



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



<b>POLICY NUMBER</b>	
OPR:64	
<b>EFFECTIVE DATE:</b> 04/09/2018	<b>ORIGINAL ISSUED ON:</b> 04/09/2018
<b>REVISION NO:</b>  ORIGINAL	

**SUBJECT: STATE POLICE EMERGENCY RESPONSE TEAM**

**1.0 PURPOSE**

It is the purpose of this policy to establish standards and procedures for the New Mexico State Police Emergency Response Team and guidelines for deployment and utilization.

**2.0 POLICY**

It is the policy of the New Mexico Department of Public Safety (DPS) to maintain a highly trained and equipped Emergency Response Team (ERT), which may be utilized in critical incidents as well as crowd and riot control situations.

**3.0 APPLICABILITY**

This policy applies to all commissioned New Mexico State Police personnel of the New Mexico Department of Public Safety.

**4.0 REFERENCES**

NONE

**5.0 DEFINITIONS**

- A. Crowd Control** – Techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics, and arrest procedures.
- B. Crowd Event or Crowd Situation** – Sporting events, festivals, concerts, celebratory crowds, demonstrations, and civil disturbance or rioting incidents.
- C. Crowd Management** – Techniques used to manage lawful public assemblies before, during, and after the event for the purpose of maintaining a peaceful assembly.
- D. Demonstration** – Used generically in this policy to include a wide range of First Amendment activities which require, or which may require, traffic control, crowd management, crowd control, or enforcement actions in a crowd situation. Some examples include, but are not limited to, marches, protests, student walk-outs, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons, including participants, onlookers, media, and other persons who may disagree with the point of view of the activity.
- E. DPS** – Department of Public Safety.
- F. ERT** – Emergency Response Team.
- G. First Amendment Activities** – Includes all forms of speech and expressive conduct to convey ideas and/or information, to express grievances, or to otherwise communicate with others, and includes both verbal and non-verbal expression.

Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, holding of banners or signs, and other artistic forms of expression.

- H. Unlawful Assembly** – Meeting of a set number of people as described by state law who intend to either to commit a violent crime or to carry out an unlawful act that will constitute a breach of the peace.
1. **Civil Disorder** – public disturbance by numerous people who commit violent acts that cause immediate danger or injury to people or property.
  2. **Civil Disturbance** – a groups acts of violence and disorder prejudicial to public law and order.
  3. **Civil Disobedience** – refusal to obey civil laws in an effort to change governmental policy or legislation characterized by using passive resistance of other non-violent means.
  4. **Protest** – a usually organized demonstration of disapproval.
  5. **Riot** – unlawful disturbance of peace by assembly of people acting with a common purpose in a violent or tumultuous manner that threatens or terrorizes the public.
  6. **Exempt Employee** – DPS commissioned personnel that are exempt from ERT functions as designated by the Chief of the New Mexico State Police.

## **6.0 PROCEDURE**

The State Police will maintain a trained Emergency Response Team (ERT) which may be utilized in natural, industrial, commercial, and man-made disasters or catastrophes. The team may also be utilized to deal with group acts of disruption, violence, disturbance, or any unusual circumstance which would cause a depletion of manpower in a given district for an extended period of time.

The ERT shall be available to all of the law enforcement divisions of DPS, as well as assist police agencies within the state, upon the approval of the Chief or his designee.

### **A. Activation**

1. Any district commander of the DPS can request activation of the ERT. All requests for the ERT must be made through the appropriate chain of command to the ERT Commander, or designee. If an event is scheduled, supervisors will do their best to give advance notice.
2. Prior to ERT activation requests, DPS commanders will to provide a brief of intelligence gather on each specific event occurring in their districts to the ERT Commander.
3. The ERT Commander or designee will contact the Chief or designee, to obtain approval for team activation in specific districts or assistance with other agencies.
4. Upon receiving mission approval, the ERT commander will contact team members to respond to the incident location.

## STATE POLICE EMERGENCY RESPONSE TEAM

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5. Other law enforcement agencies requesting assistance from the ERT should notify any district commander who will contact the ERT commander.
6. The State Police ERT shall have the capability of responding to a critical incident on very short notice.
7. ERT members shall respond to the location designated by the ERT commander, when notified of team activation.
8. ERT members shall respond in emergency or non-emergency modes, as directed by the ERT commander, when notified of team activation.

### B. Operations

1. Department resources (i.e. other DPS Special Operation Units) should be deployed to accomplish specific law enforcement objectives that are identifiable.
2. Objectives:
  - a. Containment – the affected area so the disorder does not get any bigger;
  - b. Isolation - those involved in the action (this makes it easier to disperse them) To prevent the growth of an unlawful disorder and deny access to those who, for their own safety, are not involved; and/or
  - c. Dispersal – those involved in the action. To disperse the crowd and take appropriate action against law violators.
  - d. Arrest – if necessary
  - e. Restore – the affected area back to normal
3. Crowd Management
  - a. The purpose of crowd management is to peacefully move a lawful crowd from one location to another.
  - b. The on-scene ERT supervisor will authorize and direct all crowd management tactics, in concurrence with the on-scene Incident Commander, as appropriate. The ERT commander is the individual assigned to monitor, direct, and supervise operational field components of a situation or event.
4. Crowd Control
  - a. Techniques used to address unlawful public assemblies, including a display or deployment of a large number of police officers for crowd containment, dispersal tactics, and arrest procedures.
    - i. Crowd dispersal techniques shall not be initiated until after there have been repeated announcements (who's making announcements, how many announcements, what languages, does it need to be video recorded, and what is a reasonable time) to the crowd requesting members of the crowd to voluntarily disperse and informing them that if they do not disperse, they will be subject to arrest.

## STATE POLICE EMERGENCY RESPONSE TEAM

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1. "I am ( name and rank) of the New Mexico State Police. I am now issuing a public safety order to disperse, and I command all those assembled at (specific location) to immediately disperse. If you do not leave this area, you may be arrested or subject to other police action. You may be subject to the use of chemical agents or less than lethal munitions. If you remain in the area, regardless of your purpose, you will be in violation of city or state law. You may take the following routes to disperse from the area (give egress routes). You have ( reasonable amount of time to disperse from the area)" (Dispersal Order should be translated and said in Spanish as well with a bilingual officer giving this command)
    - ii. Unless there is immediate risk to public safety, or significant property damage is occurring, a reasonable amount of time will be allowed for a crowd to comply with police commands before action is taken. The order shall be repeated for a total of three times, absent exigent circumstances.
      1. 1st Warning issued at: \_\_ (Wait 5 Minutes before reading 2nd Warning)
      2. 2nd Warning issued at: \_\_ (Wait 2 minutes before reading 3rd Warning)
      3. 3rd Warning issued at: \_\_ (Commence making arrests, as explained or as needed)
  - b. In the event of a declared unlawful assembly, multiple simultaneous arrests should be made to deal with a non-violent demonstration crowd that fails to disperse, but voluntarily submits to arrest as a form of a political protest, rather than dispersing the demonstrators by using weapons of force beyond that which are necessary to make the arrests.

Refer to each District Emergency Action Plans

    1. Prisoner transport
    2. Prisoner processing
    3. Prisoner property/evidence
    4. Prisoner amenities
  - c. The on-scene ERT supervisor shall make the final decision as to what control action, if any, will be taken to address a given crowd/riot situation. Crowd size and available resources will be considered when determining the appropriate police response.
  - d. ERT supervisors and members shall constantly reassess and adjust tactics, as necessary, as the crowd's actions change.
5. Crowd Behavior
- a. Compliant – Crowd members who submit to lawful police orders without resistance.
  - b. Non-Compliant/Non-Violent – Non-violent opposition by crowd members to the lawful directions of law enforcement during an arrest situation.

## STATE POLICE EMERGENCY RESPONSE TEAM

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- c. Non-Compliant/Violent – Crowd members intentionally and unlawfully opposing lawful orders of police officers in a physical manner, e.g., tensed muscles, interlocked arms/legs, pushing, kicking, etc.
6. Use of Force in Crowd Situations Involving Unlawful Activity
  - a. Law enforcement actions shall be exercised in a fair and impartial manner.
  - b. Only necessary force as defined in DPS policy *OPR: 01 Use of Force* will be used to control or disperse persons or groups, or to effect arrests.
  - c. Deadly force may be used only in compliance with DPS policy and State law.
  - d. When possible, DPS commissioned officers should make an effort to coordinate with participants to ensure protests, demonstrations, and other public gatherings occur in a lawful manner.
  - e. In crowd events or crowd situations, involving unlawful activity, involved police personnel shall adhere to the department's basic law enforcement mission of protecting life and property.
7. Use of Chemical Agents in Crowd Situations Involving Unlawful Activity specifics on each device
  - a. Use of chemical agents shall be governed by department policy *OPR: 01 Use of Force*.
  - b. The authorized use of chemical agents during crowd situations involving unlawful activity shall have, as a primary objective, one or all of the following:
    - i. Prevention of violence;
    - ii. Suppression and dispersal of unlawful assemblies with minimum hazard to the public and law enforcement;
    - iii. To aid in overcoming resistance to effect arrests; and
    - iv. Area or building deprivation to prevent further destruction of property when other means are not practical, e.g., denying access of a building or area by the use of chemical agents.
    - v. Safe removal of injured civilians and officers from within a crowd.
  - c. Deployment of chemical agents shall be authorized only by an on-scene ERT supervisor, unless emergency circumstances dictate otherwise.
  - d. Chemical agents shall only be deployed subsequent to a verbal dispersal or movement order, if practical.
  - e. Only authorized ERT trained personnel shall deploy these devices.
  - f. Use of individually issued chemical agent canisters is not prohibited by this policy, but should be strictly controlled.
8. Use of Less than Lethal Weapons Involving Unlawful Activity

## STATE POLICE EMERGENCY RESPONSE TEAM

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- a. The use of less than lethal weapons is to intervene in unlawful assemblies and/or unlawful crowd situations where verbal dispersal or movement orders have been ineffective.
- b. Deployment of less than lethal weapons shall be authorized only by an on-scene ERT supervisor or designee, unless emergency circumstances dictate otherwise.
- c. These devices shall only be deployed subsequent to verbal dispersal or movement orders, when practical.
- d. Only authorized ERT trained department personnel, certified in the use of less than lethal weapons, shall deploy these devices.
- e. Use of individually issued less than lethal weapons, e.g., baton, taser, etc., is not prohibited by this policy, but should be strictly controlled.

### **C. Selection, Qualification, Training**

1. Selection – Selected by District Commanders at the request of the ERT Commander.
2. Qualification – All commissioned DPS personnel are subject to be trained personnel unless under exempt status by the Chief of the New Mexico State Police.
3. Training – All designated personnel will attend an ERT Field Force Operations course, as well as specialized training outside the Department, as allowed by budgetary constraints. Training will be oriented toward physical, tactical, and weapon skills. Training will also address Civil Rights and other applicable laws.
  - a. All members will participate in proficiency/advanced training scheduled for sixteen (16) hours of each quarter. Training dates will be assigned by the ERT commander.

### **D. Organization**

1. The Special Operations Bureau commander shall oversee all activities of the ERT.
2. The assignment of the ERT commander shall be made by the Chief of State Police. The ERT commander shall:
  - a. Report directly to the Special Operations Bureau commander on matters concerning the ERT;
  - b. Appoint the assistant commander with approval from the Special Operations Bureau commander;
  - c. Appoint team leaders with approval from the Special Operations Bureau commander;
  - d. Manage team training, operations, and deployment with the concurrence of the Special Operations Bureau commander;
  - e. Manage the ERT budget;

## STATE POLICE EMERGENCY RESPONSE TEAM

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- g. Assign personnel to specialty areas of the team, with approval of the Special Operations Bureau commander;
- h. Perform other duties as assigned by the Special Operations Bureau commander or the Chief of State Police;
- i. Maintain the ERT's central records repository;
- j. Perform other duties, as assigned.

### 3. Assistant Commander

Appointment of the assistant commander shall be made by the ERT commander with approval from the Special Operations Bureau commander. The assistant commander shall be a Sergeant selected from within the ranks of the ERT. The Assistant ERT commander shall:

- a. Report directly to the ERT commander on matters concerning the team;
- b. Serve as acting commander in the absence of the ERT commander; and
- c. Perform other duties, as assigned.

### 4. Team Leader(s) - ERT Sergeants

The assignment of the ERT team leaders shall be made by the ERT team commander and assistant commander, with approval from the Special Operations Bureau commander. Team Leaders shall:

- a. Report directly to the assistant team commander on matters related to the ERT;
- b. Be responsible for supervising their team and directing it's deployment;
- c. Periodically inspect the members assigned to their command to ensure that the highest level of readiness is maintained;
- d. Periodically inspect and inventory all department issued gear in use by team members, at a minimum of a quarterly basis;
- e. Obey all lawful orders issued by the ERT team commander or assistant commander;
- f. Perform other duties, as assigned;
- g. Assure there is an adequate supply of expendable materials for a prolonged deployment; and

### 5. ERT members shall:

- a. Obey all lawful orders issued by the ERT commander, assistant commander, and team leaders;
- b. Maintain a high level of physical and mental readiness;
- c. Ensure all department-issued and personal equipment is clean, properly maintained and functional;
- d. Respond promptly to ERT activations; and

e. Perform other duties as assigned.

**E. Reporting**

1. Any use of force by a team member shall be reported on the Department's Use of Force form in addition to an Offense/Incident Report, in accordance with department policy *OPR: 01 Use of Force*. The Offense/Incident Report and Use of Force form shall be completed before the end of the employee's shift. The Offense/Incident Report shall be reviewed/approved by the on-scene supervisor.
2. The ERT supervisor authorizing use of chemical agents or other less lethal weapons must justify their decision in an Offense/Incident Report, with a copy submitted to the supervisor in addition to normal routing.
3. Upon the completion of any mission, an After Action Report will be completed by the on-scene ERT commander.

**F. ERT Elements and Weapons**

1. The ERT will carry special weapons at the discretion of the ERT commander. These weapons will be issued and maintained by the team and/or department armorer.
2. Only those members trained and certified in the deployment of less than lethal munitions may use them either in training or in actual missions, e.g., tasers, chemical munitions, specialty impact weapons, and pepper ball.
3. The ERT team commander will perform a quarterly inspection and inventory of authorized ERT specialty weapons and munitions, to maintain operational readiness.

**G. Uniforms, Patches, and Insignia**

Members completing two (2) years of satisfactory service with the Emergency Response Team (ERT), shall display the ERT badge (wings) above their nameplate while wearing a class "A" uniform. Upon separation from the ERT. Members who have less than five (5) years of membership will not be allowed to display the ERT badge on their class (A) uniform. Members, upon separation from the team, having completed five (5) years or more of satisfactory service, may wear the ERT badge on their class (A) uniform.

**BDU's with ERT specific Riot response suit**

**Patches will wear only assigned to each individual**

**7.0 ATTACHMENTS**

**NONE**

**8.0 APPROVAL**

**APPROVED BY:**                     S/ Scott Weaver                     **DATE:**                     April 9 , 2018                    

**DPS Cabinet Secretary**