personnel:

1. Rings;
2. Watches and watchbands;
3. Tie tacks or tie pins;
4. Approved uniform pins;
5. Neck jewelry may be worn but must be concealed;

**142.64** Sworn or uniformed personnel are prohibited from wearing the following items of jewelry while on duty:

1. Earrings;
2. Ear cuffs;
3. Visible body piercing jewelry (including tongue or nose piercing jewelry).

#### **PURCHASE OF UNIFORM CLOTHING AND ACCESSORIES**


**142.65** Uniform items, accessories, leather and footwear shall be obtained through a "Request for Purchase Order" form and submitted through the chain of command, to the Torrance County Sheriff Administrator. Approved requests are routed for issuance of a purchase order.

**142.66** Upon receipt of a purchase order, the member is responsible for ensuring the items are purchased within the time limit specified on the purchase order.

#### **CIVILIAN PERSONNEL**

**142.67** Male and female employees shall dress in civilian clothing that presents a professional, neat and clean appearance.

**142.68** Excessively short dresses, shorts, skirts or revealing clothing are prohibited.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## TRAFFIC ENFORCEMENT

EFFECTIVE: 01-14-17

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### PURPOSE

**144.1** The purpose of this directive is to establish procedural guidelines and standards for uniformed sworn employees charged with enforcing traffic laws.

### DISCUSSION

**144.2** Traffic law enforcement is the responsibility of all uniformed law enforcement personnel. Emphasis is placed on the qualitative aspects of traffic law enforcement, rather than quantitative. Activities should be directed to control violations of the traffic law through preventative patrol and active enforcement.

### POLICY

**144.3** It shall be the policy of the Torrance County Sheriff's Office to enforce the traffic laws of the State of New Mexico, and local traffic ordinances and regulations in a uniform and consistent manner, without regard to race, religion, sex, age, or economic standing in the community. Torrance County Sheriff's Deputies shall conduct themselves in a courteous manner, and not intentionally humiliate, embarrass, or harass citizens. Torrance County Sheriff's Deputies shall retain their discretionary privilege, and shall exercise sound judgement in reference to traffic law enforcement. There shall be no "quota system" nor other procedure by which an employee is required to cite a specific or minimum number of motorists during a specified period of time.

**144.4** Enforcement action is necessary whenever a Torrance County Sheriff's Deputy observes a serious or overt traffic violation, or a violation which places others in immediate or near danger.

**144.5** Traffic violations of a routine nature will not be the subject of enforcement action by off duty personnel. Only those violations which pose an immediate threat to the safety of the public, in which an "on duty" Torrance County Sheriff's Deputy cannot be summoned, shall be authorized for off duty stopping/enforcement.

**144.6** Torrance County Sheriff's Deputies responding to a previously dispatched call for service will balance the seriousness of the traffic violation against the urgency of the call for service to which he/she is responding.

**144.7** Torrance County Sheriff's Deputies shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to Torrance County Sheriff's Deputies:

1. **Warning** – Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the Torrance County Sheriff's Deputy feels the warning is sufficient to correct the violation.
2. **Traffic Citation** – Torrance County Sheriff's Deputies may issue Uniform Traffic Citations for specific violations of New Mexico State Statutes. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Torrance County Sheriff's Deputies have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate,

the defendant will be charged using the Uniform Traffic Citation.

3. **Physical Arrest** – Physical arrest may be made for most misdemeanors and all felony criminal violations of the traffic laws.

**144.8** Misdemeanor violations may be handled:

1. By the issuance of a Uniform Traffic Citation with mandatory court appearance;
2. By arrest and release upon issuance of a Uniform Traffic Citation;
3. Through arrest, issuance of a Uniform Traffic Citation, and completion of an Arrest Report.

**144.9** Felony violations may be handled by the issuance of a UTC and submission of a Criminal Complain Affidavit to the Torrance County Magistrate or District Court.

**144.10** In all cases, Torrance County Sheriff's Deputies will exercise sound judgement and discretion when deciding what level and type of enforcement action to take.

## TRAFFIC ENFORCEMENT PRACTICES

**144.11** Concentrated enforcement efforts should be directed at those areas, at the times and for the offenses which have been identified by analysis. A variety of tactics may be used to enforce compliance with the traffic laws.

**144.12** Visible traffic patrol shall be used while conducting:

1. **Area Patrol** - Units may be deployed to a specific geographical area to enforce the traffic laws. Torrance County Sheriff's Deputies will be assigned to particular areas events or circumstances to conduct highly visible preventable patrols.
2. **Line Patrol** - Units are stationed on particular roads, either in stationary observation or moving patrol. Line patrols will be conducted when specific roads are identified as having unusually high crash or fatality rates. Rigorous

enforcement of all traffic laws should be employed.

3. **Directed Patrol** – Directed patrols should be employed to tackle specific problems or complaints. Torrance County Sheriff's Deputies are directed in their enforcement actions toward those violations identified as contributing to the crashes or specific complaints.

**144.12** Stationary observation may be covert or overt and employed to for the operation of radar, detection of defective equipment violations, surveys and the enforcement of other traffic violations. Stationary observation may be conducted in two ways:

1. **Overt** – Highly visible stationary observation may be employed to slow traffic, remind citizens of their responsibility to obey the traffic laws, or observe, identify and target particular problems. Torrance County Sheriff's Deputies should park vehicles so as to avoid presenting a roadway or visibility obstruction. Radar may be effectively employed during overt observation.
2. **Covert** – Covert observation is normally employed to conduct surveys or detect those violations of traffic laws which would not occur if Torrance County Sheriff's Deputy's presence was known. Torrance County Sheriff's Deputies may use covert observation to detect and enforce any violations of the laws of the State of New Mexico and the City of Torrance County. Covert observation of intersections, roadways and school crossings are recommended during traffic surveys.

**144.13** - All unmarked vehicles used for traffic enforcement shall be equipped with emergency lighting equipment and a siren.

**144.14** Normally, the Torrance County Sheriff's Office does not deploy unmarked vehicles for traffic enforcement activities; however, uniformed sworn personnel observing violations are charged with enforcement activities.

**144.15** Plain-clothes sworn personnel shall not conduct traffic stops; however, an exception would be violations or circumstances which expose the public to danger.

**144.16** Plain-clothes Torrance County Sheriff's Deputies conducting traffic stops shall advise the dispatcher of the stop, location, license plate number, description of the vehicle and the fact that they are in plainclothes, and request that a uniformed Torrance County Sheriff's Deputy be dispatched to their location.

**144.17** Plain-clothes Torrance County Sheriff's Deputies shall clearly identify themselves to the violator and advise the violator to stand-by until a uniformed Torrance County Sheriff's Deputy arrives.

**144.18** The Torrance County Sheriff's Deputy stopping the violator shall handle the enforcement actions.

#### **UNIFORM TRAFFIC LAW ENFORCEMENT ACTIONS**

**144.19** It is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, Torrance County Sheriff's Deputies must decide what enforcement action is proper based on a combination of training, experience and common sense.

#### **DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS**

**144.20** Torrance County Sheriff's Deputies shall make a concerted effort to detect and apprehend those persons suspected of violating New Mexico State Statute for Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or Driving with an Unlawful Blood-Alcohol Level.

#### **SPEED VIOLATIONS**

**144.21** Torrance County Sheriff's Deputies enforcing speed violations using speed measuring devices must have completed the radar certification course established by the New Mexico Law Enforcement Academy.

**144.22** Torrance County Sheriff's Deputies using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to ensure an accurate reading prior to the stop

**144.23** Torrance County Sheriff's Deputies not certified in radar operation may support certified operators by issuing citations and listing the Torrance County Sheriff's Deputy who operated the device as a witness.

#### **EQUIPMENT VIOLATIONS**

**144.24** Torrance County Sheriff's Deputies shall consider using written warnings for minor equipment violations in lieu of traffic citations.

**144.25** If a written warning is issued, the issuing Torrance County Sheriff's Deputy shall explain the procedure for making the necessary repairs.

#### **PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS**

**144.26** Public carrier and commercial vehicles must comply with all applicable laws, rules and regulations.

**144.27** Torrance County Sheriff's Deputies may summon assistance from the New Mexico Torrance County Sheriff's Office of Public Safety (N.M.D.P.S.) or New Mexico Torrance County Sheriff's Office of Transportation for special equipment needs.

**144.28** School buses must comply with Federal laws as well New Mexico Statutes.



5. The urgency of calls for service to which the Torrance County Sheriff's Deputies may be responding.

## TRAFFIC VIOLATIONS

**144.29** Traffic citations shall be based on lawful authority and probable cause which satisfies the elements of the specific violation being charged. Torrance County Sheriff's Deputies enforcing hazardous and non-hazardous violations may use discretion when appropriate.

**144.30** Hazardous violations expose a person or property to risk, loss or damage (i.e., running a red light/stop sign, careless driving, reckless driving).

**144.31** Non-hazardous violations are violations which are not likely to involve or expose persons and/or property to risk, loss, or damage (i.e. operating a motor vehicle after driving privileges have been suspended or revoked).

## MULTIPLE VIOLATIONS

**144.32** Torrance County Sheriff's Deputies shall exercise discretion when dealing with multiple violations. Consideration should be given to issuing citations for charges encompassing multiple lesser violations, i.e., running a stop sign and speeding can be cited as careless driving.

## NEWLY ENACTED LAWS AND/OR REGULATIONS

**144.33** Torrance County Sheriff's Deputies shall be notified of newly enacted laws or regulations via legal bulletins.

**144.34** When considering enforcement action in the above listed situations, the Torrance County Sheriff's Deputy shall evaluate:

1. The actual or potential danger to person and property;
2. The seriousness of the violation;
3. The degree or excessiveness to which the motorist violated the law;
4. The attitude of the motorist;

## BICYCLE/PEDESTRIAN VIOLATIONS

**144.35** Written warnings, Uniform Traffic Citations or Misdemeanor Citations (whichever applies) shall be issued to bicycle operators and pedestrians who violate traffic laws, with particular attention being paid to the following offenses:

1. Riding on the wrong side of the road, against traffic;
2. Or improper lights during night riding;
3. Failure to obey traffic signs or signals;
4. Failure to yield to on-coming traffic when exiting residential driveways;
5. Soliciting a ride, employment, or business from an occupant of any vehicle;
6. Crossing an intersection at other than right angles.

**144.36** Traffic citations or warning for bicycle/pedestrian violations shall be issued under the following guidelines:

1. For violators 14 years of age or older, the Torrance County Sheriff's Deputy shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.
2. First time violator under 14 year of age should be issued a verbal or written warning.

**144.37** If a written warning is issued, the Torrance County Sheriff's Deputy shall write a "B" for bicycle or "P" for pedestrian on the top left corner of the warning to indicate a bicycle infraction.

**144.38** The Torrance County Sheriff's Deputy shall obtain the violators parent's name, address, and zip code and write this information on the citation.

**144.39** Warning citations shall be forwarded to Traffic Administration.

**144.40** For serious violators and repeat offenders under the age of 14, the Torrance County Sheriff's Deputy should use discretion when deciding to issue a citation, written or verbal warning.

**144.41** If a Uniform Traffic Citation is issued, the Torrance County Sheriff's Deputy shall write the letter "B" or "P", as applicable, on the top left corner of the infraction.

**144.42** Torrance County Sheriff's Deputies shall advise Torrance County Regional Dispatch Center of bicycle/ pedestrian violation contacts and the action taken. This information shall be used as data for analysis and counteracting the precipitating factors.

#### **OFF-ROAD VEHICLES**

**144.43** Torrance County Sheriff's Deputies shall enforce all traffic laws as they apply to off-road recreational vehicles.

**144.44** Written warnings and Uniform Traffic Citations shall be issued to operators who violate traffic laws, with particular attention being paid to the following offenses:

1. Unlicensed vehicles operating on the roadway. Torrance County Sheriff's Deputies shall immediately remove or cause unlicensed vehicles to be removed from the roadway.
2. Misuse of public trails.
3. Improper crossing of roadway.

**144.45** For violators 14 years of age or older, the Torrance County Sheriff's Deputy shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.

**144.46** First time violators under 14 years of age should be issued a verbal or written warning. The Torrance County Sheriff's Deputy shall obtain the violator's parent's name, address, and zip code and write this information on the citation.

**144.47** For serious violators and repeat offenders under the age of 14, the Torrance County Sheriff's Deputy should use discretion when deciding to issue a citation, written or verbal warning.

**144.48** Torrance County Sheriff's Deputies shall advise Torrance County Regional Dispatch Center of off-road recreational vehicle violations and the action taken.

#### **VEHICLE OPERATION ROUTINE VEHICLE OPERATION**

**144.49** Under normal, non-emergency operating conditions and while responding to routine calls for service, operators of Torrance County Sheriff's Office vehicles shall strictly adhere to all traffic laws, and shall drive defensively in a safe and courteous manner. Seatbelts shall be worn at all times as required by State Statutes.

#### **EMERGENCY OPERATION**

**144.50** Torrance County Sheriff's Office personnel may engage in emergency vehicle operations in accordance with New Mexico State Law when responding to an emergency or when in pursuit.

**144.51** Torrance County Sheriff's Office vehicles engaged in emergency operations shall utilize emergency lights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. Hazardous warning lights, the spotlight, take-down lights and public address system may be used as additional safety measures during emergency operations.

**144.52** When engaged in emergency operations, the operator shall exercise extreme care.

**144.53** In accordance with State Law, emergency vehicle operators may:

1. Exceed the speed limit so long as life or property are not endangered. Speed shall be limited by road and weather

conditions and the exercise of good judgement.

2. Proceed past stop signal or sign, but only after slowing down or stopping to allow cross-traffic to yield in each lane before attempting to cross that lane.
3. Disregard regulations governing direction of movement or turning in specified direction, so long as life or property is not endangered.
4. Disregard regulations governing parking laws under normal circumstances, except that Torrance County Sheriff's Office vehicles shall not block access to a fire hydrant at the scene of a fire, or in any way obstruct fire apparatus.

**144.55** Emergency operation of Torrance County Sheriff's Office vehicles shall immediately be reported to Torrance County Regional Dispatch Center via radio.

**144.56** Operators shall immediately terminate emergency operation when ordered to do so by superior authority.

### **TRAFFIC STOPS**

**144.57** Torrance County Sheriff's Deputies making traffic stops shall contact the radio dispatcher and advise that a vehicle is being stopped, the location, the tag number and the vehicle description (model, color, year, other identifying features.) This shall be done in manner that allows the dispatcher to copy the information.

**144.58** The Torrance County Sheriff's Deputy making the stop shall direct the violator to a suitable stopping point where the normal traffic flow will not be impeded.

**144.59** When possible, Torrance County Sheriff's Deputies shall avoid using private drives and business access areas for traffic stops.

**144.60** Traffic stops should be made at the righthand edge of the roadway.

**144.61** Torrance County Sheriff's Deputies shall exercise caution when approaching the violator's vehicle, observing for suspicious activity by vehicle's occupants. The approach method employed should be based upon the Torrance County Sheriff's Deputy's training, experience and circumstances surrounding the stop.

### **FELONY TRAFFIC STOPS**

**144.62** Felony Stop Procedures are to be utilized when there is probable cause to believe that a crime has been committed and the perpetrator(s) are in the vehicle being stopped, or when a Torrance County Sheriff's Deputy has probable cause to believe a subject in the vehicle is armed and presents a clear and present danger to the Torrance County Sheriff's Deputy(s).

**144.63** PRIOR TO TURNING ON YOUR EMERGENCY LIGHTS to make the felony stop, if possible, notify Torrance County Regional Dispatch Center of the following:

1. Your intention to make a felony traffic stop.
2. Suspect's vehicle's license plate number and vehicle description, i.e., year, make, model, style, color, etc.
3. Number of visible occupants in the vehicle.
4. Your present location and direction of travel.

**144.64** Request additional backup Torrance County Sheriff's Deputies. A MINIMUM OF TWO (2) backup Torrance County Sheriff's Deputies shall be requested, if not already present.

**144.65** Ask the backup Torrance County Sheriff's Deputies what their present location is and coordinate the felony traffic stop with the backup Torrance County Sheriff's Deputies.

**144.66** Select a suitable location for the stop, to include if possible:

1. Adequate lighting.
2. Visibility of the police vehicle(s) and the suspect's vehicle.
3. An area of little pedestrian and vehicular traffic.
4. Surroundings, (Torrance County Sheriff's Deputy safety and available cover; bystanders, location in reference to backups).
5. Escape route(s).

**NOTE:** The Torrance County Sheriff's Deputy's safety and the safety of the public are the most important considerations.

**144.67** Using your police vehicle's emergency equipment, i.e., emergency lights, headlights, spotlight, siren, horn, public address system (PA), etc., stop the suspect's vehicle.

**144.68** ALWAYS remain observant for any suspicious and/or unusual activities/movements by the driver and/or passengers in the suspect's vehicle.

**144.69** Upon stopping the suspect's vehicle, notify Torrance County Regional Dispatch Center of your exact location.

**144.70** Police vehicles will be positioned so that they provide maximum coverage and concealment for the Torrance County Sheriff's Deputies and maximum visibility of the suspect's vehicle and its occupants.

**144.71** The PRIMARY TORRANCE COUNTY SHERIFF'S DEPUTY shall be responsible for controlling the action of the suspect(s) as they exit from the vehicle.

**144.72** BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #1 shall be responsible for handcuffing, frisking and placing the suspect(s) in the police vehicles.

**144.73** BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #2 shall be responsible for all person(s) remaining in the suspect's vehicle.

**144.74** While remaining behind cover and using your PA, the PRIMARY TORRANCE COUNTY SHERIFF'S DEPUTY shall identify himself/herself as a Torrance County Sheriff's Deputy and:

1. Order the driver and/or passengers in the vehicle to remain in the vehicle.
2. Order the driver and/or passengers in the vehicle to place their hands in plain view.
3. Inform them that they are considered armed and dangerous, and ANY movements made by them without being ordered to do so by Torrance County Sheriff's Deputy, will be considered a threat against the Torrance County Sheriff's Deputies.
4. Order the driver to turn off the vehicle using his/her left hand and throw the vehicle keys out the window.
5. Order the driver to place both his/her hands out of the driver's door window and open the driver's door using his/her right hand.
6. Order the driver to slowly exit the vehicle, facing forward away from the police vehicles, with his/her hands behind his/her head and his/her fingers laced tightly together.
7. Order the driver to slowly turn around in a complete circle.
8. As the driver makes the turn, look for any visible weapons the driver may have in his/her possession.
9. Order the driver to walk backwards until he/she is directly in front of the police vehicle, then STOP.
10. Order the driver to step to his/her left until he/she is clear of the police vehicle, then STOP.
11. Order the driver to kneel onto his/her knees.
12. Order the driver to cross his/her feet and sit back onto his/her ankles.

**144.75** BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #1 will handcuff, frisk and place the suspect in a police vehicle.

**144.76** BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #1 will obtain the

following information from each suspect immediately upon placing him/her in the police vehicle:

1. Number of remaining suspects in the vehicle and their location.
2. If there are any weapons in the vehicle and their location.

**144.77** In a similar manner, remove the remaining occupants from the vehicle, starting with anyone in the front seat of the vehicle. All remaining occupants will exit the vehicle from the right side.

**144.78** When all the visible occupants have been removed from the suspect's vehicle and secured, the following will be done:

1. BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #1 will remain with the suspect(s).
2. The PRIMARY TORRANCE COUNTY SHERIFF'S DEPUTY will approach the suspect's vehicle, USING THE UPMOST CAUTION, with the assistance of BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #2.
3. BACKUP TORRANCE COUNTY SHERIFF'S DEPUTY #2 will provide cover for the PRIMARY TORRANCE COUNTY SHERIFF'S DEPUTY, as he/she approaches the suspect's vehicle.

**144.79** The suspect's vehicle will be checked for any other person(s) who may be hiding in the vehicle. ALL areas that may conceal a person will be checked.

**144.80** The suspect's vehicle will be checked for any weapons and/or contraband.

#### **CITIZEN CONTACT**

**144.81** The Torrance County Sheriff's Deputy's initial contact with the violator shall be courteous and professional in nature. The Torrance County Sheriff's Deputy shall not approach the citizen in a rude and offensive manner.

**144.82** The Torrance County Sheriff's Deputy shall be certain that the vehicle stopped has committed the violation.

**144.83** The Torrance County Sheriff's Deputy shall present a professional image by proper dress, grooming, language, bearing, and emotional stability.

**144.84** Citizens shall be greeted and addressed by an appropriate title( Sir, Ma'am ). Torrance County Sheriff's Deputies shall advise the driver of the reason for the stop.

**144.85** The Torrance County Sheriff's Deputy should explain the violation, ensuring the driver understands how he/she violated the law and the proper course of conduct to correct the violation.

**144.86** During contact with the violator, the Torrance County Sheriff's Deputy should check for signs of physical impairment, emotional distress, and alcohol/drug abuse.

**144.87** Upon completion of the traffic stop the Torrance County Sheriff's Deputy should assist the violator to re-enter the traffic flow safely.

#### **WARNING CITATIONS**

**144.88** When a warning citation is issued by an Torrance County Sheriff's Deputy the violator's copy shall be given to the violator along with a verbal explanation of the violation and what measures should be taken in the future to prevent the reoccurrence of the violation.

**NOTE:** Warning Citations shall not be issued in cases involving Motor Vehicle Crashes.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## ISSUANCE AND VOID OF CITATIONS

EFFECTIVE: 01-14-17

PAGES: 2

### PURPOSE

**145.1** The purpose of this directive is to establish proper procedures governing the issuance, loss, issuance in error, spoilage, theft, voiding and disposition of citations.

### DISCUSSION

**145.2** The proper control and handling of citations is essential in maintaining the integrity and accountability of the citation process.

### POLICY

**145.3** The following procedures shall apply to all citations issued by members of the Torrance County Sheriff's Office, to include: Uniform Traffic, Parking Misdemeanor, and DUI.

### TRACKING CITATIONS

**145.4.** The Torrance County Sheriff Administrator is charged with ordering, logging, and maintaining sufficient stock of all citations issued by the Torrance County Sheriff's Office. Upon receiving a shipment of citations, the Torrance County Sheriff Administrator shall enter all numbers into the computerized citation log in preparation for disbursement of books to various Torrance County Sheriff's Deputies

**145.5** When batches of citations are disbursed to Torrance County Sheriff's Deputies, the name of will be entered into the citation log to track each citation.

**145.6** Once the member has issued a citation(s), all remaining copies of that citation shall be returned to the Torrance County Sheriff's Office.

**145.7** The citation(s) shall then be routed to the Records Clerks where the violation shall be logged into the computer.

**145.8** Purging of citations shall be completed in accordance with New Mexico State Law.

### LOST OR STOLEN CITATIONS

**145.9** In the case of lost or stolen citations, a memorandum shall be prepared by the responsible Torrance County Sheriff's Deputy/member to the Torrance County Sheriff and submitted through his/her chain of command. The memorandum needs to include the circumstances surrounding the loss or theft and indicate the numerical sequence of the citation(s).

### VOIDED CITATIONS

**145.10** Citations spoiled or issued in error shall be marked "VOID" clearly across the face of the affected document in large bold letters, ensuring that all copies have been properly marked as such.

**145.11** A memorandum shall be directed to the office of the Torrance County Sheriff through the chain of command, noting the citation number voided, the reason for such action, and whether another citation was issued in place of the voided citation. The memorandum shall be prepared by the issuing Torrance County Sheriff's Deputy/member providing justification for the actions.

**145.12** A copy of the voided citation shall be attached to the memorandum and routed to the office of the Torrance County Sheriff .

## CITATIONS

**145.13** A copy of citations issued for the violation of Driving While under the Influence of Alcohol and/or Drugs shall be routed to the Department of Motor Vehicles. All forms will be submitted as per operating guidelines set by the State of New Mexico and Departmental Policy.

## UNAUTHORIZED DISPOSAL OF CITATIONS

**145.14** It is a misdemeanor and official misconduct for any Torrance County Sheriff's Deputy or other employee to dispose of a citation except as otherwise provided in this policy and/or by law (66-8-133 NMSA).



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## ISSUED VEHICLES

EFFECTIVE: 01-14-17

PAGES: 8

### PURPOSE

**146.1** The purpose of this directive is establish general guidelines for the assignment and maintenance of Torrance County Sheriff's Office vehicles.

### DISCUSSION

**146.2** Vehicle assignments will be to the areas of greatest need.

### POLICY

**146.3** It is the policy of the Torrance County Sheriff's Office to provide for the maintenance, inspection, and issuance of all Torrance County Sheriff's Office vehicles on an on-going basis.

**146.4** In keeping with this policy, sworn personnel are assigned a vehicle to be utilized on-duty for performance of Law Enforcement duties. Vehicle assignment does include take-home privileges and the responsibility for upkeep and maintenance of that vehicle.

### VEHICLE ASSIGNMENT

**146.5** The Torrance County Sheriff has the authority to assign Torrance County Sheriff's Office owned vehicles in a manner that addresses the best interest of the Torrance County Sheriff's Office and in a manner to facilitate service to the community.

**146.6** Special Purpose Vehicles are agency owned vehicles, which serve a purpose other than emergency or routine response to calls for service. Special purpose vehicles are normally assigned to components and a specific person is designated to be responsible for repair, maintenance, and upkeep of the vehicle. This classification of vehicles includes, but is not limited to:

1. Mobile Command Post - Special Operations
2. All-terrain vehicles - Patrol Teams

**146.7** Personnel assigned to the operation of the all-terrain vehicles shall have successfully completed training requirements as set forth by the Motorcycle Safety Foundation

**146.8** Normal use vehicles are assigned to individual members by the Torrance County Sheriff. Criteria for assignment is listed as, but not limited to:

1. Position on the vehicle replacement list (those persons who are assigned vehicles due to be replaced during a fiscal year);
2. Seniority in the Torrance County Sheriff's Office;

**146.9** Failure to properly care for an assigned vehicle may be grounds for the Torrance County Sheriff to deny assignment of a new vehicle, regardless of rank or seniority in the Torrance County Sheriff's Office.

**146.10** Chargeable accidents, as defined by the Torrance County Sheriff's Office safety manual, may be grounds to bypass a member for new unit assignment, regardless of rank or seniority.

**146.11** Other Torrance County Sheriff's Office Vehicles assigned to personnel or specific units include:

1. Utility Trailer
2. Prisoner Transport Van



## **VEHICLE TAKE-HOME POLICY**

**146.12** The Torrance County Sheriff's Office, County Sheriff's Office vehicle take-home agreement/policy to promote the following:

1. Increase the number of Law Enforcement units available to respond to the scene of reported crime or other urgent calls for assistance.
2. Increase the visibility of "presence" and display to citizens that there are Torrance County Sheriff's Deputies ready to respond when needed, thereby contributing to their peace of mind.
3. Enhance the Torrance County Sheriff's Office's ability to summon off-duty Torrance County Sheriff's Deputies in emergencies and have them report in equipped Law Enforcement vehicles directly to the site that they are needed.
4. To improve the maintenance and reliability of Law Enforcement vehicles by placing responsibility for care of each vehicle on an individual Torrance County Sheriff's Deputy.

## **PROVISIONS OF THE TAKE-HOME POLICY**

**146.13** The take home policy of the Torrance County Sheriff's Office is a privilege and not a right. Violations of policy are subject to disciplinary action and temporary or permanent loss of this privilege.

**146.14** Only the Torrance County Sheriff can grant exceptions to this policy.

**146.15** Assigned vehicles will not be driven within eight hours after an employee has consumed alcoholic beverages or has taken prescription or nonprescription substances that may affect driving ability.

**146.16** Violation of this portion of the directive will subject a Torrance County Sheriff's Deputy to disciplinary action, up to, and including dismissal from the Torrance County Sheriff's Office.

**146.17** Torrance County Sheriff's Deputies will not presume any special privileges with the Torrance County owned vehicle while off duty, (e.g. parked in a no parking or reserved parking area.)

**146.18** General rules of conduct covering an Torrance County Sheriff's Deputy on duty will also apply to a Torrance County Sheriff's Deputy off-duty if he/she is driving the Torrance County owned vehicle.

**146.19** Torrance County Sheriff's Deputies shall exercise judgement in operation of the vehicle and shall not drive or use the vehicle in a manner, which could cause unfavorable comment or discredit to the Torrance County Sheriff's Office.

**146.20** The Torrance County owned vehicle will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk or windows, except as authorized by the Torrance County Sheriff.

**146.21** Torrance County Sheriff's Deputies will not use the Torrance County owned vehicle to travel to, or from, an outside job, nor shall it be used as part of that employment.

**146.22** Off-duty use of an assigned vehicle is limited to travel to, and from court appearances, administrative hearings, Law Enforcement training sessions, Torrance County Sheriff's Office meetings, vehicle maintenance and/or travel required to turn in evidence either to this Torrance County Sheriff's Office or the State Crime Laboratory.

**146.23** Vehicles will not be used to attend any social function, nor will they be used to go to nightclubs, bars, etc., unless on official business.

**146.24** Torrance County personnel are the only persons permitted to operate the Torrance County owned vehicle.

**146.25** Torrance County Sheriff's Deputies are strictly prohibited from allowing unauthorized passengers in the vehicle. There are exceptions

which are outlined in the Appendix titled "Car Plan".

**146.26** Off-duty Torrance County Sheriff's Deputies who are operating a Torrance County owned vehicle should be appropriately attired to effectively perform a Law Enforcement function. Torrance County Sheriff's Deputies should have the following items in their vehicle at all times:

1. An outer wear garment (Windbreaker, jacket, etc.) with all Law Enforcement patches on it;
2. Badge, commission; and
3. Service weapon or authorized off-duty weapon.
4. A pair of serviceable slacks or pants in the event that athletic clothes are being worn.
5. Off-duty Torrance County Sheriff's Deputies are required to activate and monitor the Law Enforcement radio when operating the vehicle. Radio communications will be restricted to Torrance County Sheriff's Office business.
6. Off-duty Torrance County Sheriff's Deputies are not required to notify dispatch of their location or activity unless a situation requires action. In this case, the Torrance County Sheriff's Deputy will follow on-duty radio procedures.
7. Off-duty Torrance County Sheriff's Deputies may request an on duty Torrance County Sheriff's Deputy to handle minor situations encountered while in the vehicle. The off-duty office will standby and assist until the assigned unit arrives. In the event immediate action is necessary, the off-duty Torrance County Sheriff's Deputy will handle the situation.
8. Torrance County Sheriff's Deputies driving Torrance County Sheriff's Office vehicles will be required to respond to any assistance calls by Torrance County Sheriff's Deputies on duty.
9. Torrance County Sheriff's Deputies living in a remote area shall park their

unit at the Torrance County Sheriff's Office when weather conditions could cause the unit to become stuck or require towing.

10. No Torrance County owned vehicle may be taken more than forty (40) roadway miles outside of the Torrance County limits. Failure to adhere to this rule may result in disciplinary action, to include loss of take-home privileges, suspension, demotion, or termination from the Torrance County Sheriff's Office.
11. Torrance County Sheriff's Deputies who reside outside the forty-mile limit are required to park their assigned vehicle at the Torrance County Sheriff's Office, a secure parking facility, or other secure area. Failure to park the vehicle in a secure area while unattended may be deemed negligence.
12. An exception can be made through the office of the Torrance County Sheriff.
13. Torrance County Sheriff's Office issued weapons and personal weapons shall never be left in an unoccupied Torrance County Sheriff's Office vehicle unless they are secured in the trunk or by an electronic locking device.

**146.27** If the vehicle is to be parked at any location other than the Torrance County Sheriff's Deputy's residence, written permission must be obtained from the Torrance County Sheriff.

**146.28** The forty-mile limit does not preclude use of an assigned vehicle to travel to assigned schools, meetings, or other functions approved by the Office of the Torrance County Sheriff.

**CARE/MAINTENANCE AND UPKEEP OF  
ASSIGNED VEHICLES**

**146.29** The responsibility for the care and maintenance of the vehicle rests with the Torrance County Sheriff's Deputy assigned to that vehicle, and he/she will be held strictly accountable for any lack of maintenance or damage to the vehicle through negligence.

**146.30** The vehicle will be ready for official use at all times. No abuse of vehicles will be tolerated. No excuse will be accepted for a vehicle not being able to be on the line when needed by assigned Torrance County Sheriff's Deputies unless the vehicle is deadlined for repairs or maintenance.

**146.31** Failure to properly maintain and/or care for an assigned unit may be grounds for disciplinary action, and/or loss of vehicle take-home privileges for a period of not less than ninety (90) days.

**146.32** Units will be kept clean, both interior and exterior, as is reasonably possible.

**146.33** Torrance County Sheriff's Deputies shall assure that all required equipment is properly and safely stored in the vehicle.

**146.34** Law Enforcement vehicles will be inspected, by the operator before they are driven each shift for the proper equipment, obvious mechanical defects, damage, contraband or weapons.

**MAINTENANCE REGULATIONS  
COVERING THE USE OF TORRANCE  
COUNTY OWNED VEHICLES**

**146.35.** All Torrance County Sheriff's Deputies are responsible for the general maintenance and proper care of their assigned vehicle.

**146.36** All Torrance County Sheriff's Deputies shall refrain from:

1. Performing major mechanical work that would alter the body, general design,

appearance, markings, mechanical or electrical system.

2. Making any repairs or having any repairs made to the vehicle other than at the Torrance County of maintenance personnel, or as authorized by the Office of the Torrance County Sheriff or the Torrance County Sheriff Administrator.
3. Adding accessories or equipment without obtaining written approval from the Torrance County Sheriff or his/her designee..
4. Torrance County Sheriff's Deputies will change flats when on or off duty. Repairs to the tires will be made at the Torrance County maintenance personnel.
5. Torrance County Sheriff's Deputies will be required to have all maintenance and service work, including repairs, done on the vehicle during off-duty hours. Maintenance, service work, and repair work are to be scheduled ahead of time through the Torrance County Sheriff Administrator. The only exception to this will be in an emergency and with approval the Torrance County Sheriff Administrator.
6. Oil Changes and lubrication services will be conducted as prescribed by the Torrance County Maintenance Personnel.
7. All other preventative maintenance will be scheduled as per the schedule submitted by the provided by the approved Torrance County maintenance personnel.
8. Prior to operating any Torrance County Sheriff's Office vehicle, Torrance County Sheriff Deputies will be required daily, to conduct a walk around inspection to check for any damage to the vehicle, interior and exterior; Check the condition and pressure on all tires; Check oil and all other fluid levels.

**146.37** Vehicles in need of repair or service are not to be taken to the Torrance County Maintenance personnel unless the Torrance County Sheriff Administrator has been notified. The proper forms will be completed and

submitted to the Torrance County Sheriff Administrator, prior to work and/or repair services are conducted. The only exception to this will be in an emergency and with approval of the Torrance County Sheriff Administrator.

**146.38** Vehicles that must be left unattended for repairs and/or service, will have all Torrance County Sheriff's Office issued property, including hand held radios, shotguns, handguns, etc., removed by the assigned Torrance County Sheriff's Deputy.

**146.39** Personnel will be held responsible for the loss of any issued property left unattended in the vehicle.

**146.40** The Torrance County Sheriff's Office shall not be responsible for any personal property left in the vehicle.

#### **EQUIPMENT REQUIRED**

**146.41** Vehicles Assigned to the Patrol Division shall have the following equipment installed:

1. Exterior and/or interior emergency red and blue light bar with siren, exterior spotlight and alley lights.
2. All unmarked and patrol vehicles will be equipped with a mobile radio transceiver with public address capabilities.

#### **MARKINGS AND EMBLEMS**

**146.42** The "Torrance County Sheriff's Office" design will be displayed along both sides of the vehicle.

**146.43** Vehicle numbers and striping will be displayed on the vehicle with the use of reflective decals.

**146.44** Seatbelts will be standard equipment and ALL Torrance County Sheriff's Office personnel shall utilize seat belts when operating, or riding as a passenger in Torrance County owned vehicles, as per New Mexico State law, and Safety regulations.

**146.45** This requirement shall not preclude an

Torrance County Sheriff's Deputy from disengaging the seat belt prior to arrival at a scene where there are tactical or safety concerns.

**146.46** All patrol vehicles that are routinely utilized to transport prisoners shall be equipped with a security screen that separates the front and rear seats.

**146.47** In addition, doors/windows that access areas designated for prisoner seating are disabled to prevent escape.

**146.48** In vehicles that have temporary disabling devices installed, the devices shall be engaged at all times a prisoner is being transported.

**146.49** All Torrance County Sheriff's Deputies assigned patrol vehicles that are equipped with electronic locking devices for weapons shall utilize those devices to store the weapon. In vehicles that have no locking device, the weapons shall be stored in the trunk.

**146.50** Each vehicle assigned to the Patrol Division will contain, at a minimum, the following equipment to be utilized by Torrance County Sheriff's Deputies at crime scenes or traffic accident investigations:

1. One organizer;
2. One first-aid-kit and CPR mask;
3. One Roll-a-Tape and measuring tape;
4. One camera;
5. One fingerprint kit;
6. One fire extinguisher;
7. Two blankets;
8. Ten pairs of latex gloves/glove case;
9. Clipboard, marking crayon/paint, Accident Investigation template, and sufficient accident supplemental and accident reports;
10. Sketch materials;
11. Evidence collection materials;
12. One flashlight;
13. One roll of crime scene tape; and
14. Torrance County Sheriff's Office Policies and Procedures.

11. Torrance County Sheriff's Office  
Policies and Procedures.

**146.51** Unmarked vehicles shall have the following equipment installed:

1. Mobile radio transceiver;
2. Front grill/deck emergency lights and sirens.
3. Unmarked vehicles may be equipped with spotlights if installed.

**146.52** All unmarked vehicles that are routinely utilized to transport prisoners shall be equipped with a security screen that separates the front and rear seats.

1. In addition, doors/windows that access areas designated for prisoners seating are disabled to prevent escape.
2. In vehicles that have temporary disabling devices installed, the devices shall be engaged at all times a prisoner is being transported.

**146.53** All Torrance County Sheriff's Deputies assigned unmarked vehicles that are equipped with electronic locking devices for weapons shall utilize those devices to store the weapon. In vehicles that have no locking device, the weapons shall be stored in the trunk.

**146.54** Unmarked Law Enforcement vehicles due to the nature of assignment will not be marked with emblems, numbers, etc.

**146.55** Each unmarked vehicle will contain, at a minimum, the following equipment to be utilized by Torrance County Sheriff's Deputies at crime scenes, or to render emergency aid:

1. One first-aid-kit and CPR mask;
2. One camera (if utilized for crime scene processing);
3. One Fingerprint kit;
4. Ten pairs of latex gloves/glove case;
5. Sketch materials;
6. Evidence collection materials;
7. One flashlight;
8. Equipment organizer;
9. One roll of crime scene tape;
10. One sharp knife; and

## VEHICLE INSPECTIONS

**146.56** Vehicle inspections shall be conducted at a minimum of twice per month, in conjunction with regular line inspections.

**146.57** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall physically inspect each vehicle assigned to Torrance County Sheriff's Deputies.

**146.58** Inspection shall include but not limited to:

1. Cleanliness; interior and exterior;
2. Maintenance schedule, to include scheduled date and mileage;
3. All assigned and installed equipment shall be in/on the vehicle and shall be maintained in proper condition and working order.
4. Inspection for any damage, or to assure that any previous damage has been repaired.

**146.59** In the event that a The Torrance County Sheriff and/or Torrance County Undersheriff or their designee detects any condition that could cause damage to the vehicle, the Torrance County Sheriff's Deputy shall have three (3) days to have the vehicle properly serviced.

1. The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall then reinspect the vehicle and note the action on the inspection form.
2. Failure to properly service the vehicle within the three (3) days may be grounds for disciplinary action, and/or loss of vehicle take-home privileges for a period of not less than ninety (90) days.
3. In the event that a The Torrance County Sheriff and/or Torrance County Undersheriff or their designee notes a condition requiring immediate repair, the vehicle shall be deadlined until the condition is corrected and the Torrance

County Sheriff's Deputy must arrange for loan of another vehicle.

4. The condition will be noted on the inspection form and the vehicle will be re-inspected after the required work is completed.
5. Failure to immediately correct this type of condition in an assigned unit shall be grounds for disciplinary action, and/or loss of vehicle take-home privileges for a period of not less than ninety (90) days.

**146.60** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall keep inspections on file in the area offices for a period of twelve (12) months.

**146.61** The inspection shall be a part of the overall evaluation of personnel.

#### **ACCIDENTS INVOLVING TORRANCE COUNTY SHERIFF'S OFFICE VEHICLES**

**146.62** Accidents involving Law Enforcement Vehicles, no matter how minor, will be recorded and documented by an outside agency. A New Mexico Uniform Accident report will be executed.

**146.63** A copy of the investigation report shall be submitted to the Torrance County Sheriff and/or Torrance County Undersheriff or their designee.

**146.64** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall conduct the investigation. The Torrance County Sheriff's Deputy involved will be available to answer questions regarding the accident if requested to do so.

**146.65** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall also recommend disciplinary action for any Torrance County employee who is found to be at fault in a chargeable accident, as per the Torrance County Sheriff's Office Directive entitled, "Disciplinary".

**146.66** Supervisors are to review an employee's file for any previous incidents to make an appropriate recommendation. Submittal of Disciplinary/Corrective action reports and Forms.

**146.67** If serious injuries or damage is involved, the investigating notification will be made to The Torrance County Sheriff and/or Torrance County Undersheriff.

**146.68** A sketch or scale diagram shall be completed, at the discretion The Torrance County Sheriff and/or Torrance County Undersheriff or their designee.

**146.69** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee will make an attempt to obtain written statements from drivers, passengers and witnesses on all Torrance County Sheriff's Office vehicle accidents.

**146.70** When an accident occurs involving a Torrance County Sheriff's Office vehicle, personnel involved in the accident, unless incapacitated, will:


1. Render aid to the injured;
2. Secure the scene from further damage/injury, and preserve evidence;
3. Contact Torrance County Regional Dispatch Center to request a the Torrance County Sheriff and/or Torrance County Undersheriff or their designee to investigate;
4. Request Dispatch Personnel notify emergency medical personnel (if necessary); and
5. Refrain from making any statements as to the guilt or liability of any party involved in the accident.
6. Any employee involved in a work related accident, and/or receives an injury, as a result of a work assignment must immediately notify the Torrance County Sheriff and/or Torrance County Undersheriff or their designee

7. If an injury occurs between 8:00 and 5:00 p.m., Monday through Friday, the employee should attempt to obtain treatment through the Torrance County's Worker's Compensation provider. This only includes accidents that do not require immediate medical treatment.
8. The injured employee may seek medical treatment through The University of New Mexico Hospital if the accident requires immediate medical treatment or if it occurs after 5:00 p.m. or on a weekend.

**DISPOSITION OF LAW ENFORCEMENT  
VEHICLES**

**146.71** If damage to the Torrance County Sheriff's Office vehicle is severe enough to require towing from the scene of the accident, The Torrance County Sheriff and/or Torrance County Undersheriff or their designee will:

1. Conduct an inventory of all accessories and equipment which will be submitted with the accident/Supervisor reports;
2. Contact the wrecker service, which is next in line on the towing log. No preference will be given to any particular company; and
3. Have the vehicle towed to the Torrance County Sheriff's Office and the Torrance County Sheriff Administrator will make all arrangements for repair or replacement. No weapons or evidence will be left in the vehicle.



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## FIREARMS AND QUALIFICATIONS

EFFECTIVE: 01-14-17

PAGES: 10

### PURPOSE

**147.1** The purpose of this policy is to establish guidelines governing the possession of authorized firearms and ammunition carried by Torrance County Sheriff's Deputies and to ensure that they are properly trained in the use and carrying of firearms.

### DISCUSSION

**147.2** Torrance County Sheriff's Deputies shall be properly trained and proficient in the use of firearms. The Torrance County Sheriff's Office requires that Torrance County Sheriff's Deputies periodically qualify and demonstrate competent ability in the use of firearms.

**147.3** Firearms will be carried in a safe and secure manner. Horseplay, flippant behavior, removal of firearms from holsters or other carrying device for "show off" purposes is prohibited. Failure to comply with this directive will result in disciplinary action, up to, and including termination from the Torrance County Sheriff's Office.

**147.4** Only firearms and ammunition authorized by the Torrance County Sheriff's Office shall be used in the performance of duty.

## POLICY

**147.5** It is the policy of the Torrance County Sheriff's Office to issue authorized weapon(s) and ammunition to each sworn Torrance County Sheriff's Deputy for on-duty use. Each Torrance County Sheriff's Deputy will be trained with the duty weapon(s) and must qualify on an annual basis in order to maintain sworn status with the Torrance County Sheriff's Office.

**147.6** Torrance County Sheriff's Deputies who elect to carry another firearm as a back-up weapon or while off-duty, must receive written permission, via a signed personal weapons authorization form, to carry the weapon; must qualify with the weapon; and the weapon must meet the set criteria as outlined in this Directive. Regardless of the choice of weapon, Torrance County Sheriff's Deputies will only be allowed to carry ammunition, which is specified in this Directive.

**147.7** Deadly/physical force policies shall be issued to all Torrance County Sheriff's Deputies authorized to carry firearms and all Torrance County Sheriff's Deputies shall be trained in the use of deadly force before they are authorized to carry firearms.

### PROCEDURES

**147.8.** The responsibility for security, accountability, repair and replacement of arsenal items is that of the Torrance County Sheriff and/or Torrance County Undersheriff and/or designee.

**147.9.** In keeping with this responsibility, the Torrance County Sheriff and/or Torrance County Undersheriff and/or designee is also in charge of Torrance County Sheriff's personnel who are designated as Torrance County Sheriff's Office Armorers during those times they are performing duties relating to the Armory.



**147.10** To ensure accountability for Armory property, a Torrance County Sheriff's Office Armorer will be present during all situations that require access to the main arsenal.

**147.11** Main Arsenal equipment will be issued under the direct control of the Torrance County Sheriff's Office Armorers. Temporary issuance of main arsenal equipment is for emergency use only.

### **ISSUANCE OF WEAPONS**

**147.12** The issuance/receipt of weapons and ammunition to/from sworn Torrance County Sheriff's Office personnel shall be the responsibility of designated Torrance County Sheriff's Office Armorers only.

**147.13.**Each Torrance County Sheriff's Deputy who is issued equipment from the main arsenal shall sign the form to acknowledge receipt of the equipment and shall be strictly accountable for the return of the weapon(s) or equipment

### **INVENTORY OF THE ARSENAL**

**147.14** Torrance County Sheriff's Office Armorers are responsible for completing an inventory every 6 months, of all Armory property, to include any weapons issued and the name of the person having custody of that weapon.

**147.15** The inventory shall be kept on file and available for review by the Torrance County Sheriff and/or Torrance County Undersheriff and/or designee, for audit purposes. The Torrance County Sheriff and/or Torrance County Undersheriff and/or designee shall review the inventory, annually, and a report shall be provided to the Torrance County Sheriff.

### **WEAPONRY SPECIFICATIONS**

**147.16** Any Torrance County Sheriff's Deputy wanting to carry a privately owned revolver off-duty or as a back-up weapon must receive written approval to do so from the Torrance County Sheriff. Revolvers may not be smaller than a .38 caliber or larger than .44 caliber. 6" is the maximum barrel length and 1.5" is the minimum.

**147.17** Privately owned revolvers must be registered with the Torrance County Sheriff's Office's Armorer, signed by the Torrance County Sheriff. The form will be maintained in the Torrance County Sheriff's Deputy's armory file.

**147.18** The standard Duty issue semi-automatic pistol is the Glock 22 .40 caliber.

**147.19** Any Torrance County Sheriff's Deputy wanting to carry a privately owned pistol off-duty or as a back-up weapon must receive written approval from the Torrance County Sheriff. Pistols may not be smaller than .32 caliber or larger than .45 caliber. 6" is the maximum barrel length and 2-1/2 is the minimum. Privately owned pistols may be single or double action. Privately owned pistols must be registered with the Torrance County Sheriff's Office's Armorer

**NOTE:** Back-up firearms are permitted under the guidelines established for authorized revolvers and semi-automatic pistols.

### **AUTHORIZED SHOTGUNS**

**147.20** These weapons shall be the property of, and issued by the Torrance County Sheriff's Office.

**147.21** Shotguns that are not the property of, and are not issued by the Torrance County Sheriff's Office will only be authorized for use by the Torrance County Sheriff.

## **AUTHORIZED RIFLES**

1. Colt .223 caliber
2. Bushmaster .223 caliber
3. Smith & Wesson M&P .223 caliber
4. Or other Torrance County Sheriff's Office approved carbine/rifle

**147.22** Electronic sighting systems, though authorized for duty use, must be inspected, approved and installed by a Torrance County Sheriff's Office Armorer. Iron sights must be present on all carbines/rifles as a back-up to electronic sights (if applicable). Successful passing of the rifle qualification course with the electronic sight is required prior to duty use of the weapon.

## **AUTHORIZED HOLSTERS**

1. Side-Holster (belt). When worn on Sam Brown, must be "duty" type with minimum level 1 retention device.
2. Shoulder Holsters (plainclothes)
3. Tactical Thigh Holster
4. Vest Holster
5. Ankle Holster (back-up, off duty)
6. Other, approved holster for carrying of back up weapon.

## **AMMUNITION SPECIFICATIONS**

**147.23** Semi-automatics, the Standard ammunition to be issued and carried by all Torrance County Sheriff's Deputies in their Torrance County Sheriff's Office issued weapon is as follows:

1. CCI, Speer, Gold Dot, Winchester, hollow point 155 grain .40 caliber or comparable, Torrance County Sheriff's Office approved ammunition.
2. Winchester STX, 115, 124 +P, or 147 grain semi jacketed hollow point 9mm, or comparable, Torrance County Sheriff's Office approved ammunition.
3. CCI, Speer, Gold Dot, Winchester, hollow point .45 caliber or comparable, Torrance County Sheriff's Office approved ammunition.

**147.24** Prohibited Ammunition, the following types of ammunition will be strictly prohibited for use by members of this Torrance County Sheriff's Office.

1. Teflon coated ammunition
2. Armor piercing ammunition
3. Hand loaded ammunition
4. Manufactured re-loaded ammunition
5. Full metal jacket (cased) ammunition (training use only)
6. Any other type of ammunition that is not issued and/or authorized by the Torrance County Sheriff.

**147.25** Authorized Ammunition For Shotguns, the Standard ammunition to be issued and carried by all members of the Torrance County Sheriff's Office is as follows:

1. Slugs (12 ga) shall be the standard load for Torrance County Sheriff's Office use.
2. .00 buckshot is also available for use.

**147.26** Authorized Ammunition for Rifles, the Standard ammunition to be issued and carried by Torrance County Sheriff's Deputies issued Torrance County Sheriff's Office rifles:

1. 55 grain .223 caliber, Tac, TAP, or soft point
2. Or other Torrance County Sheriff's Office approved ammunition.

## **USE OF THE SHOTGUN/RIFLE**

**147.27** It shall be the responsibility of the Torrance County Sheriff's Deputy, upon taking charge of the shotgun or the rifle to thoroughly inspect it. The Torrance County Sheriff's Deputy shall scrutinize the various parts of the weapon for proper function and sufficient number and correct size loads.

**147.28** If the condition of the weapon is satisfactory, the Torrance County Sheriff's Deputy shall load and secure the weapon properly in the gun case or gun rack if one is installed in the police unit.

**147.29** It shall be the responsibility of the Detective or plainclothes Torrance County Sheriff's Deputy, upon taking charge of the shotgun or the rifle to thoroughly inspect it. The Detective/plainclothes Torrance County Sheriff's Deputy shall scrutinize the various parts of the weapon for proper function and sufficient number and correct size loads.

**147.30** If the condition of the weapon is satisfactory, the detective/plainclothes Torrance County Sheriff's Deputy shall load and secure the weapon properly in the gun case or gun rack if one is installed in the police unit.

**147.31** While dressed in non-uniform attire, discretion shall be used by Detectives so as not to arouse anxiety on the part of any citizen with whom he/she shall contact in a non-emergency situation.

**147.32** The detective in control of the assigned shotgun and/or a rifle shall at no time leave the weapon un-secured.

#### **TRANSPORTATION**

**147.33** Prior to issuance, all shotguns and rifles issued shall be examined and function tested by Armory personnel.

**147.34** The shotgun will be loaded with slugs, to the magazine capacity or one less than the magazine capacity for a selective drill.

**147.35** The rifle will be loaded with 55 grain .223 caliber ammunition, to the magazine capacity, minus 2 rounds.

**147.36** When in the vehicle, the shotgun will be carried in the cruiser safe mode.

**147.37** When in the vehicle, the shotgun and/or the rifle shall be secured in an installed electronic locking device, locking gun rack, or stored in the trunk of the vehicle.

**147.38** At no time will a vehicle with a shotgun and/or a rifle stored within, be left unlocked when the vehicle is unattended.

**147.39** Elastic ammo pouches or side saddle ammunition carriers shall be used on the shotguns, and shall be filled to capacity.

#### **FIREARMS RESPONSIBILITIES AND RESTRICTIONS**

**147.40** All firearms will be maintained in a safe and working condition.

**147.41** No Torrance County Sheriff's Office owned or issued firearm will be subjected to any alteration without the permission of the Torrance County Sheriff's Office Armorer and the Torrance County Sheriff.

**147.42** No trigger shoes will be allowed on any authorized firearm.

**147.43** Torrance County Sheriff's Deputies are responsible for the security of all firearms under their control.

**147.44** Revolvers will be carried UN-cocked and loaded to capacity.

**147.45** Semi-automatics will be carried fully loaded with a round in the chamber.

**147.46** Single action semi-automatics will be carried with the safety engaged and only in a concealed manner.

**147.47** Double action semi-automatics will be carried with the hammer down, if applicable.

**147.48** Shotguns will be carried in cruiser safe/half loaded mode. Shotgun magazines will be loaded to capacity or one less than the magazine capacity for a selective drill.

**147.49** Elastic ammo pouches or side saddle ammunition carriers shall be used on shotguns. Ammunition carriers will be kept full of the necessary rounds.

**147.50** Rifles will be carried in cruiser safe/half loaded mode. The rifle's chamber shall be empty, the bolt and dust cover will be closed, the hammer dropped, and a full magazine, minus two rounds, seated in the magazine well.

**147.51** Wallet holsters that prevent the actual gripping of the firearm are not permitted. Fanny pack holsters are authorized for plainclothes and off-duty Torrance County Sheriff's Deputies. When an undercover detective/Torrance County Sheriff's Deputy is carrying a duty weapon, it shall be carried in a secure manner.

**147.52** Failure to have a firearm will not relieve an Torrance County Sheriff's Deputy of the responsibility to take proper police action in any police matter coming to their attention at any time.

#### **CARRYING OF OFF-DUTY/BACK-UP WEAPONS**

**147.53** Sworn Police Torrance County Sheriff's Deputies of the Santa Fe Police Torrance County Sheriff's Office who have successfully completed and have been duly certified by the New Mexico Law Enforcement Academy, and have successfully completed the Police Torrance County Sheriff's Office Field Training Torrance County Sheriff's Deputy Program, will be authorized to carry a handgun on their person while off-duty.

**147.54** Armed off-duty Torrance County Sheriff's Deputies shall, at all times, have in their possession their Torrance County Sheriff's Office issued ID/Commission card and their badge. Hand restraints will also be carried or accessible while armed and off-duty.

**147.55** The choice of off-duty/back-up weapon(s) is limited to those types and calibers of weapons listed in section 74.1.02 A, B.

**147.56** The weapon must be registered with the Torrance County Sheriff's Office's Armorer.

**147.57** The weapon shall be worn as inconspicuously as possible.

**147.58** Qualification with the off-duty/back-up weapon through a Torrance County Sheriff's Office Firearms instructor shall be completed prior to the weapon being used for off-duty/back-up purposes.

**147.59** This section is not intended to limit the rights of police Torrance County Sheriff's Deputies to carry off-duty weapons in the same manner as unrestricted citizens, but rather to define the authorization to carry a firearm under the color of law.

**147.60** Reasons for rejecting a personally owned firearm may include, but are not limited to:

1. Substandard Manufacturing
2. Safety Considerations
3. Unusual Grip Design
4. Improper Gun Finish
5. Caliber
6. Restrictions

**147.61** Off-duty police Torrance County Sheriff's Deputies shall not carry any firearm on his/her person while indulging in alcoholic beverages in any form.

**147.62** Off-duty police Torrance County Sheriff's Deputies shall not carry any firearm on his/her person into any bar, night club, or fraternal club where alcoholic beverages are served.

**147.63** Horseplay or improper use of a weapon is not authorized and may subject Torrance County Sheriff's Deputies to disciplinary action, up to and including termination.

**147.64** Reporting the Discharge of Torrance County Sheriff's Office Issued Firearms While Off-Duty.

**147.65** Torrance County Sheriff's Deputy who discharges his/her firearm while off-duty for any reason other than in the line of duty, at an authorized firing range, legitimate hunting, or at an authorized competitive sport, will immediately take the following steps:

1. Notify the Torrance County Sheriff and/or Torrance County Undersheriff

and request that a full report be made on the matter.

**147.66** The Torrance County Sheriff's Deputy will submit, in writing, an explanation of the circumstances surrounding the discharge of the weapon by the next calendar day to the Office of the Torrance County Sheriff, through the proper chain of command.

**147.67** An Torrance County Sheriff's Deputy discharging his/her weapon off duty may be subject to a blood/urine test.

### **INSPECTION OF WEAPONS**

**147.68** The Torrance County Sheriff and/or Torrance County Undersheriff will be responsible for the inspection of their subordinates' firearms at a minimum of once a month. Torrance County Sheriff's Office Armorer's may inspect any issued Torrance County Sheriff's Office owned firearm at any time.

**147.69** Any discrepancies in weapon type or caliber noted by the Torrance County Sheriff and/or Torrance County Undersheriff will be noted in memo form, submitted to the Torrance County Sheriff and a copy sent to the Torrance County Sheriff's Office Armory.

**147.70** Disrepair or abuse of the weapon shall be noted on the inspection and the Torrance County Sheriff and/or Torrance County Undersheriff will:

1. Confiscate any weapon determined to be in an unsafe condition and the weapon will be turned in to the Armory for repair. The Torrance County Sheriff's Deputy will be issued another weapon or relieved from duty for that shift if a weapon cannot be issued.
2. If the weapon is unserviceable, the Torrance County Sheriff and/or Torrance County Undersheriff may take disciplinary action in those cases which a Torrance County Sheriff's Deputy has neglected to properly maintain the weapon or has been negligent in its use, maintenance, or care.

### **MAINTENANCE**

**147.71** Torrance County Sheriff's Deputies are responsible for minor upkeep and cleaning of their assigned weapon.

**147.72** Only certified Torrance County Sheriff's Office Armorer's are authorized to work on Torrance County Sheriff's Office issued weapons. No repairs of any Torrance County Sheriff's Office issued weapons are to be done by the individual Torrance County Sheriff's Deputy or any other person. At no time will the interior parts be removed from the weapon by anyone other than the Armorer. This is not meant to prevent an Torrance County Sheriff's Deputy from "field stripping" the weapon during routine maintenance/cleaning.

**147.73** Any repairs of the weapon will be listed on the firearms inventory list filed in the Torrance County Sheriff's Office Armory.

**147.74** Any accidental or intentional damage to the Torrance County Sheriff's Office firearm will be submitted in writing to the Torrance County Sheriff.

**147.75** Torrance County Sheriff's Office Armorer's are prohibited from performing work on weapons other than those weapons owned and issued by the Torrance County Sheriff's Office.

### **RANGE QUALIFICATIONS**

**147.76** In keeping with the policies of the Torrance County Sheriff's Office, the firing range has been established to provide a safe overall environment for effective firearms training, and to train police Torrance County Sheriff's Deputies in the proper and latest firearms techniques.

**147.78** The firing range and all the activities performed there will be under the direction of the Fire Arms Instructor

**147.79** The Torrance County Sheriff will be directly responsible for scheduling any training and is charged with overall maintenance of the range itself.

**147.80** These instructors will be charged with the qualifications of Torrance County Sheriff's Office personnel and will instruct the course(s) set by New Mexico Department of Public Safety:

1. Day/Night Firing
2. Handgun/Shotgun/Rifle

**147.81** The following courses of fire will be utilized for Torrance County Sheriff's Official training as well as maintaining NMLEA/DPS certification requirements:

1. DPS Day/Night 50 round handgun course.
2. DPS/NMSP Day/Night rifle course.
3. DPS Shotgun course (buckshot & slug).
4. Any other training courses as mandated by DPS/NMLEA, or as approved by the Torrance County Sheriff.

**147.82** The following course of fire will be utilized for off-duty/back-up weapon qualification:

**\* WEAPONS MUST BE DRAWN FROM THE CONCEALED CARRY POSITION FOR ALL STAGES OF FIRE**

1. 1 YARD LINE: STAGE I - 6 ROUNDS
  - a. Shooter draws to a weapon retention position, fires two (2) rounds to center mass, steps back and fires one additional round to the head for a total of three (3) rounds. No time limit. REPEAT
2. 3 YARD LINE: STAGE II - 4 ROUNDS
  - a. From a low ready position, shooter fires two (2) rounds right hand unsupported in two (2) seconds.
  - b. From a low ready position, shooter fires two (2) rounds left hand unsupported in two (2) seconds

3. 5 YARD LINE: STAGE III - 6 ROUNDS

- a. Shooter draws and fires a three (3) round failure drill. No time limit.
- b. From the low ready, shooter fires a three (3) round failure drill. No time limit.

4. 7 YARD LINE: STAGE IV - 4 ROUNDS

- a. Shooter draws and fires two (2) rounds, reloads and fires two (2) additional rounds. No time limit.

**147.83** Total rounds fired - 20 Shooter must place 18 out of 20 rounds within the score ring of a NMLEA qualification target to achieve a passing score of 90%. Torrance county sheriff's deputies wishing to carry a personally owned back-up/off-duty weapon must qualify annually on the preceding course of fire.

#### **RANGE USE**

**147.84** Persons or agencies requesting use of the range will be required to make all arrangements through the Torrance County Sheriff's Office.

**147.85** All activities will be screened and approved through the Torrance County Sheriff and/or Torrance County Undersheriff.

**147.86** A "range calendar" will be kept by the Torrance County Sheriff Administrator in order to manage the use of the range.

**147.87** Any injuries or damage are also the direct responsibility of the outside agency in question.

**147.88** All commissioned Torrance County Sheriff's Deputies of the Torrance County Sheriff's Office will be permitted into the Firearms Range in accordance with regularly scheduled firearms training and for additional training as required.

**147.89** Commissioned Torrance County Sheriff's Deputies may enter the range for additional practice only after receiving clearance from the Office of the Torrance County Sheriff and only with an NMLEA Certified Firearms Instructor from the Torrance County Sheriff's Office.

#### **RULES OF THE RANGE**

**147.90** The strictest discipline must be maintained at all times on the Firearms Range. Range discipline will be enforced.

**147.91** All weapons will remain 'hot' upon arrival at the range.

**147.92** All weapons will be unloaded and made safe at the south side berm.

**147.93** No alcoholic beverages will be allowed at the range.

**147.94** All firearms will be unloaded and holstered until the command to load is given.

**147.95** Dry firing is strictly prohibited behind the firing lane.

**147.96** Dry firing will not be done at the fire line unless the command to dry fire is given by the Firearms Instructor.

**147.97** Torrance County Sheriff's Deputies on the firing line will not move or recover anything off the ground until the line is clear and declared safe by the Firearms Instructor, and only when instructed to do so.

**147.98** Horseplay is not permitted at any time while at the range.

**147.99** Only safe and unloaded weaponry will be handled behind the firing line, and only for the purpose of cleaning or repair.

**147.100** Smoking is prohibited on the firing line.

**147.101** Ear and eye protection will be worn at all times by those Torrance County Sheriff's Deputies shooting or on the firing line.

**147.102** All instructors and Torrance County Sheriff's Deputies will wear their bullet resistant vests during qualification and practice while at or on the firing range.

**147.103** All weapons will be loaded and 'hot' prior to leaving the range.

#### **QUALIFICATIONS**

**147.104** All Torrance County Sheriff's Deputies must qualify annually.

**147.105** In the event a Torrance County Sheriff's Deputy is exempted he/she must attempt to qualify within 15 days after the expiration of the exemption.

**147.106** Rehired Torrance County Sheriff's Deputies must qualify within 15 days of their re-hire. Pass/fail for qualification courses shall be 80 percent.

**147.107** In the event a scheduled shoot must be cancelled, range personnel will notify the area Torrance County Sheriff and/or Torrance County Undersheriff and notify the communications center at least one hour in advance, if possible.

**147.108** Torrance County Sheriff's Deputies shall notify the range personnel upon arrival at the range and will not be permitted to shoot if arriving late for a scheduled shoot.

**147.109** For safety reasons and expediency in qualification and/or training, range personnel will be in command of the range activities.

**147.110** Any Torrance County Sheriff's Deputy violating range rules will be disqualified from continued participation in qualification and will be ordered to leave by the Firearms Instructor.

**147.111** The incident will be reported to the Torrance County Sheriff and/or Torrance County Undersheriff via memo and/or Disciplinary Action.

**147.112** Inspections shall be made of all weapons by range personnel. Any weapon judged unsafe will not be used or fired.

**147.113** It is the Torrance County Sheriff's Deputy's responsibility to obtain a safe weapon prior to returning to duty.

**147.114** The Torrance County Sheriff's Office will furnish 9mm, .40 caliber, .45 caliber .223 caliber, and 12 gauge shotgun ammunition to Torrance County Sheriff's Deputies for the purpose of qualifications with Torrance County Sheriff's Office owned weapons. Torrance County Sheriff's Deputies firing their personal weapon(s) will furnish their own ammunition.

**147.115** Disciplinary Action for Failure to Appear for Scheduled Qualifications

**147.116** At the completion of qualifications, the Firearms Instructor will submit a memo of Torrance County Sheriff's Deputies who failed to appear for scheduled qualifications to the Torrance County Sheriff.

**147.117** When a Torrance County Sheriff's Deputy fails to appear for qualifications, the following disciplinary action will be initiated by his/her immediate supervisor, subject to review, considering mitigating or aggravating circumstances:

1. A written reprimand for the first incident in a 24-month period.
2. A suspension of one day for the second incident in a 24-month period.
3. A suspension of from two to five days for the third or subsequent incident within a 24-month period.

#### **FAILURE TO QUALIFY**

**147.118** Personnel failing to qualify on their first attempt will be afforded a second opportunity to successfully complete the qualification.

**147.119** Failure to qualify on the second attempt will result in the employee being removed from the firing line and immediately scheduled for remedial training in all phases of weapons handling.

**147.120** This training will be conducted by a certified firearms instructor of the Torrance County Sheriff's Office. Upon completion, the Torrance County Sheriff's Deputy will be returned to the range for a third qualification attempt.

**147.121** Torrance County Sheriff's Deputies failing to qualify after the third attempt will be removed from the firing line.

**147.122** The Office of the Torrance County Sheriff will be notified of the inability of the Torrance County Sheriff's Deputy to qualify.

**147.123** The Torrance County Sheriff's Deputy will be temporarily assigned to non-police duties, assigned to a remedial firearms course, and his/her Torrance County vehicle will be grounded.

**147.124** The employee will be allowed to attempt to re-qualify on his/her duty time.

**147.125** Failure to qualify will result in the implementation of progressive disciplinary action, as follows:

1. Fourth Attempt-Written reprimand.
2. Fifth Attempt-Recommendation for suspension.
3. Torrance County Sheriff's Deputies failing to qualify after their sixth or subsequent attempts may receive additional days of suspension or a recommendation for termination from the Torrance County Sheriff's Office due to an inability to perform required duties





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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## USE OF FORCE

EFFECTIVE: 01-14-17

PAGES: 8

### PURPOSE

**148.1** The purpose of this policy is to provide Torrance County Sheriff's Deputies with guidelines on the use of force both lethal and less lethal. The following guideline is not meant, nor can it be expected to encompass all potential incidents in which force is used. This policy is a guide to actions that might be taken, by reasonable law enforcement personnel, in similar circumstances, with similar knowledge, and/or training at the time of the incident.

### DISCUSSION

**148.2** The Torrance County Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting Torrance County Sheriff's Deputies with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

### POLICY

**148.3** Torrance County Sheriff's Deputies shall use only the amount of force reasonably necessary to effect lawful objectives and stop those actions by any person(s) that if allowed to continue, constitute a clear and present danger to the lives and safety of themselves or others.

## JUSTIFICATION FOR THE USE OF FORCE

**148.4** Justification for the use of force must be based on what is reasonably known or perceived by the Torrance County Sheriff's Deputy at the time.

**148.5.** Facts discovered after the event, no matter how compelling, cannot be used in later determining whether the use of force was justified.

**148.6** Torrance County Sheriff's Deputies should be familiar with the cases surround use of force and how they apply to their law enforcement duties. The New Mexico Department of Public Safety no longer uses nor instructs the Reactive Control Model. All use of force is viewed from the established case laws.

1. Graham v. Conner

- a. United States Supreme Court case where the Court determined that an objective reasonableness standard should apply to a civilian's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other "seizure" of his person.
- b. The reasonableness of a particular use of force must be judged from the perspective of a reasonable Torrance County Sheriff's Deputy on the scene, rather than with the 20/20 vision of hindsight."
- c. Graham Factors
  - i. The severity of the crime(s) at issue;
  - ii. Whether the subject poses an immediate threat to the safety of the Torrance County Sheriff's Deputy(s) or others

- iii. Whether the subject is actively resisting arrest or attempting to evade arrest by flight

2. Tennessee v. Garner

- a. The Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement Torrance County Sheriff's Deputy is pursuing a fleeing suspect, he or she may not use deadly force to prevent escape unless "the Torrance County Sheriff's Deputy has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the Torrance County Sheriff's Deputy or others."
- b. It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger

**AUTHORIZATION FOR USE OF FORCE**

**148.7** Torrance County Sheriff's Deputies are authorized to use deadly force in order to protect the Torrance County Sheriff's Deputy or others from what is reasonably believed to be an immediate threat of death or serious physical injury.

**148.8** When necessarily committed in re-taking felons when the Torrance County Sheriff's Deputy has probable cause to believe that the escape will pose a significant threat to human life if not re-captured.

**148.9** Relevant factors in determining whether probable cause exists to believe that the fleeing felon will pose a significant threat to human life will include but are not limited to, the nature of the felony and whether the felon is believed to be armed.

**148.10** For the purposes of this section, justifiable homicide is necessarily committed when an Torrance County Sheriff's Deputy in performance of lawful duties has probable cause to believe that he/she or another is threatened with serious harm or deadly force while performing those lawful duties described in this section.

**148.11** Before using deadly force, Torrance County Sheriff's Deputies, where feasible, identify themselves and state their intent.

**148.12** Warning shots are prohibited.

**148.13** Where deadly force is not reasonable Torrance County Sheriff's Deputies should assess the incident in order to determine which less lethal force or weapon will be best to de-escalate the incident, allow the Torrance County Sheriff's Deputy to prevail and bring it under control.

**148.14** Torrance County Sheriff's Deputies are authorized to use department approved less lethal force techniques and issued equipment for resolution of incidents, as follows.

1. To protect themselves or another from physical harm;
2. To restrain or subdue a resistant individual; or
3. To bring an unlawful situation safely and effectively under control.
4. Police Service Dogs (PSD) may be utilized as an alternative less-lethal force technique in the resolution of incidents, as follows:
  - a. Cases involving unarmed or armed assailants (attackers) show or deployment of the canine is authorized to prevent/stop an impending attack.
  - b. To protect themselves or another from physical harm;
  - c. To restrain or subdue a resistant individual; or
  - d. To bring an unlawful situation safely and effectively under control.

**SHOW OF FORCE PURPOSE CONVINCING THE SUBJECT TO DE-ESCALATE**

**148.15** If the Torrance County Sheriff's Deputy can demonstrate a tactical advantage, and/or the availability of equipment to subdue an individual, the desired outcome is:

1. The subject will comply with the Torrance County Sheriff's Deputies requests, or de-escalate their action when it is demonstrated that the Torrance County Sheriff's Deputy is trained and prepared to use force if necessary.

**REDUCTION IN REACTION TIME**

**148.16.** If an armed or unarmed assailant closes distance and moves from threatening to attacking, Torrance County Sheriff's Deputy must mentally "process" the attack information, draw their firearm or less-lethal option and use it in self-defense or defense of another.

**148.17** If the force option is still in the holster or carrier, the Torrance County Sheriff's Deputy may not have sufficient time to make the decision and act before the attack is completed.

**148.18** When *feasible*, Torrance County Sheriff's Deputies should warn of their intentions and that the use of force is imminent.

**REPORTING USES OF FORCE**

**148.19** Notify the Torrance County Undersheriff

**148.20** Complete Offense Incident Report

**148.21** The Torrance County Undersheriff will:

1. Investigate use-of-force incident be completed under the following circumstances:
  - a. After any application of force, creating a direct physical impact by use of firearm, baton, pepper or chemical spray, M-26 Advanced Taser, 37/40 mm

projectile, 12ga. Bean Bag or Police Service Dog, or any other intermediate weapon.

- b. After any empty-handed application of force, where there is direct physical impact that causes visible injury or the complaint of injury, whether visible or not.
- c. Collect and submit all evidence, as appropriate
- d. Review and ensure that the offense incident report and all required paper work is completed as per department policy and procedure
- e. Submit a copy of the investigation to the Office of the Torrance County Sheriff within 24 hours of being notified of all incidents of use of force by an Torrance County Sheriff's Deputy.

**148.22** The Internal Affairs will be contacted for the purpose of initiating an investigation in any of the following instances:

1. At the request of the Torrance County Sheriff, or his/her designee;
2. When a use of force results in death or serious injury;
3. When a complaint of excessive force is received and filed in accordance with departmental procedures for filing such matters.

**REPORTING SHOW OF FORCE**

**148.23** A show of force will be documented and a use of force incident report will be submitted only when a firearm is directly pointed at an individual or a show of force incident that the on-duty supervisor deems necessary.

**148.24** The Torrance County Sheriff's Deputy displaying the force shall:

1. Notify the Torrance County Undersheriff
2. Complete Offense Incident Report
3. Collect and submit all evidence

**148.25** The Torrance County Undersheriff will:

1. Investigate the use-of-force.
2. Review and ensure that the offense incident report and all required paper work is completed as per department policy and procedure
3. Submit a copy of the investigation to the Office of the Torrance County Sheriff within 24 hours of being notified of all incidents of use of force by an Torrance County Sheriff's Deputy.

**148.26** The Internal Affairs shall be contacted for the purpose of initiating an investigation in any of the following instances:

1. At the request of the Torrance County Sheriff, or his/her designee;
2. When a complaint of excessive force is received and filed in accordance with departmental procedures for filing such matters.

#### **MEDICAL TREATMENT REQUIRED**

**148.27** Any application of force, creating a direct physical impact, by use of a firearm, baton, pepper or chemical spray, M-26 Advanced Taser, 37/40 mm projectile, 12 ga. Bean Bag or Police Service Dog shall require the Torrance County Sheriff's Deputy to have the subject examined by a qualified physician.

**148.27** The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.

#### **HAND-TO-HAND COMBAT**

**148.28** Any application of force, where there is direct physical impact, that causes visible injury or the complaint of injury, whether visible or not, shall require the Torrance County Sheriff's Deputy to have the subject examined by a qualified physician.

**148.29** The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.

#### **DOCUMENTATION OF MEDICAL TREATMENT**

**148.30** The subject will be asked to sign a release of medical information waiver in order for the Torrance County Sheriff's Deputy to obtain copies of the physician's assessment of injuries. If the subject agrees, copies of the assessment will be obtained and attached to the Torrance County Sheriff's Deputy's report.

**148.31** In the event the subject refuses treatment, the subject will be asked to sign a treatment waiver.

1. If the subject agrees to sign the waiver, a copy of that waiver will be included in the Torrance County Sheriff's Deputy's report.
2. If the subject refuses to sign the waiver, the Torrance County Sheriff's Deputy will note in the offense/incident report the refusal to sign and the identification of the attending physician or nurse witnessing the refusal to sign.
3. The Torrance County Sheriff's Deputy will obtain a medical release from the attending physician prior to transporting the subject to the detention center. A copy of the medical release shall be provided to the detention center and one retained for the offense incident report.

**148.32** In the event that visible injuries are inflicted, the Torrance County Undersheriff shall ensure that the injuries are photographed, with the consent of the subject.

1. If the subject refuses to allow photographs, this will be documented in the offense/incident report to include the identification of any witnesses to the refusal.

## **USE OF ELECTRONIC CONTROLLED DEVICE**

**148.33** Torrance County Sheriff's Deputies who have completed an approved certification course of instruction on the use of a Taser is authorized to carry the device.

**148.34** Torrance County Sheriff's Deputies are only authorized to use a Torrance County Sheriff's Office issued X2 Taser or device authorized.

**148.35** Torrance County Sheriff's Deputies will only deploy the X2 Taser in accordance with the directives of the Torrance County Sheriff's Office.

**148.36** Torrance County Sheriff's Deputies responsibilities when deploying an electronic controlled device.

1. When not in use, the X2 shall be secured and treated as a loaded firearm
2. Torrance County Sheriff's Deputies will conduct a "Spark Test" before every shift.
3. Torrance County Sheriff's Deputies will inspect the air cartridges
4. Torrance County Sheriff's Deputies will notify the Torrance County Regional Dispatch Center after deployment of the X2.
5. Torrance County Sheriff's Deputies will complete a detailed report of the incident regardless whether the subject was struck with the prongs.
6. The removal of the prongs will be done by Emergency Medical Services or those who are trained in basic EMT services.
7. Emergency Medical Services will evaluate the subject on scene and determine if they needed further medical attention. In the event further medical attention is needed, the Torrance County Sheriff's Deputy will accompany the subject to the medical facility.
8. Torrance County Sheriff's Deputies will use good judgment in deploying the X2

**148.37** The X2 is less than lethal and is intended to reduce injury to both the subject and Torrance County Sheriff's Deputy

**148.38** The X2 must be used when it is the best option to control the subject. Abuse of the X2 will not be tolerated and can result in disciplinary action.

**148.39** Once the subject is secured, the X2 must be shut down

**148.40** Torrance County Sheriff's Deputies shall avoid using X2 around flammable liquids, gasses, blasting material, or other highly combustible materials.

**148.41** Photograph will be taken of the subject before the prongs are removed and after they are removed. The photographs will be part of the incident report

## **HOLSTERING AND SECURING AN ELECTRONIC CONTROLLED DEVICE**

**148.42** Under no circumstances will the X2 be holstered next to a firearm

**148.43** The X2 will be carried on the support/weak side while on duty

## **EXPANDABLE BATON**

**148.44** All Torrance County Sheriff's Deputies shall satisfactorily complete a 10-hour certification course on the Use of Force, use and application of the baton, prior to receiving authorization to carry the weapon.

**148.45** All Torrance County Sheriff's Deputies shall attend a four-hour re-certification course annually on the use and application of the baton.

**148.46** The Torrance County Sheriff's issued expandable baton is the only authorized baton for use by sworn departmental personnel. The expandable baton shall be issued and carried only by Torrance County Sheriff's Deputies who have completed the baton training.

**148.47** Torrance County Sheriff's Deputies assigned regular field duties will carry the baton as part of required equipment. Plain clothes and administrative Torrance County Sheriff's Deputies will be required to have the baton readily accessible, in their police vehicles while on duty.

**148.49** Torrance County Sheriff's Deputies are responsible for ensuring the baton is in good condition. Broken or otherwise unserviceable batons will be replaced as soon as a defect is noted.

**148.50** The baton is to be used as a defensive weapon only.

**148.51** Use of the baton as an offensive weapon, or intentional misuse of the baton, may subject the violator to disciplinary action.

**148.52** The baton shall remain in the holster until such time as the officer perceives an apparent threat.

#### **OLEORESIN CAPSICUM (OC) SPRAY**

**148.53** All Torrance County Sheriff's Deputies shall satisfactorily complete a 4 hour certification course on the use of force, and on the use and application of OC Spray, prior to receiving authorization to carry OC Spray.

**148.54** All Torrance County Sheriff's Deputies shall receive refresher training every two years on the use and application of OC Spray.

**148.55** OC Spray shall be issued to and used only by Torrance County Sheriff's Deputies who have completed the Department's OC Training

**148.56** OC Spray is not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

**148.57** When all reasonable efforts have failed to calm a person who is acting violently and presenting a definite danger to himself or others, a minimum stream may be fired at the person in accordance with the manufacturer's recommendations and departmental training received.

**148.58** The OC Spray may be used to terminate violent behavior, or the threat of violent behavior, or to aid in the apprehension of a person who resists custody, which could result in injury to the officer, other persons, or the violent individual.

**148.59** OC Spray should not be discharged in the immediate vicinity of an infant, unless the infant's life is in danger, since their respiratory system is developing and especially sensitive to irritating vapors.

**148.60** OC Spray will normally be discharged from a distance of at least six (6) feet. Bursts closer than three (3) feet may cause eye damage and should only be used in extreme conditions where serious bodily harm to the officer or other persons may be imminent.

**148.61** Only under conditions which represent an extreme hazard (Potential threat of serious injury or death to the officer or others) will the OC Spray be used in the following manner:

**148.62** Prolonged discharge at any effective distance into the face of a person already incapacitated or not responding to normal application of the chemical agent formulation who is continuing an assault which may result in serious injury.

**148.63** Discharge of large quantities of the chemical irritant in a confined space such as a small room or closed automobile.

**37/40 MM PROJECTILE BATON AND/OR  
12 GAUGE BEAN BAG**

**148.64** All Torrance County Sheriff's Deputies shall satisfactorily complete a 2-hour certification course on the use and application of the Projectile Launcher and 12-ga. beanbag round. All Torrance County Sheriff's Deputies must qualify with each weapon prior to receiving authorization to carry the weapon.

**148.65** All Torrance County Sheriff's Deputies shall attend a qualification course annually on the use and application of the Projectile Launcher and/or 12-ga. beanbag round.

**148.66** An officer has probable cause to believe have committed a violent crime and are fleeing to avoid apprehension.

**148.67** Are armed with a deadly weapon and pose a threat of bodily harm to themselves, the officer, or another.

**148.68** Need to be restrained for their safety.

**148.69** Are actively resisting, assaulting, or battering an officer.

**148.70** In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, Torrance County Sheriff's Deputies should assess the situations where force is warranted. Torrance County Sheriff's Deputies shall use only that force which is reasonably necessary to effect lawful objectives.

**148.71** Torrance County Sheriff's Deputies will be trained and familiarized with the Reactive Control Model prior to use of a 37/40 mm Projectile and/or the 12 ga. Bean Bag.

**MEDICAL TREATMENT FOR ALL LESS  
LETHAL FORCE**

**148.72** The effected area will be checked by User as soon as safely possible and first aid rendered to the user's level of training. After-action photographs shall be taken of individuals subjected to this weapon.

**148.73** First aid shall be rendered by paramedics and/or trained medical personnel.

**148.74** Upon exposing an individual to the 37/40- mm Projectile and/or 12 Gauge Bean Bag, X2 Taser, Baton, and/ or OC spray the Torrance County Sheriff's Deputy will request Emergency Medical Technicians or Paramedics to the scene.

**148.75** The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the officer. If the decision to transport, the person exposed will be transported to the University of New Mexico Emergency Room. Prior to arriving at the Emergency Room, the officer will request dispatch notify hospital staff that a person who has received a projectile baton or beanbag strike, X2 Taser, or OC is being transported.

**148.76** After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.

**148.77** Failure to provide appropriate care after exposing a person to the projectile baton or beanbag, X2 Taser, and/or OC spray is considered a violation of this policy.

**DEPARTMENTAL RESPONSE**

**148.78** When a Torrance County Sheriff's Deputy's use of force causes death or serious bodily harm, the Torrance County Sheriff's Deputy shall be placed on routine administrative leave until all internal investigative requirements as outlined in the Internal Affairs policy have been met and the Torrance County Sheriff's Deputy has been determined to be ready to return to duty by a qualified mental health professional.

**148.79** The Torrance County Sheriff's Office shall conduct an administrative investigation and comply with the policy of the District Attorney's Office for any independent criminal investigation that may result.



**148.80** The department will provide all department employees the opportunity to attend a critical incident debriefing conducted by trained staff and follow up treatment or counseling.

**SERIOUS BODILY HARM**

**148.81** LARGE GAPING WOUNDS- (loss of large amounts of blood and creates potential for organs to protrude from the body);

**148.82** MAJOR INTERNAL ORGAN DAMAGE – could impair the organ’s life sustaining function (brain, heart, lungs, liver, kidneys, and the arterial system);

**148.83** MAJOR BONE BREAKAGE- can cause internal bleeding, nerve damage, and render a person unconscious (forearm, upper arm, thigh, lower leg, ribs, skull, and spinal column).

**148.84** WEAPONS - Weapons that frequently cause serious bodily harm include firearms, cutting/stabbing/hacking instruments (edged or pointed weapons), and



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APPROVED BY:  
Sheriff Heath White

# TORRANCE COUNTY SHERIFF'S OFFICE

## BODY CAMERA

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**149.1** The purpose of this directive is to provide Torrance County Sheriff's Deputies with instructions on when and how to use body worn cameras (BWC's) so that Torrance County Sheriff's Deputies may reliably record their contacts with the public in accordance with the law. All recordings captured by Department issued BWCs are the exclusive property of Torrance County Sheriff's Office.

### DISCUSSION

**149.2** Recording equipment has proven to be a valuable law enforcement tool. The Department has adopted the use of Body Worn Camera's (BWC) to assist in the prosecution of criminal cases, to enhance the accuracy of Torrance County Sheriff's Deputies' reports and testimony in court, to reduce violent confrontations and to maintain public trust.

### POLICY

**149.3** It is the policy of the Department that Torrance County Sheriff's Deputies activate the BWC when such use is appropriate to the proper performance of his or her duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### REFERENCES

**149.4** Katz v. United States, 389 U.S. 347 (1967) (reasonable expectation of privacy)§ 30-12-1 NMSA 1978 (single party consent/interference with communications)

1. Torrance County Sheriff's Deputies will wear department-issued BWCs while on duty or performing law enforcement functions.
2. Torrance County Sheriff's Deputies shall only use the BWC provided by this department while in the scope of their duties.
3. BWCs shall be positioned forward facing, in a position and manner consistent with the manufacturer's recommendations (e.g. chest, lapel, etc.).

### USE OF BODY CAMERA

**149.5** Torrance County Sheriff's Deputies shall activate BWCs only in conjunction with official law enforcement duties.

**149.6** Torrance County Sheriff's Deputies shall activate their BWC as soon as practical when responding to a call for service or at the initiation of any law enforcement or investigative encounter between an Torrance County Sheriff's Deputy and a member of the public such as:

1. Traffic stops
2. Investigative detentions
3. Arrests
4. Searches
5. Pursuits
6. Interrogations
7. All interactions with the public

**149.7** If the immediate activation of the B WC is not feasible due to immediate risk to the safety of Torrance County Sheriff's Deputy or others, the Torrance County Sheriff's Deputy will activate the B WC at the first available opportunity when the immediate threat has dissipated and it is safe to do so.

**149.8** A Torrance County Sheriff's Deputy has discretion to record consensual encounters and any other circumstances where the Torrance County Sheriff's Deputy, through training and experience, believes that a recording of an incident would be appropriate.

**149.9** Torrance County Sheriff's Deputies that are not involved in direct interactions with witnesses, victims, or suspects and are performing duties, including but not limited to scene security, supervision, guard duty, holding a perimeter, etc., shall not be required to record these activities.

**149.10** In accordance with 30-12-1 NMSA, Torrance County Sheriff's Deputies are not required to inform every individual being contacted that the recording device is enabled; however, it is recommended they do so as part of their initial contact with members of the public. When practical, Torrance County Sheriff's Deputies shall inform arrestees when they are recording, unless doing so would be unsafe, impractical, or impossible.

**149.11** Torrance County Sheriff's Deputies will record every incident regardless if they are asked by a person to not record them. This is for the safety and accountability of the Torrance County Sheriff's Office.

**149.12** The BWC shall remain activated until the event is concluded in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see Restrictions). Conclusion will depend on the type of incident and individual circumstances,

but typically, the incident has concluded when Torrance County Sheriff's Deputies terminates contact with the individual or has cleared the scene. The Torrance County Sheriff's Deputy shall announce that the recording is being terminated prior to deactivation.

**149.13** Torrance County Sheriff's Deputy will respect the dignity of all and use sound judgement during recording persons who are nude or when sensitive human areas are exposed.

**149.14** In the event civilians need to view video to further an investigation, arrangements will be made to view video at police headquarters.

#### **NON-RECORDING INCIDENTS**

**149.15** Torrance County Sheriff's Deputies shall not use recording devices to document:

1. Encounters with undercover Torrance County Sheriff's Deputies or confidential informants.
2. Personal activities or private conversations of Torrance County Sheriff's Deputies that do not involve calls for service or contact with the public.
3. Conversations between Torrance County Sheriff's Deputies without all parties being aware of the fact that it will be recorded.
4. Conversations between Torrance County Sheriff's Deputies that involve case strategy or tactics.
5. DWI Checkpoints unless the driver is confrontational with Torrance County Sheriff's Deputies, refuses to stop, refuses to roll down the window, and/or produces any type of information visually or verbally that indicates they will not willingly comply with lawful commands.
6. Locations where individuals may have a reasonable expectation of privacy, such as: restrooms, locker rooms, the

presence of medical personnel, or in hospitals. (Katz v. US) However, if the totality of the circumstances leads the Torrance County Sheriff's Deputy to believe that recording is appropriate.

**149.16** The BWC will not be used to record the interaction of a victim and an advocate.

**149.17** If Torrance County Sheriff's Deputies inadvertently record any of the encounters listed above, they may follow, after contacting the Torrance County Sheriff and/or Torrance County Undersheriff.

**149.18** Torrance County Sheriff's Deputies shall not stop recording in response to an individual's request if the recording is required by this directive or the Torrance County Sheriff's Deputy deems that continued recording is necessary. If the recording is not mandatory, the Torrance County Sheriff's Deputy may evaluate the situation and, when appropriate, honor the individual's request.

**149.19** The individual's request to stop recording should be documented with the BWC. In the event that it is not reasonably possible to record the individual's request not to record with the BWC, Torrance County Sheriff's Deputies shall document the request via CAD system or report.

**149.20** During tactical activations, tactical units may turn off their BWCs during planning and decision-making.

**149.21** Due to the duration of tactical activations, in order to conserve battery life, tactical units may turn off their BWCs when not conducting directed action. BWCs shall be activated during directed action, which may cause a response from the subject.

## **TRAINING**

**149.22** All Torrance County Sheriff's Deputies who are authorized to use BWCs must complete mandatory training to familiarize themselves with the devices and departmental procedures prior to their use.

**149.23** Recordings may be used for training purposes. If an involved Torrance County Sheriff's Deputy objects to the showing of a recording, his or her objection will be submitted to the Torrance County Sheriff to determine whether the training value outweighs the involved Torrance County Sheriff's Deputy's objection.

## **VIEWING AND ACCESSING RECORDINGS**

**149.24** Torrance County Sheriff's Deputies will be assigned access to the digital storage application appropriate to their rank and/or duties.

**149.25** Torrance County Sheriff's Deputies may review their own BWC recordings to use them for quality and accuracy in their reports and investigatory interviews.

**149.26** Torrance County Sheriff's Deputies may view and share BWC recordings only for legitimate law enforcement purposes and for authorized administrative review purposes.

**149.27** Accessing, copying, or releasing of BWC recordings for non-law enforcement purposes is strictly prohibited, unless authorized by law and approved by the County Attorney's Office.

## **MANAGEMENT OF BWC RECORDINGS**

**149.28** All recordings shall be downloaded by the Torrance County Sheriff's Deputies within twenty-four (24) hours unless it is the Torrance County Sheriff's Deputies' last day before regular days off (RDO's). Prior to leaving on RDO's or vacation the Torrance County Sheriff's Deputy will ensure their BWC footage is downloaded..

**149.29** Recordings will be stored on a dedicated hard drive for a period of no less than 90 days. Torrance County Sheriff's Deputies will hold onto recording more than 90 days if there is a possible operation complaint generated and will also retain recording for the following events but are not limited to:

1. Any misconduct allegations
2. Use of Force
3. Show of Force
4. Pursuits
5. Criminal Damage to Torrance County Property by an arrested person (Patrol Vehicles)

### **DUTIES**

**149.30** Torrance County Sheriff's Deputies shall:

1. Ensure, at the beginning of their shift that video data is downloaded, and the BWC is properly charged
2. Function tests shall be conducted before and after a Torrance County Sheriff's Deputies shift according to the instructions of their system's manufacturer and shall report immediately any improperly functioning equipment to the Torrance County Sheriff Administrator.
3. Torrance County Sheriff's Deputies shall not be responsible for verified equipment failure during an incident if the BWC had no signs of functioning improperly prior to the incident.
4. Ensure that their BWCs are working properly and notify the Torrance County

Administrator when they learn that their device is not functioning correctly.

5. Articulate on a BWC recording or in writing their reasoning if they fail to activate their BWC, fail to record the entire contact, or interrupt the recording for incidents required to be recorded by this directive.

### **RETENTION AND RELEASE**

**149.31** The Torrance County Sheriff's Office will comply with all existing laws and regulations, including those governing retention and public disclosure of information.


**149.32** 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 County Attorney's Office prior to redacting or exempting recordings from public inspection.

**149.33** In the event Torrance County Sheriff's Deputies inadvertently record a non-recording incident identified above, the following redaction procedures may be followed:

1. Notify immediate the Torrance County Sheriff and/or Torrance County Undersheriff of unintentional recording.
2. Review recording with the Torrance County Sheriff and/or Torrance County Undersheriff to determine if it meets criteria detailed.
3. Recordings in question shall be electronically shared by the immediate supervisor to the Torrance County Sheriff or designee for review and approval.
4. If recording contains evidentiary content, only the portion that meets the

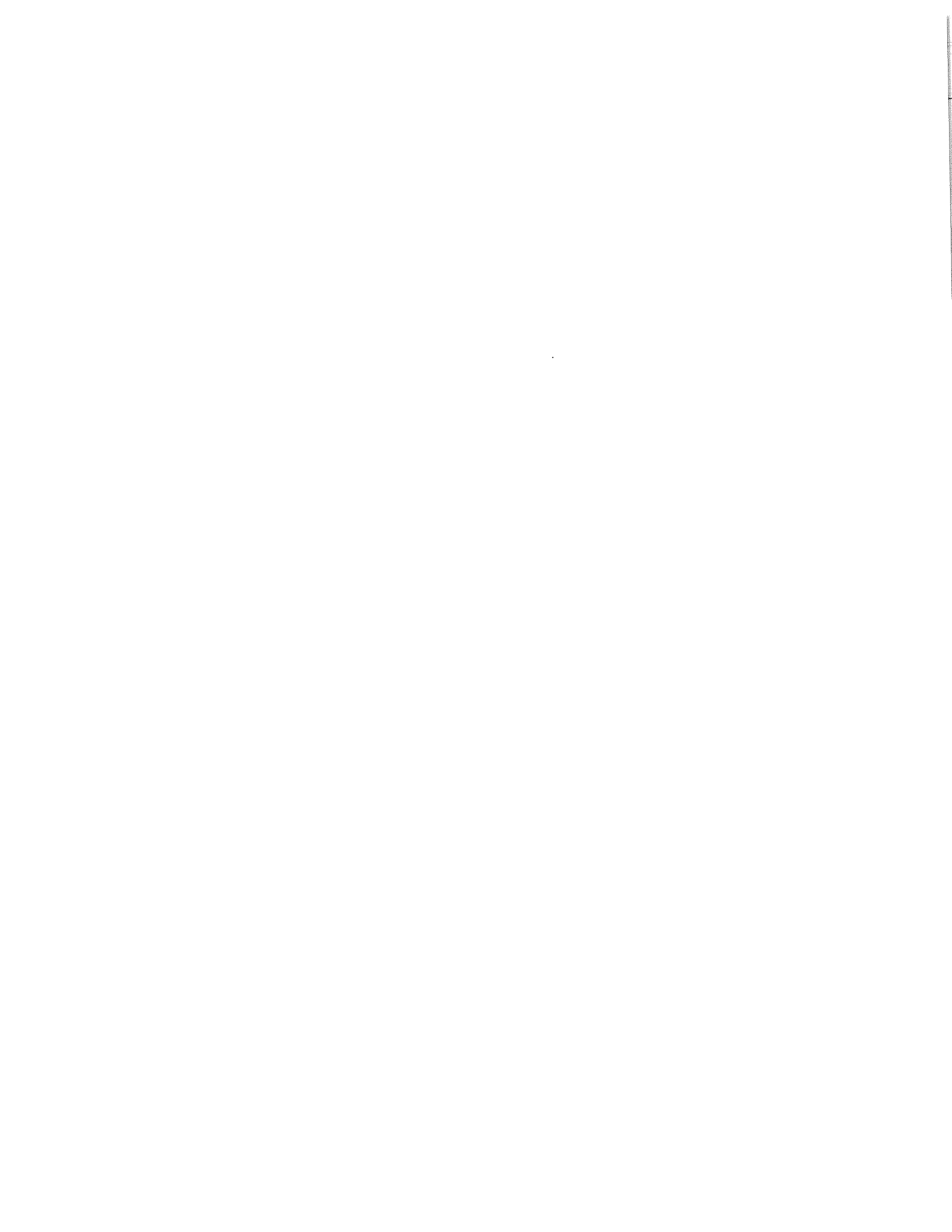
criteria shall be redacted of audio, video, or both by the Torrance County Sheriff or designee. A detailed description, stating the reason for edit, shall be noted in the system for each segment of the recording that is redacted. This will automatically be reflected in the audit trail.

**149.34** Torrance County Sheriff's Deputies will not tamper, alter, or manipulate any audio or video recordings. In the event a Torrance County Sheriff's Deputy tampers, alters, or manipulates any video or audio they will be subject to disciplinary action to include termination.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## PURSUIT

EFFECTIVE: 01-14-17

PAGES: 5

### PURPOSE

**150.1** The purpose of this directive is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles and emergency driving.

### DISCUSSION

**150.2** It is the intent of this policy to specify the conditions under which a Torrance County Sheriff's Deputy may engage in a high-speed pursuit and the conditions when the Torrance County Sheriff's Deputy shall terminate a high speed pursuit.

### POLICY AND PROCEDURE

**150.3** It is the policy of the Torrance County Sheriff's Office to pursue under the following circumstances and conditions:

### VEHICULAR PURSUIT

**150.4** Active attempts by a Torrance County Sheriff's Deputy in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

### AUTHORIZED EMERGENCY VEHICLE

**150.5** A vehicle of this agency equipped with operable emergency equipment as required by state statute (66-7-6 NMSA 1978 as amended). Police vehicles that do not meet the statutory requirements for an authorized emergency vehicle shall not initiate or join a pursuit in progress.

### PRIMARY UNIT

**150.6** The police unit, which initiates a pursuit or any unit, which assumes control of the pursuit.

**150.7** The primary pursuit vehicle will handle all Torrance County Regional Dispatch Center relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit. This shall not restrict the Torrance County Sheriff and/or Torrance County Undersheriff from giving instructions or other information directly to the primary vehicle, the secondary vehicle or the Torrance County Regional Dispatch Center.

**150.8** The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit unit and/or the Torrance County Sheriff and/or Torrance County Undersheriff in charge.

### SECONDARY PURSUIT UNIT

**150.9** Assisting/secondary pursuit units shall:

1. Engage all emergency equipment
2. Notify the Torrance County Regional Dispatch Center of his/her identity.
3. Pursue at a safe distance for back-up purposes.
4. Upon visual contact with the primary pursuit vehicle assume radio transmissions responsibility, allowing the primary unit to devote full attention to driving.
5. In the event that a secondary unit must pass the primary unit to assume the primary position, the Torrance County Sheriff's Deputy shall notify the primary



unit of his/her intent to pass, via police radio. Passing will only take place when it is safe to do so and only when it does not require movement into oncoming lanes of traffic.

6. Exercise due care and caution to protect lives, property and public safety. To assure this end, secondary units are to proceed at the minimum response level that will still allow effective assistance to the primary unit.

## PROCEDURES

**150.10** A Torrance County Sheriff's Deputy may initiate a high-speed pursuit to apprehend a suspect who the Torrance County Sheriff's Deputy has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the Torrance County Sheriff's Deputy has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit;

**150.11** A Torrance County Sheriff's Deputy shall not initiate or continue a high-speed pursuit when the immediate danger to the Torrance County Sheriff's Deputy and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large;

**150.12** When deciding whether to initiate or continue a high-speed pursuit, the following factors, at a minimum, shall be taken into consideration:

1. The seriousness of the offense for which the high-speed pursuit was initiated;
2. Whether a suspect poses a clear and immediate threat of death or serious injury to others;
3. Road, weather, environmental and vehicle conditions;
4. The amount of motor vehicle and pedestrian traffic; and
5. Knowledge of the suspect's identity, possible destination and previous

activities that may make apprehension at a later time feasible; and

6. All Torrance County Sheriff's Deputies involved in the Pursuit will complete a supplemental report within twenty four (24) hours.
7. If not actively involved as a primary or secondary unit, radio communication will be done through the CAD system. This includes a Torrance County Sheriff's Deputy marking themselves enroute to the pursuit. Enroute Torrance County Sheriff's Deputies will not need to update their location or state over the radio they are enroute. The radio will be dedicated to the primary and secondary unit actively involved.

## PURSUIT OPERATIONS

**150.13** NMSA 1978 section 66-7-6 authorizes emergency vehicle to deviate from adherence to the state traffic code. However, it does not relieve the driver of an authorized emergency vehicle from the duty to drive with the due regard for the safety of others. This statutory privilege is also conditional, based upon the existence of an actual emergency, use of adequate warning devices, and the continued exercise of due care and caution for the safety of others.

**150.14** Upon engaging in a pursuit, the pursuing vehicle shall activate all appropriate warning equipment, to include the siren.

**150.15** Upon engaging in pursuit, the Torrance County Sheriff's Deputy shall notify the Torrance County Regional Dispatch of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The Torrance County Sheriff's Deputy shall keep Torrance County Regional Dispatch Center updated on the pursuit. Torrance County Regional Dispatch Center personnel shall notify Torrance County

Sheriff and/or Torrance County Undersheriff of the pursuit, clear the primary radio channel of non-emergency traffic, and relay necessary information to other Torrance County Sheriff's Deputies, agencies and jurisdictions.

**150.16** When engaged in pursuit, Torrance County Sheriff's Deputies shall not drive with reckless disregard for the safety of other road users or pedestrians.

**150.17** Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a Torrance County Sheriff and/or Torrance County Undersheriff.

**150.18** The primary pursuit unit shall become the secondary unit when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibilities. This would apply to marked police vehicles assuming primary duties from an unmarked police vehicle or a police motorcycle.

#### **TORRANCE COUNTY SHERIFF AND/OR TORRANCE COUNTY UNDERSHERIFFY RESPONSIBILITIES**

**150.19** When made aware of a vehicular pursuit, the Torrance County Sheriff and/or Torrance County Undersheriff shall monitor incoming information, coordinate and direct activities as needed to ensure the proper procedures are being used, and shall have the discretion to terminate the pursuit.

**150.20** Where possible, a Torrance County Sheriff and/or Torrance County Undersheriff shall respond to the location where a vehicle has been stopped following a pursuit.

#### **PURSUIT TACTICS**

**150.21** Torrance County Sheriff's Deputies shall not follow the pursuit on parallel streets unless authorized by a Torrance County Sheriff and/or Torrance County Undersheriff or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.

**150.22** Patrol units having the most prominent markings and emergency lights shall be used as the primary and secondary units. Unmarked units may pursue vehicles as a primary unit only until the arrival of a marked unit, if they meet the statutory requirements of an authorized emergency vehicle.

**150.23** All intervention tactics, short of deadly force, such as spike strips, low speed tactical intervention techniques, and low speed channeling (with appropriate advance warning) should be used in areas where deployment of these tactics can be done in a reasonably safe manner, without unnecessarily endangering life or property. The tactic(s) should be commensurate to the actions of the person being pursued and the violation the person is being pursued for. Only those individuals who are properly trained in these individual techniques shall be authorized to implement the tactic(s) in order to attempt to stop a pursued vehicle.

**150.24** Use of roadblock, ramming or boxing in a suspect vehicle, shall be governed by this agency's use of force policy and shall not be utilized without specific technical training and Torrance County Sheriff and/or Torrance County Undersheriff approval.

**150.25** Once the pursued vehicle is stopped, Torrance County Sheriff's Deputies shall utilize appropriate Torrance County Sheriff's Deputy safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

#### **TERMINATION OF THE PURSUIT**

**150.26** The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.

**150.27** The pursuit may be terminated by the primary pursuit unit at any time.

**150.28** The Torrance County Sheriff and/or Torrance County Undersheriff may order the termination of a pursuit at any time.

**150.29** A pursuit may be terminated if visual contact with the suspect vehicle is lost for more than ten (10) seconds, suspect's identity has been determined, immediate apprehension is not necessary to protect the public or Torrance County Sheriff's Deputies, or apprehension at a later time is feasible.

**150.30** When a pursuit is terminated, Torrance County Sheriff's Deputies will reduce their speed to the posted speed limit and disengage all their emergency equipment. Torrance County Sheriff's Deputies may stay in the area but will not continue pursuing the vehicle.

#### **INTER-JURISDICTIONAL PURSUITS**

**150.31** The pursuing Torrance County Sheriff's Deputy shall notify Torrance County Regional Dispatch Center when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line. The Torrance County Sheriff and/or Torrance County Undersheriff controlling the pursuit shall direct radio dispatch to initiate coordination and request for assistance with the agencies of jurisdiction and relay the information to pursuing units as soon as possible.

**150.32** Pursuit into a bordering state shall conform to the law of both states and any applicable interjurisdictional agreements.

**150.33** When a pursuit enters this jurisdiction, the action of Torrance County Sheriff's Deputies shall be governed by the policy of the Torrance County Sheriff's Deputies own agency, specific inter-local agreements and state law as applicable. Assistance with the pursuit will be accomplished in accordance with this pursuit policy after receiving Torrance County Sheriff and/or Torrance County Undersheriff approval.

#### **AFTER – ACTION REPORTING**

**150.34** Whenever a Torrance County Sheriff's Deputy engages in a pursuit, the Torrance County Sheriff's Deputy shall file a written report on the appropriate form detailing the circumstances of the pursuit. This report shall be critiqued by the appropriate Torrance County Sheriff and/or Torrance County Undersheriff and the pursuit review committee to determine if policy has been complied with and to detect and correct any training deficiencies.

**150.35** The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

## TRAINING

**150.36** Torrance County Sheriff's Deputies who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy, emergency driving techniques and safe driving tactics.



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APPROVED BY:  
Sheriff Heath White



# TORRANCE COUNTY SHERIFF'S OFFICE

## VEHICLE MOUNTED CAMERA

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**151.1** The purpose of this directive is to provide Torrance County Sheriff's Deputies with guidelines for the use of the Vehicle Mounted Camera System

### DISCUSSION

**151.2** Mobile video/audio recording equipment has proven to be a valuable law enforcement tool. The Department has adopted the use of in-car video/audio systems in order to enhance the effective and efficient delivery of police services, and to serve as an asset to prosecution of criminal cases.

### POLICY

**151.3** It is the policy of the Torrance County Sheriff's Office to utilize Vehicle Mounted Camera Systems in order to enhance Torrance County Sheriff's Deputy reporting, evidence collection and court testimony. Vehicle Mounted Camera Systems will also enhance the effective and efficient delivery of police services by providing a tool for evaluation of arrest procedures, Torrance County Sheriff's Deputy and suspect interaction and as a guide for Torrance County Sheriff's Deputy evaluation and training.

## PROCEDURES

**151.4** Torrance County Sheriff's Deputies may also activate the camera system at their discretion.

**151.5** Torrance County Sheriff's Deputies assigned Vehicle Mounted Camera Systems will be responsible for the operation and care of the assigned Vehicle Mounted Camera Systems equipment.

**151.6** Prior to each shift Torrance County Sheriff's Deputies shall ensure that Vehicle Mounted Camera Systems equipment is properly powered to work effectively

**151.7** Prior to each shift Torrance County Sheriff's Deputies shall determine that Vehicle Mounted Camera Systems equipment is working satisfactorily.

**151.8** In the event of equipment malfunction, a memo detailing the malfunction will be generated no later than the end of the Torrance County Sheriff's Deputy's tour of duty and forwarded to the Torrance County Sheriff and/or Torrance County Undersheriff.

**151.9** Prior to each shift, Torrance County Sheriff's Deputies shall ensure proper alignment, focusing and positioning of Vehicle Mounted Camera Systems equipment.

### OPERATION

**151.10** At the scene of extended incidents (other than traffic contacts), the Torrance County Sheriff's Deputy has discretion in terminating videotaping when there is no other evidentiary value to be obtained. Examples of these types of events include, but are not limited to:

1. Traffic accidents while waiting for clean up or wrecker service;

2. Motorist assists or abandoned vehicle while waiting for wrecker service.

**151.11** Vehicle Mounted Camera Systems will also be used to record the pursuits

**151.12** Torrance County Sheriff's Deputies must be aware of limitations to the Vehicle Mounted Camera Systems recording ability, specifically interference caused by buildings, traffic noise and moving outside of the transmission range of the wireless microphone unit.

**151.13** Even though the video recording may be unrevealing, an audio record is transmitted from the wireless body microphone whenever the Vehicle Mounted Camera Systems equipment is activated.

**151.14** Torrance County Sheriff's Deputies may deactivate the Vehicle Mounted Camera Systems equipment during non-enforcement activities such as during meal breaks and during private conversations. The Torrance County Sheriff's Deputy will be responsible for insuring that the system is fully activated, including the wireless microphone, when an incident occurs.

**151.15** Tampering with or disabling Vehicle Mounted Camera Systems equipment, shielding, or taking any other action which interferes with the proper operation of Vehicle Mounted Camera Systems equipment or erasing or in any manner altering Vehicle Mounted Camera Systems CD/DVD is cause for disciplinary action.

## **STORAGE**

**151.16** Vehicle Mounted Camera Systems and their contents are considered open records unless marked as evidence.

**151.17** Requests to view any portion by anyone not employed by the Torrance County Sheriff's Office shall be referred to the Torrance County Sheriff's Office.

**151.18** Viewing may be conducted at the department during normal business hours under the direction of the Torrance County Sheriff and/or Torrance County Undersheriff.

**151.19** Original CD/DVD shall not be released to any outside agency. The CD/DVD should be duplicated in accordance with this policy and the original returned to safe storage.

**151.20** Duplicated CD/DVD are furnished to the requesting entities for the express use of the requester and further duplication or distribution without the express written consent of the Torrance County Sheriff and/or Torrance County Undersheriff or his/her designee is prohibited.

**151.21** The duplicate CD/DVD shall be labeled with the following:

1. Torrance County Sheriff's Office.
2. Case Number.
3. Torrance County Sheriff's Deputy name.

**151.22** Vehicle Mounted Camera Systems CD/DVD relating to use of force incidents and/or containing information that may be of evidentiary value or used in any civil proceeding shall be safeguarded and a chain of custody maintained as with other evidentiary items. CD/DVD marked as evidence will only be released according to the procedures already established for the release of evidentiary items.

**151.23** Torrance County Sheriff's Deputies are responsible for devising and maintaining the file system for Vehicle Mounted Camera Systems. All data should be maintained for a period no less than 90 days at which time it will be recycled for use.

**151.24**Torrance County Sheriff's Deputies utilizing Vehicle Mounted Camera Systems equipment shall adhere to established procedures, guidelines and policies.

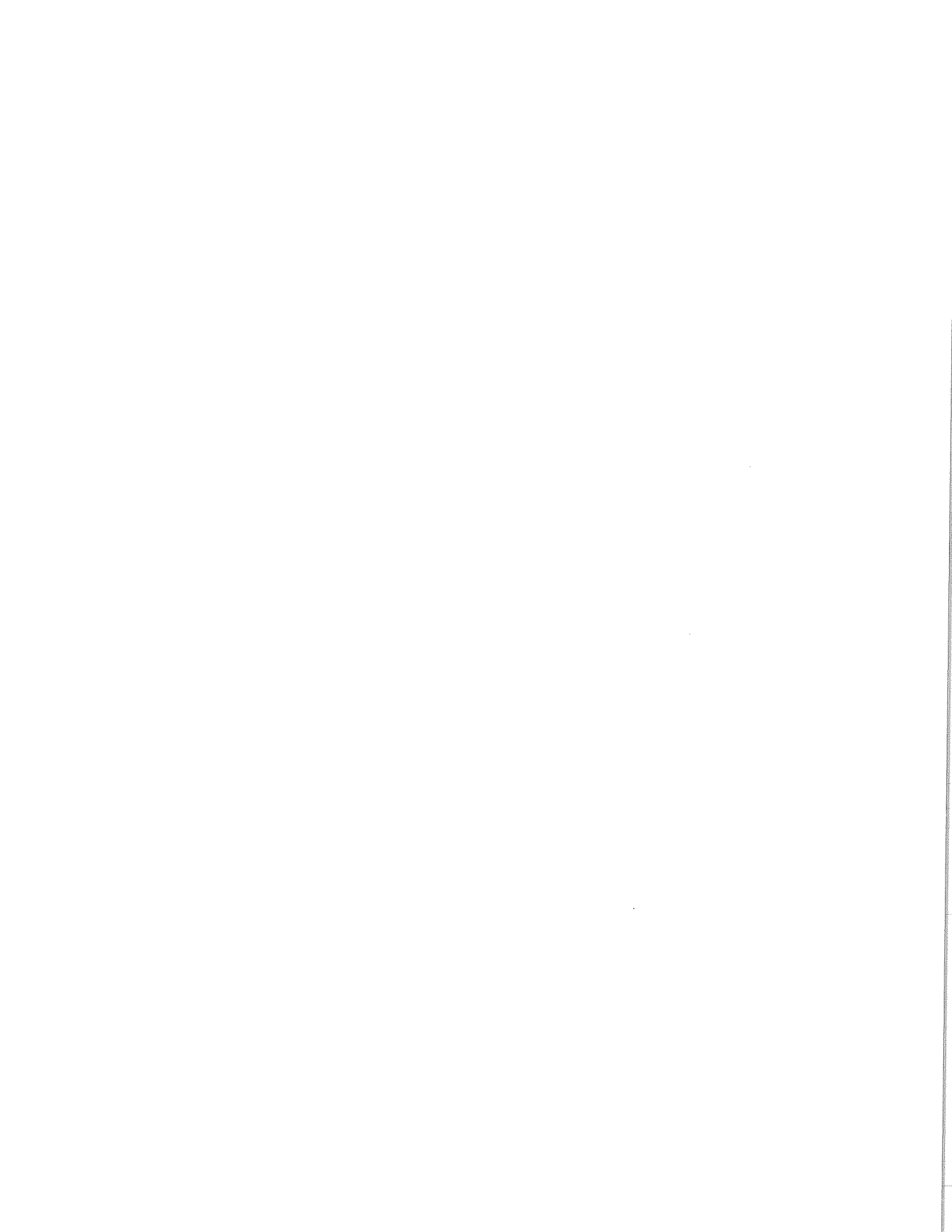
**98.1.21** The Torrance County Sheriff and/or Torrance County Undersheriff or their designee shall conduct monthly inspections of the Vehicle Mounted Camera Systems equipment to evaluate its suitability for its intended use.



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APPROVED BY:  
Sheriff Heath White





# TORRANCE COUNTY SHERIFF'S OFFICE

## INVESTIGATIONS WITH CHILDREN

EFFECTIVE: 01-14-17

PAGES: 3

### PURPOSE

**152.1** The purpose of this directive is to provide Torrance County Sheriff's Deputies with guidelines for the proper notification and investigation of crimes involving a child.

### DISCUSSION

**152.2** Torrance County Sheriff's Deputies will investigate all crimes involving a child who is under the age of 18.

### POLICY

**152.3** It is the policy of the Torrance County Sheriff's Office to fully investigate all crimes against any child and notify the proper resources to assure child safety.

### PROCEDURES

**152.4** Torrance County Sheriff's Deputies have a duty to protect any child that is a victim of a crime

**152.5** Torrance County Sheriff's Deputies will fully investigate all crimes against a child to include but no limited to:

1. Abuse
2. Exploitation
3. Endangerment
4. Neglect

**152.6** Torrance County Sheriff's Deputies will document all investigations involving criminal or negligence acts involving a child.

**152.7** Torrance County Sheriff's Deputies will gather all information to complete a detailed report to include but not limited to:

1. Full name
2. Date of birth
3. Social Security number
4. Height
5. Weight

**152.8** Torrance County Sheriff's Deputies shall use their best discretion in determining if a safe house interview is needed. Torrance County Sheriff's Deputies shall not gather detailed facts of the alleged crime from the child

**152.9** In the event a safe house interview is needed, Torrance County Sheriff's Deputies shall gather all information of the case from the reporting party and the parents.

**152.10** If Torrance County Sheriff's Deputies need to conduct a brief interview with the child, they shall gather the basic information.

**152.11** Torrance County Sheriff's Deputies will gather the minimal amount of information and provide it to All Faiths Receiving Home to schedule the safe house interview. If a sexual assault examination is needed, Torrance County Sheriff's Deputies shall contact Para Los Ninos.

**152.12** Torrance County Sheriff's Deputies assigned to the case will contact All Faith Receiving Home and the State Wide Central Intake.

**152.13** Torrance County Sheriff's Deputies assigned to the case will attend the safe house interview (forensic interview) and document the interview.

**152.14** At the completion of the forensic interview, Torrance County Sheriff's Deputies shall complete the report in a detailed manner.

**152.15** If elements of a crime are met, Torrance County Sheriff's Deputies shall complete the proper documentation to included but not limited to:

1. Criminal Complaint
2. Affidavit for an Arrest Warrant
3. Arrest Warrant

**152.16** If the case does not involve an adult but the offender is a juvenile, all documentation must be forwarded to the Juvenile Probation and Parole Office.

#### **PROCEDURES FOR INTERVIEWING A CHILD**

**152.17** Torrance County Sheriff's Deputies shall gather as much information about the family situation, abilities of the child, and any special needs.

**152.18** Once Torrance County Sheriff's Deputies have gathered the information needed, they shall conduct the interview as follows:

1. Introduce yourself and be simple with terms
2. Explain the reason why you are talking with them
3. Sit at the child's level
4. Use the child's name
5. Explain to the child you were not there to see what happened and you need their help
6. Tell the child they can tell you if they do not know the answer to the question or they don't understand
7. Do not make any assumptions
8. Use simple word

9. One question at a time
10. Ensure the child understands your question
11. Clarify what they tell you
12. Avoid rushing the child to answer questions.
13. Ask open ended questions
14. Watch the child's non-verbal communication
15. Limit yes/no questions

#### **REPORTING TO STATE WIDE CENTRAL INTAKE**

**152.19** Torrance County Sheriff's Deputies will report all allegations to the State Wide Central Intake center .

**152.20** In the event a Torrance County Sheriff's Deputy feels a child's safety is in danger, they shall request the child to be placed in custody of the State of New Mexico.

**152.21** If placing a child in the State of New Mexico custody is determined, Torrance County Sheriff's Deputies shall complete the Statement of Reasonable Grounds for Temporary CYFD Custody

**152.22** The Statement of Reasonable Grounds for Temporary CYFD Custody will be part of the Torrance County Sheriff's Deputies report.

**152.23** Torrance County Sheriff's Deputies have a duty to report any child abuse, neglect, exploitation, and/ or endangerment.

**152.24** Torrance County Sheriff's Deputies who fail to properly investigate any report of child abuse, neglect, exploitation, and/ or endangerment shall be disciplined.

**152.25** Torrance County Sheriff's Deputies can be held criminally for failing to take action during any child abuse, neglect, exploitation, and/ or endangerment while off or on duty.

**152.26** At any time during an investigation a Torrance County Sheriff's Deputy feels they cannot fully complete a proper investigation, they shall immediately contact the Torrance County Sheriff and/or Torrance County Undersheriff to request assistance.

**152.26** The Torrance County Sheriff and/or Torrance County Undersheriff shall assign the Torrance County Detective or a Torrance County Sheriff's Deputy who has the training and experience to fully investigate the case.

**152.27** In the event a death of a child is determined because of any child abuse, neglect, exploitation, and/ or endangerment the Torrance County Sheriff and/ or Torrance County Undersheriff may assign the Torrance County Detective or a Torrance County Sheriff's Deputy with the training and experience to the case.

**152.28** If the Torrance County Detective or a Torrance County Sheriff's Deputy with the training and experience is assigned, they shall assume all responsibility for investigation, complete a detail report, and file the necessary charges if the elements of crime are met.

**152.29** If a County Sheriff's Deputy needs further assistance in assessing a child's injuries, they shall contact the University of New Mexico Child Abuse Response Team.

#### **DEFINITIONS**

**152.30** Child- means a person who is less than eighteen years old

**152.31** Abuse-consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

1. Placed in a situation that may endanger the child's life or health;
2. Tortured, cruelly confined or cruelly punished; or
3. Exposed to the inclemency of the weather.

**152.32** Negligence-means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parents, guardian or custodian or their neglect or refusal.

**152.33** Abandonment- consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect.

**152.34** Exploitation- consists of a person to intentionally possess, manufacturing, distribute, cause or permit any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that the obscene medium depicts any prohibited sexual act or simulation of such act and if that person knows or has reason to know that one or more of the participants in that act is a child under eighteen years of age.

#### **DEFINITIONS**

**152.35** State Wide Central Intake (SCI)

1. 1-855-33-7233

**152.36** All Faiths Receiving Home

1. 505-271-0329
2. 1709 Moon St NE, Albuquerque, NM 87112

**152.37** Para Los Ninos

1. 505-272-6849
2. 625 Silver Ave SW, Albuquerque, NM 87102

**152.38** Child Abuse Response Team

1. During business hours (8:30 a.m. to 4:30 p.m. Monday through Friday) call 505-380-2509.
2. After hours and weekends call 505-925-4495.
3. The University of New Mexico Albuquerque, NM 87131,



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APPROVED BY:  
Sheriff Heath White