

**ARTICLE 21
PROHIBITION OF PROFILING PRACTICES**

- 29-21-1. Short title.
- 29-21-2. Profiling practices prohibited.
- 29-21-3. Policies and procedures; required.
- 29-21-4. Independent oversight; complaints; confidentiality.

29-21-1. Short title.

This act [29-21-1 to 29-21-4 NMSA 1978] may be cited as the "Prohibition of Profiling Practices Act".
(History: Laws 2009, ch. 177, 1.)

STATUTORY NOTES

Effective dates.- Laws 2009, ch. 177 contains no effective date provision, but, pursuant to N.M. Const., art. IV, 23, is effective on June 19, 2009, 90 days after adjournment of the legislature.

29-21-2. Profiling practices prohibited.

A. In conducting a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property, or in determining the scope, substance or duration of the routine or spontaneous investigatory activity, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except in a specific suspect description related to a criminal incident or suspected criminal activity, to select a person for or subject a person to the routine or spontaneous investigatory activity. **(Addressed in LCSO Policy ADM 3-06-1.A and ADM 3-06-1.C);**

B. In conducting an investigatory activity in connection with an investigation, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or criminal activity.

(History: Laws 2009, ch. 177, 2.) **(Addressed in LCSO Policy ADM 3-06-1.B);**

STATUTORY NOTES

Effective dates.- Laws 2009, ch. 177 contains no effective date provision, but, pursuant to N.M. Const., art. IV, 23, is effective on June 19, 2009, 90 days after adjournment of the legislature.

29-21-3. Policies and procedures; required.

A. A law enforcement agency shall:

(1) maintain written policies and procedures designed to eliminate practices by its law enforcement officers that violate the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act; and (Addressed in LCSO General Orders ADM 1-01, and ADM 1-02, ADM 1-03-2.A and .B, ADM 1-03-3.A and ADM 1-03-4.A, as well as policies ADM 1-05 Discipline, ADM 3-06 Biased Based Policing; Policy ADM 5-06 Internal Affairs Investigations, and policy PER 1-02 Employee Training Program)

(2) provide training to its law enforcement officers, during orientation and at least once every two years, that the law enforcement agency determines will assist its law enforcement officers in adhering to the applicable provisions of the Prohibition of Profiling Practices Act [29-21-1 NMSA 1978] and to the law enforcement agency's policies and procedures. (Addressed in LCSO Policy ADM 3-06-4.A)

B. As part of a law enforcement agency's administrative complaint procedures, the law enforcement agency shall, at a minimum:

(1) investigate a complaint alleging its law enforcement officer violated the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act; (Addressed in LCSO Policy ADM 5-06 Internal Affairs General Policy Statement, and procedural entries in this policy.)

(2) take appropriate measures to discipline a law enforcement officer, including facilitating mediation or other restorative justice measures, when it is determined that the law enforcement officer violated the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act; (Addressed in LCSO Policy ADM 1-05 Discipline)

(3) provide appropriate forms for submitting the complaint against its law enforcement officer; (Addressed in LCSO Policy ADM 5-06 Internal Affairs paragraph 5-06-4.A)

(4) publish the policies and procedures designed to eliminate practices that violate the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act; (addressed through a link provided on the department website and by providing printed versions of the manual upon request. Policy reference ADM 3-01-2 Records Considered Public and ADM 3-01-7 Inspection and Obtaining Copies of Public Records) and

(5) submit a redacted copy of the complaint and the disposition to the attorney general, which shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant. (This department has not received a complaint of this type regarding its personnel, but has assisted persons in identifying the agency involved. Also addressed in LCSO Policy 3-06-6.A Biased Based Policing,)

C. A law enforcement agency shall establish a time frame within which a complaint alleging a violation of the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act may be made; provided that in no event shall the time frame be less than ninety days or exceed one hundred eighty days after the commission of the

alleged violation of the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act. A law enforcement agency shall allow a complaint alleging a violation of the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act by its law enforcement officer to be made: (Addressed in LCSO Policy ADM 5-06 Internal Affairs paragraph 5-06-6.C)

(1) in person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or (Addressed in LCSO Policy ADM 5-06 Internal Affairs paragraph 5-06-6.A)

(2) by telephone, anonymously or by a third party; provided that the law enforcement agency shall determine the complaint to be valid before taking appropriate measures pursuant to Paragraph (2) of Subsection B of this section and shall comply with the provisions of Section 29-14-4 NMSA 1978. (Addressed in LCSO Policy ADM 5-06 Internal Affairs paragraph 5-06-6.B)

(History: Laws 2009, ch. 177, 3.)

STATUTORY NOTES

Effective dates.- Laws 2009, ch. 177, 5 makes the section effective December 31, 2009.

29-21-4. Independent oversight; complaints; confidentiality.

The attorney general shall establish independent procedures for receiving, and for maintaining a record of, complaints alleging profiling by a law enforcement officer or agency. The attorney general may initiate an investigation of a complaint alleging a violation, or a systematic pattern of violations, of the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act and take necessary actions as the attorney general deems appropriate. The attorney general may publish a report or summary of the attorney general's findings regarding violations of the provisions of the Prohibition of Profiling Practices Act [29-21-1 NMSA 1978]; provided that personal and identifying information shall not be published or released to the public.

(History: Laws 2009, ch. 177, 4.)

STATUTORY NOTES

Effective dates.- Laws 2009, ch. 177, 5 makes the section effective December 31, 2009.

Chapter 1: General Orders

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

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

Employee Notes:

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

Lea County Sheriff Office policy is to designate the authority and responsibilities of its employees. By order of the Sheriff, the Lea County Sheriff Office shall base its delegation of authority and set responsibilities for employees in accordance with the New Mexico Constitution, relevant New Mexico statutes (Chapters 29-1 & 4-41, NMSA 1978), County Ordinances and best practices. (29-21-3.A)

ADM 1-01-1 AUTHORITY OF THE SHERIFF

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

ADM 1-01-2 GENERAL AUTHORITY

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

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

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

Sheriff's Appointment

LEA COUNTY SHERIFF OFFICE

(STATE OF NEW MEXICO)

(COUNTY OF LEA)

§:

AS DEPUTY COMMISSION

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

DATED THIS _____ DAY OF _____, A.D.

Sheriff, Lea County

- B. Deputy's Oath of Office ~~AD~~

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

ADM 1-01-4 ENTERING OTHER COUNTIES

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

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

ADM 1-01-5 EXECUTION OF PROCESS

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

ADM 1-01-6 PERSON IN COMMAND

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

ADM 1-01-7 STAFF DUTY OFFICER

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

ADM 1-01-8

AUTHORITY AND RESPONSIBILITY OF NON-SWORN PERSONNEL

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

ADM 1-02 CODES OF ETHICS AND GENERAL CONDUCT**ORDER:** (29-21-3, A)

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

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

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

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

be informed about my stewardship of these funds.

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

Sheriff, Lea County, New Mexico

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

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

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

Deputy Sheriff, Lea County, New Mexico

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

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

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

_____, Lea County, New Mexico

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

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

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

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

ADM 1-03-2 ENFORCEMENT OF LAWS, ORDINANCES, AND SHERIFF'S OFFICE REGULATIONS (2901-3 A.1.)

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

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

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

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

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

ADM 1-03-4 SUPERVISORS RESPONSIBLE FOR SUBORDINATES

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

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

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

ADM 1-03-6 INTER-AGENCY COOPERATION

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

ADM 1-03-7 FURNISHING NAME TO THE PUBLIC

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

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

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

ADM 1-03-9 REPORTING FOR DUTY

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

ADM 1-03-10 PERFORMANCE ON DUTY

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

same or lesser rank.

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

ADM 1-03-11 PERFORMANCE ON AND OFF DUTY

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

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

ADM 1-03-12 OUTSIDE EMPLOYMENT

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

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

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

ADM 1-05 DISCIPLINE**ORDER:** (29-21-3A.1)

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

ADM 1-05-1 ADMINISTRATIVE RESPONSIBILITY

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

ADM 1-05-2 DETERMINING LEVELS OF DISCIPLINE

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

ADM 1-05-3 PROGRESSIVE DISCIPLINE

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

ADM 1-05-4 MULTIPLE OFFENSES

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

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

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

ADM 1-05-6 VERBAL REPRIMANDS

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

ADM 1-05-7 WRITTEN REPRIMANDS

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

to the employee.

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

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

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

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

ADM 1-05-9 EDUCATION BASED DISCIPLINE PROGRAM

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

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

ADM 1-05-10 RESPONSIBILITY FOR COURT APPEARANCE

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

ADM 1-05-11 OFF-DUTY OVERTIME

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

ADM 1-05-12 CONDUCT WHEN RELIEVED OF DUTY

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

official uniform.

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

ADM 1-05-13 ADVICE OF CHARGES AND DECISIONS

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

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

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

Chapter 3: Public Relations and Information Sharing

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

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

Employee Notes:

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

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

ADM 3-01-1 POLICE BLOTTER

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

ADM 3-01-2 RECORDS CONSIDERED PUBLIC

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

ADM 3-01-3 RECORDS CLOSED TO THE PUBLIC

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

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

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

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

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

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

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

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

ADM 3-01-6 RECORDS SECURITY

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

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

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

ADM 3-01-8 RELEASE OF ARREST INFORMATION

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

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

policy.

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

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

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

ADM 1-03-10 OTHER TELETYPE RECORDS

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

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

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

ADM 3-06-1 General Procedures

(29-21-2.A) A. Biased-based policing by any member of this office is prohibited. Routine and spontaneous investigative activity such as interviews, detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, or other types of bodily searches, or the search or real or personal property, arrests, property seizures and forfeiture efforts, or determining the scope or substance of such activity will be based on standards of reasonable suspicion or probable cause. Initiating and conducting investigative activity or determining when or how to take enforcement action will be in accordance with the New Mexico and U.S. Constitutions.

(29-21-2.B) B. Nothing in this policy prohibits deputies from using the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that deputies would use hair color, height, weight, or gender to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or criminal activity.

(29-21-2.A) C. Sheriff's Office personnel will provide the same level of service to every citizen regardless of their individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, economic or veteran status.

ADM 3-06-2 Supervisor Duties

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

internal affairs procedures and corrective or disciplinary actions.

ADM 3-06-4 Training

- (29-21-3.A.2) A. The Lea County Sheriff Office will provide training to its law enforcement deputies during orientation and every two years thereafter to assist deputies in adhering to this policy and the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, §§ 1-4, NMSA 1978 § 29-21-1 et seq.

ADM 3-06-6 Records Dispositions

- (29-21-3.B.5) A. In addition to the maintenance of the records of all investigative and corrective or disciplinary actions related to an allegation of Biased-based policing, the Sheriff will submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

ADM 5-06 INTERNAL AFFAIRS INVESTIGATIONS

POLICY: (2921-3-B 1, 2)

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

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

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

ADM 5-06-2 EMPLOYEE REQUIREMENTS REGARDING MISCONDUCT

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

ADM 5-06-3 COMPLAINT LEVELS

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

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

ADM 5-06-4 AUTHORIZED FORMS

- (29-21 3-B.3) A. Complaint forms shall be maintained in locations accessible to the public.
1. Complainants will not be required to file a complaint form to initiate an investigation, although a form will be offered to complainants to assist them in relating useful information.
 2. Complainants will not be required to sign their forms.
- B. Report of Investigation – Minor Offense:
1. This document is the substantive source of information from the supervisor regarding the initial inquiry or minor complaint, their investigative actions and their resolution or recommendation for the incident.
- C. Report of Investigation – Major Offense:
1. Contains the record of the major investigation, its findings and any recommendations related to the incident for review by the supervisor rendering corrective action.

ADM 5-06-5 PROCESSING INQUIRIES AND COMPLAINTS

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

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

B. Major Complaints

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

ADM 5-06-6 RULES OF PROCEDURE

(29-21-3, C. 2) A. Complaints may be received in person or in writing, via mail, email, telephone or facsimile; however, anonymous complaints against specific employees will not be investigated unless convincing evidence is provided to indicate the complaint is valid. Anonymous complaints involving this office's practices in general will be evaluated to see if the practice may be improper.

(29-21-3, C. 1) B. Anonymous complaints involving allegations of the provisions of **29-21-2 NMSA, 1978, Prohibition of Profiling Practices Act** will be accepted and investigated, provided the complaint is determined to be valid.

(29-21-3, C) C. Allegations of violations of provisions of NM statutes, county ordinances, or this office's policy by sheriff's office personnel will be accepted and investigated if received within one hundred and eighty (180) days from the commission of the alleged violation.

D. All complaints will be investigated in a timely manner.

1. Under normal conditions, investigations will be completed within 45 days of receipt, except in the case of an especially complex or time-consuming investigation, where the particulars for the delay are explained in detail via a letter to file.

E. A thorough investigation shall be conducted in accordance with Chapter 29, Article 14, (NMSA 1978), utilizing proper investigative procedures, the investigator's training, and recognized best practices.

1. All employees must appear for interviews and are compelled to answer questions completely and truthfully during an internal investigation. They are protected in a criminal investigation pursuant to Constitutional guarantees, *Garrity v. New Jersey*, 385 U.S. 493 (1967), and applicable laws.

F. A letter of verification of receipt will be mailed to the complainant within three business days of a complaint's receipt by the supervisor or Internal Affairs investigator conducting the investigation.

1. This letter will identify the supervisor or investigator and contain the assigned case number for reference.
2. If the complaint investigation exceeds forty-five days, the supervisor or investigator

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

ADM 5-06-7 CLOSING COMPLAINT INVESTIGATIONS

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

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

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

ADM 5-06-8 EMPLOYEE ACKNOWLEDGEMENT AGREEMENTS

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

ADM 5-06-9 RECORDS

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

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

ADM 5-06-10 TYPES OF DISPOSITIONS

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

ADM 5-06-11 MANAGEMENT AND PUBLIC OVERSIGHT

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

ADM 5-06-12 INVESTIGATIONS BY OTHER AGENCIES

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

PER 1-02 EMPLOYEE TRAINING PROGRAM**POLICY:**

Policy is to establish a comprehensive, organized system for evaluating employee skills and implementing training to maximize individual proficiency and provide the highest quality service for our public. Training is more than preparing a recruit deputy to perform their sworn duties, it involves preparing a new, non-sworn employee to conduct their duties as expected; maintaining a present employee's proficiency; implementing strategies for refresher training; providing current task-specific training; and mentoring. This policy establishes protocols for training new and established employees as well as mentoring personnel when they are assigned new duties or earn a promotion.

PER 1-02-1 TRAINING OBJECTIVES

- A. Inform the new employee of their duties and responsibilities, either as sworn deputy sheriffs, or non-sworn support personnel, and evaluate their progress while strengthening their individual skills.
- B. Identify employees who meet the minimum requirements for their job classification and release them to their respective sections.
- C. Identify employees who do not meet the minimum requirements and either extend their training, provide remedial training if appropriate, or suggest termination of their probationary employment.
- D. Guide employees to analyze real-world situations and properly apply their knowledge and experience in order to successfully resolve them.
- E. Develop employees into well-rounded, capable members of the sheriff office who follow policies and procedures and utilize common sense in supporting the sheriff office's goals.
- F. Provide guidance to employees when they assume new duties or responsibilities.
- G. Provide a choice of career paths for employees to follow that is defined by the statutory duties of the sheriff's office. Some may seek to specialize in certain skill areas, while others choose to pursue a supervisory path.
- H. Evaluate training personnel for their ability to communicate, train and evaluate the learning process of their peers.
- I. Document training.

PER 1-02-2 EMPLOYEE RESPONSIBILITIES RELATED TO TRAINING**A. Training Officer**

1. Under delegated authority from the Sheriff and in coordination with the Chain of Command, the training officer develops and publishes the sheriff office's annual training schedule, combining New Mexico Law Enforcement Academy biennial training requirements, refresher and safety training, and employee development courses.
2. They coordinate all training activities involving personnel and the use of training resources or facilities.
3. They enroll employees for courses and complete associated vouchers for review and signature by the Sheriff.
4. Manages the training process for the sheriff office.
5. Assists the Corporals (sworn field training officers) and Peer Coaches (non-sworn field training officers), in monitoring the sheriff office's in-house programs related to new employee or in-house maintenance training by:
 - a. Maintaining a current list of field training officers.
 - b. Assigning recruit deputies or new employees to their trainers, and monitoring the trainers' performance.
 - c. Monitoring the evaluations and progress of employees in their initial training programs and maintain a training folder on them until their release.
 - d. Providing resources to improve a new employee's substandard performance by changing their trainer, teaching the trainer new skills, training the new employee in some tasks themselves, or identifying subject matter experts from within the sheriff office who can provide the needed training.
 - e. Documents administrative and significant training information on the event record, maintained in the employee's training file until they are released and the file is forwarded to the training officer.

B. Corporals (Sworn) and Peer Coaches (Non-Sworn)

1. Are responsible for evaluating and training a new employee on a daily basis. They will show and discuss the daily observation report with the employee they are training daily in order to develop strengths or correct weaknesses. Training logs must be signed off by the trainer and recruit or new employee prior to being placed in training folder and submitted for review.
2. They are responsible for identifying training deficiencies and recommending remedial training to the appropriate coordinator and any potential disciplinary problems to the Chain of Command. As junior first-line supervisors, Corporals also

exercise authority to address minor disciplinary issues themselves, not only with their recruit, but other non-supervisory employees consistent with the sheriff's office's discipline policy.

3. Trainers have limited discretion to re-assign their trainee's duties in order to ensure they receive training in all aspects of the duties; however, the re-assignment must be to take a call or assume a task, not to avoid it.
 4. Responsible for maintaining their own level of proficiency and obtaining new material such as case law or policy changes which will affect the new employee's training.
 5. Develop relevant training material and present that information to their respective disciplines in monthly roll-call training.
- D. Recruit Deputies or New Employees
1. Will follow the lawful orders or guidance of their field training officer and the Chain of Command.
 2. Will make field training officers aware of any problems which could have an effect on their job performance.
 3. Will accept all methods of training which are intended to improve their standard of performance.
 4. Will maintain good habits of conduct and appearance as required by rules and regulations.

PER 1-02-3 FIELD TRAINING PROGRAM FOR SWORN PERSONNEL

- A. The field training program is designed to include the newly hired deputy, a Corporal, the shift supervisor, the training officer and the Division Captain. It is intended to be flexible, accounting for the seasoned law enforcement officer coming from another department as well as the new hire with no prior experience.
- B. *Non-certified Deputy 12 to 16 Week Course*
1. Consists of four training phases, with four training blocks in each phase. These blocks contain task-specific, knowledge-based material which is taught to the new hire at a set pace. The last phase will be followed by a shadow week where the new hire is evaluated at a distance. *Each phase should last between three and four weeks depending on the progress the recruit is making throughout the program.*
 2. Each phase concludes with a test which must be passed in order to advance to the next phase. A final, basic patrol test, given by the new hire's final Corporal and covering material from all phases must be taken and passed before the program requirements are fully met.
 3. No recruit may spend more than 16 weeks in the field training program without approval of their Division Captain.

C. *Certified by Waiver or New Mexico Certified Deputy 4 to 12 Week Course*

1. This program is intended for newly hired deputies with a NM state certification and some experience or another state's certification and over two years experience. The program consists of the same phases and tests; however, the time schedule may be condensed provided the newly hired deputy's performance is acceptable and justifies this determination.
- D. Diagnostic tests are provided to Corporals that can be given to recruit deputies to help determine whether they should receive the full program or the abbreviated one.
- E. Anyone within the relevant Chain of Command may recommend in writing that a deputy under abbreviated training be placed into the full program if circumstances warrant, although usually this is a determination forwarded by the deputy's Corporal. The final decision whether to retain a recruit deputy in the abbreviated program or move them to the full program rests with their Division Captain.
- F. Recordkeeping Practices:
1. Orientation paperwork will be completed and turned in no later than the end of the first week of Phase One for recruit deputies.
 2. A Daily Observation Report (DOR) will be completed on a daily basis. After being completed by the Corporal, they will be reviewed and signed by the shift supervisor. No later than the last day of the training week, the original DOR's will be forwarded to the training coordinator. Any remedial training conducted by the Corporal will be documented on the Daily Observation Log.
 3. The Corporal and recruit deputy will meet with the shift Sergeant on a weekly basis to discuss training progress.
 4. Phase tests and evaluations (which include recommendations to advance to the next phase) will be turned in to the appropriate Lieutenant and a copy forwarded to the Training Officer, no later than the first working day after the completion of the phase objectives and the test. A recruit deputy will not advance to the next phase of training unless recommended by his Corporal, with the concurrence of the shift supervisor.
 5. Final evaluations, together with the original weekly training file will be completed and turned in within three working days of the end of the recruit deputy's shadow phase. Any deviation from this schedule will require the pre-approval of the shift supervisor. Corporals will keep a signed copy of all documentation completed throughout the program.
 6. No recruit deputy will be released from the program without a final evaluation having been done. The evaluation must include the Corporal's recommendation for release, followed by the concurrence of the shift supervisor and the appropriate Lieutenant.

7. Prior to the recruit being released, they will be evaluated by a Lieutenant or Sergeant for one shift to see how recruit is handling calls and his professionalism.
8. Whenever a recruit deputy requires an extension within a phase, the reason for the extension must be documented in a memorandum to the Division Captain together with a remediation plan.
9. The final decision to approve a recruit deputy's release to solo patrol rests with the Division Captain.

PER 1-02-4 FIELD TRAINING PROGRAM FOR NON-SWORN PERSONNEL

- A. The field training program for non-sworn personnel is extremely flexible, and must be tailored to the duties assigned to the employee.
- B. No diagnostic tests are provided for the peer coach. Instead, they review the new employee's job classification and duties and provide focused training in those areas.
- C. The non-sworn program includes the newly hired employee, their peer coach, their civilian supervisor and the Division Captain.
- D. There is a 16 week time limit for the completion of a non-sworn employee's training which provides two months of observation prior to the employee reaching their six month probationary period. All task-specific training must be satisfactorily completed by the end of the 16 week training cycle.
- E. Recordkeeping Practices:
 1. Orientation paperwork will be completed and turned in no later than the end of the first week of an employee's training.
 2. A daily training log will be drafted by the peer coach, with the assistance of a civilian supervisor or the Division Lieutenant. The log should identify the tasks the new employee requires training in and a method for assessing their progress.
 3. The peer coach and new employee will meet with the civilian supervisor on a weekly basis to discuss training progress.
 4. Upon achieving satisfactory performance in their duties, the new employee will receive an evaluation from their peer coach describing their training and level of proficiency. Their training record will be forwarded to the training officer.
 5. The final decision to approve a new employee's release rests with their Division Captain.

PER 1-02-5 DOCUMENTATION (ROLL-CALL AND REFRESHER TRAINING)

- 29-28-3, A1.2.)
- A. Roll-call training will be presented monthly to sworn employees covering topics that are particular to their duties.
 1. Each month the Corporals will develop and present training topics which their assigned shift needs or is interested in learning. They must provide a detailed in-service to the training coordinator for each topic they will instruct by the 20th of the prior month to ensure the topics can be distributed to all Corporals by the 1st of the following month. This in-service must, as a minimum, detail the information to be taught and the sources used to obtain the information. Topics cannot be repeated unless new Case law on the matter has been directed by the court of appeals.
 - B. Refresher training will be presented to non-sworn employees on topics particular to their duties, and to all employees on matters such as policy and procedures and items of general interest such as workplace safety, etc.
 - C. Training Rosters identifying the topics and the employees who attended the training will be submitted to the Training Officer via the various Chains of Command by the 5th day of the month following the training.

PER 1-02-6 MENTORING PROGRAM

- A. The sheriff's office's mentoring program is intended to be a semi-formal process for helping interested employees prepare for future career opportunities in the areas of supervision, investigative proficiency, or administrative support.
 1. To specialize in their career path without pursuing a supervisory role, employees are encouraged to seek formal and informal training in areas which interest them, and have a direct connection to their present role, or future needs. Examples of this type of training would be crime scene processing, evidence collection, interviews and interrogations, advanced DWI training, etc.
 2. Specialization opportunities for non-sworn employees include courses which strengthen our role as a public servant. Non-sworn employees are encouraged to seek training in office management, maintenance of public records, evidence maintenance, information technology, etc.
 3. In preparation for a supervisory career path, employees are encouraged to request attendance to formal training courses that provide them with insight into training, guiding, employee development and resource allocation. Supervisors may recommend an employee for training based on their present duties or projected career path.
 - a. Peer Coaches, Corporals and Sergeants shall be sent to an appropriate first-line supervisor's course.
 - b. Sergeants, Lieutenants and civilian supervisors shall be sent to a mid-management course.

- c. Lieutenants and Captains shall be sent to an executive management course.
 - d. Supervisors at all levels are encouraged to research and submit training requests for formal training that augments present skills and prepares them for future duties.
4. Whenever an employee receives a new position or attains a new or subsequently higher supervisory position, their immediate supervisor shall assign them a mentor who is capable of providing the newly assigned or promoted employee aid in adjusting to their new duties and position.
- a. With the exception of the Undersheriff and the Executive Secretary the mentor should not be the new employee's direct supervisor if possible. Ideally, they should be of equal rank, or one level of rank or proficiency higher than the employee, and have held their position for at least 6 months.
 - b. The purpose of this assignment is to provide the newly promoted employee with a professional confidant and coach, who can assist them in learning their duties, introduce them to vital professional contacts and help them to develop their abilities.
 - b. Mentors will not be involved in determining whether the employee is successfully released from their probation.
 - c. The decision to release an employee from their probation to permanent status or return them to their former rank or position must be made by the Sheriff, based on observations forwarded from the appropriate supervisor in the employee's Chain of Command.



Attorney General of New Mexico

GARY K. KING
Attorney General

ALBERT J. LAMA
Chief Deputy Attorney General

August 3, 2012

Mark Hargrove, Sheriff
Lea County Sheriff's Office
1417 S. Commercial St.
Lovington, NM 88260

Re: Prohibition of Profiling Practices Act Section 29-21-1 et.seq. N.M.S.A. (2009)

Dear Sheriff Hargrove:

As you are aware, the New Mexico Legislature enacted the Prohibition of Profiling Practices Act in 2009. My office has the statutory duty to monitor compliance with the Act and compile data generated by it. In reviewing our files it has come to my attention that we do not have a copy of your department's written policy covering this new law.

The Attorney General's Office is keeping a collection of all the locally adopted policies to facilitate our ability to implement the Act. Please forward a copy of your policy to my office by September 14, 2012. If your department has not yet finalized your policy and would like assistance in doing so, we can furnish you copies of the policies adopted by the Santa Fe Police Department and the Socorro County Sheriff's Office that are deemed to be in full compliance with the law.

Special Counsel Stuart Bluestone at my Santa Fe office (505) 827-6004 and General Counsel Dave Pederson at my Albuquerque office (505) 222-9075 will be happy to assist you with this matter. All of us in New Mexico law enforcement are committed to the idea that police work must be conducted free of the practices which are banned by this important law.

Best personal regards,

A handwritten signature in cursive script that reads "Gary K." followed by a stylized "K".

Attorney General
Dr. Gary K. King