



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
TRG:03	
EFFECTIVE DATE: 02/03/2016	ORIGINAL ISSUED ON:
REVISION NO: ORIGINAL	

SUBJECT: TRIBAL COMMISSIONS

1.0 PURPOSE

The purpose of this policy is to provide effective services for all New Mexico residents by commissioning New Mexico peace officers or deputies of a New Mexico Indian nation, tribe or pueblo, or who are law enforcement officers employed by the Bureau of Indian Affairs and are assigned in New Mexico.

2.0 POLICY

The Department of Public Safety may commission as New Mexico peace officer those who are qualified law enforcement commissioned members of a New Mexico Indian nation, tribe or pueblo, or who are law enforcement officers employed by the Bureau of Indian Affairs and are assigned in New Mexico to have New Mexico peace officer powers to conduct arrests and enforce violations of state laws.

3.0 APPLICABILITY

This policy applies to all employees of the Department of Public Safety and officers from a New Mexico Indian nation, tribe or pueblo who wish to be commissioned as a New Mexico peace officer.

4.0 REFERENCES

- A. 29.1.11 NMSA 1978, Authorization of tribal and pueblo police officers and certain federal officers to act as New Mexico peace officers; authority and procedure for commissioned peace officers**
- B. 18 U.S.C. 1153, Offenses committed within Indian country**

5.0 DEFINITIONS

- A. DPS – The Department of Public Safety.**
- B. Indian Nation, Tribe or Pueblo – Any federally recognized Indian nation, tribe or pueblo located wholly or partially in New Mexico.**

6.0 PROCEDURE

A. Responsibilities of DPS and the Indian Nation, Tribe or Pueblo

1. The Chief of the New Mexico State Police is granted authority to issue commissions as New Mexico peace officers to members of the police or sheriff's department of any New Mexico Indian nation, tribe or pueblo, or a law enforcement officer employed by the Bureau of Indian Affairs (BIA) to implement the provisions of NMSA 29-1-11. Procedures to be followed in the issuance and revocation of commissions and the respective rights and responsibilities of the departments shall be set forth in a written agreement to be executed between the Chief of the New

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Mexico State Police and the Indian nation, tribe or pueblo, or the appropriate federal official. The agreement shall contain the following conditions:

- a. the Indian nation, tribe or pueblo, but not the bureau of Indian Affairs, shall submit proof of adequate public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state;
 - b. each applicant for a commission shall successfully complete four hundred (400) hours of basic police training that is approved by the director of the New Mexico Law Enforcement Academy;
 - c. the Chief of the New Mexico State Police shall have the authority to suspend any commission granted for reasons solely within the Chief's discretion;
 - d. if any provision of the agreement is violated by the Indian nation, tribe or pueblo, or any of its agents, the Chief of the New Mexico State Police shall suspend the agreement on five (5) days' notice, which suspension shall last until the Chief is satisfied that the violation has been corrected and will not recur;
 - e. the goldenrod-colored officer's second copy of any citation, or a copy of the issuing agency copy, issued pursuant to a commission authorized by this section shall be submitted within five (5) days to the Chief of the New Mexico State Police;
 - f. any citation issued pursuant to a commission authorized by this section shall be to a magistrate court of New Mexico; except that any citations issued to Indians within the exterior boundaries of an Indian reservation shall be cited into tribal court;
 - g. the agreement or any commission issued pursuant to it shall not confer any authority on a tribal court or other tribal authority that the court or authority would not otherwise have;
 - h. the authority conferred by any agreement entered into pursuant to the provisions shall be coextensive with the exterior boundaries of the reservation; except that an officer commissioned under this section may proceed in hot pursuit of an offender beyond the exterior boundaries of the reservation, and the authority conferred in any written agreement between the Chief of the New Mexico State Police and the Navajo Nation may extend beyond the exterior boundaries of the Navajo reservation to and including the area enclosed by the description in NMSA 29-1-11 subsection C(8), and;
 - i. the Chief of the New Mexico State Police, or the chief's designee, and the Indian nation, tribe or pueblo, or the appropriate federal official shall be required to meet at least quarterly, or more frequently, at the call of the Chief of the New Mexico State Police to discuss the status of the agreement and invite other law enforcement or other officials to attend as necessary.
2. Upon the separation of any officer/deputy from an Indian Nation, Tribe or Pueblo that has received a New Mexico Peace officer commission form the New Mexico State Police Chief, the agency will immediately inform DPS and return the commission cards of the separated employee.
 3. Nothing in this section impairs or affects the existing status and sovereignty of an Indian nation, tribe or pueblo as established under the laws of the United States.

B. Applicant Responsibilities

All applicants will be required to submit the following material to Training and Recruiting:

1. *Attachment A. DPS Tribal Commissions Application and Applicant Checklist*

Signature Page with date of birth, height, weight, eye color, and hair color. The applicant's signature must be written in black marker on white unlined paper.

2. Copy of LEA Certification.

3. Copy of the entity's auto insurance policy. (Not applicable to BIA)

4. Copy of the entity's liability insurance policy. (Not applicable to BIA)

5. Digital picture of applicant. May be on any form of digital media storage. Picture must have a background of the United States flag.

C. Training and Recruiting Responsibilities

The Training and Recruiting Bureau will be the point of contact for all Indian nation, tribal or pueblo commissioned or BIA officers applying for a state peace officer commission. Training and Recruiting will provide the applicant with *Attachment A. DPS Tribal Commissions Application and Applicant Checklist*.

1. Upon receiving the applicants packet, Training and Recruiting will do the following:

a. Review for accuracy and completeness

b. Confirm digital picture was received and was taken properly

c. Confirm signature was submitted properly

d. Obtain an Interstate Identification Index query (Triple I) (confidential)

e. Print Skills Manager profile and attach (double check for any alerts)

2. Upon confirmation of a complete packet, Training and Recruiting will create a letter for the Office of the Chief. Once complete, the letter and complete packet will be sent to the Office of the Chief for review and signature.

3. Once approved and signed by the Chief, send a copy of the application, digital photo, and signature to the Telecommunications Officer for the creation of a commission card.

4. After card has been created, the letter from the Chief and the commission card will be sent to the applicant's entity.

5. Training and Recruiting shall maintain all documents, including copies of the signed Chief's letter and commission card.

7.0 ATTACHMENTS

A. DPS Tribal Commissions Application and Applicant Checklist

8.0 APPROVAL

APPROVED BY: s/Gregory J. Fouratt **DATE:** February 3, 2016
 DPS Cabinet Secretary