



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR: 26	
EFFECTIVE DATE: 07/23/2010	ORIGINAL ISSUED ON: 12/06/2006
REVISION NO: 1	

SUBJECT: NEW MEXICO MOUNTED PATROL

1.0 PURPOSE

The purpose of this policy is to establish procedural guidelines for the New Mexico Mounted Patrol when working at the request and under the direction and control of the Department of Public Safety/New Mexico State Police.

2.0 POLICY

It is the policy of the Department of Public Safety to utilize the New Mexico Mounted Patrol as a resource as prescribed by state law.

3.0 APPLICABILITY

This policy applies to all employees of the Department of Public Safety and Troopers of the New Mexico Mounted Patrol while assisting the New Mexico State Police or other divisions of the New Mexico Department of Public Safety.

4.0 REFERENCES

- A. Chapter 29, ARTICLE 6, NMSA 1978, New Mexico Mounted Patrol**

5.0 DEFINITIONS

- A. Department** – The Department of Public Safety.
- B. Department Supervisor** – The Department of Public Safety supervisor, who either requested the assistance of the New Mexico Mounted Patrol or has been delegated the supervisor responsible over troopers who have been called into service.
- C. Certified Officer** – A salaried peace officer employed by a bona fide police department, who has been issued a commission by that agency and who has been issued a police officer certification through the New Mexico Law Enforcement Academy.
- D. In-Service** – A trooper is considered to be “in-service” after DPS requests assistance from the NM Mounted Patrol and a trooper reports to assist. In-service and into service are used interchangeably.
- E. Patrol Related Activities** – Proactive law enforcement activities such as speed enforcement operations, enforcement of the motor vehicle code, clearing abandoned vehicles, motorist assists, and traffic control among many others.
- F. Patrol Unit** – A NM Mounted Patrol/Trooper owned vehicle that is clearly marked “New Mexico Mounted Patrol” and outfitted with emergency equipment, such as red flashing lights, siren, spotlight, two-way communications, and cage/barrier for prisoner transport also referred to as a “Marked Police Vehicle.”
- G. Trooper** – A person commissioned by the New Mexico Mounted Patrol.

Clarification included.

6.0 PROCEDURE

A. Qualifications, Uniforms, and Equipment

1. Qualifications - All New Mexico Mounted Patrol Troopers must meet the criteria under this subsection before they may be called into service to assist any division of the New Mexico Department of Public Safety.
 - a. Troopers must have completed the New Mexico Law Enforcement Academy (NMLEA) approved basic training program. If a basic training program has not been developed by the NMLEA, troopers must have completed their board of directors approved basic training program.
 - b. Pursuant to 29-6-2, NMSA 1978, troopers may be issued a pocket commission issued by the New Mexico State Police Chief designating them as emergency voluntary State Police, which will bear the written approval of the Governor.
 - c. All troopers of the New Mexico Mounted Patrol must have on record, with the State Police district where they reside, a copy of their latest firearms qualification scores, which shows that they have successfully passed their board of directors-approved courses of fire.
 - d. All troopers must be in good standing with their assigned troops.
2. Uniforms - Uniforms must be worn in compliance with Mounted Patrol guidelines.
 - a. The BDU (fatigues) uniform will not be worn while assisting any division of the Department of Public Safety when assisting with patrol related activities or when in direct contact with the public, unless authorized by a Department Supervisor. The BDU uniform may be worn when conducting search and rescue missions, firearms qualifications, or at the discretion of the Department supervisor.
 - b. Troopers will not work in civilian clothing, unless requested to do so by the Department supervisor.
 - c. Troopers will wear soft body armor when in uniform or at the request of the Department supervisor.
3. Equipment
 - a. Troopers must have been trained certified in the use of any equipment carried/possessed while assisting the Department.
 - b. Equipment carried by troopers must have been approved by their board of directors.

B. Activating the New Mexico Mounted Patrol Duties and Responsibilities

1. Activating the New Mexico Mounted Patrol
 - a. Any supervisor within the Law Enforcement Program of the Department of Public Safety may request assistance from the Mounted Patrol. The request may be done verbally or in writing. Once a request is made for assistance and a trooper responds to assist, he is considered to be "in-service." Troopers may not go into service on their own to perform any law enforcement related activities.
 - b. When a Department supervisor requests assistance from the Mounted Patrol, the commander of the respective district, section, or division will be notified.

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- c. Troop commanders will supply their respective State Police districts with rosters of troopers and their availability to be called into service.

2. Duties and Responsibilities While In Service

- a. Troopers are considered to be “in-service” while assisting members of the Department in response to a specific request from the Department for assistance. While in-service, troopers must keep State Police dispatch informed of their whereabouts at all times.
- b. Troopers, who are in-service at the request of the Department for specific assignments, shall not purposely deviate from that role without permission from a Department supervisor.
- c. All official interactions with the public where the trooper is compelled to take any type of enforcement action while assisting the Department will be recorded with a recording device if the trooper possesses a recorder, or if one is made available by DPS personnel.
- d. Troopers will not issue traffic citations nor perform arrests for traffic related offenses unless directed by the Department supervisor. This section does not prohibit troopers from taking action when confronted with an event that poses danger of great bodily harm or death to another person. This includes, but is not limited to, drivers that may be under the influence of drugs or alcohol that display clear and concise signs of public endangerment. If practical, Mounted Patrol Troopers will request assistance from dispatch to have a certified officer perform the stop if one is available.
- e. Any enforcement action taken by a trooper, such as traffic stops outlined above or investigative detentions, will require a written supplemental report to be submitted to the corresponding Department supervisor within 24 hours of the incident. The supplemental report should include a statement of facts, including any other information relevant to the action taken.
- f. Troopers will not make physical arrests unless felony crimes are committed in the troopers’ presence and the suspects present an immediate threat of death or great bodily harm to the public or unless otherwise directed by a certified officer of the Department. When practical, an arrest should be made by a certified officer of the Department. This section does not preclude a trooper from detaining a suspect for investigative purposes, when a substantial threat to the public exists and while waiting for the response of a certified officer of the Department.
- g. Troopers may be notified by the public of breaches of the peace or may witness such crimes. If a trooper believes the incident requires the presence of a DPS commissioned officer, the trooper must contact State Police Dispatch and provide needed information and maintain the scene until a certified officer arrives on scene.
- h. Troopers are required to appear at all criminal hearings for which they are lawfully subpoenaed or summoned to by an authorized court.
- i. Troopers may utilize DPS owned vehicles when directed by a Department supervisor when the trooper has successfully attended a DPS-accredited defensive driving course or one from the Federal Department of Transportation. A copy of the certificate showing successful completion of either course will be kept at the corresponding State Police district office where they are assigned.

Clarification included.

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Clarification included.

→ When performing patrol related activities, a trooper shall be accompanied at all times by at least one other trooper or DPS commissioned officer.

3. DWI Sobriety Checkpoints

- a. If authorized by a Department supervisor, troopers may participate in DWI sobriety checkpoints. If troopers identify drivers whom they reasonably suspect may be impaired, the investigation will be turned over to a certified officer.
- b. Troopers assisting in sobriety checkpoints are required to attend sobriety briefings to receive instruction from the sobriety checkpoint supervisor.

Clarification added.

- c. Troopers are NOT authorized to perform Standard Field Sobriety Tests (SFST), unless that trooper has been certified by the New Mexico Law Enforcement Academy in administering SFSTs and is in the presence of a certified officer.

C. Mounted Patrol Units

1. Requirements

- a. All Mounted Patrol units shall comply with § 29-2-14, NMSA 1978, which outlines that a motor vehicle shall not resemble a state police vehicle. Mounted Patrol units shall be easily identifiable as police vehicles and shall not be used for recreational purposes.
- b. Any Mounted Patrol/Trooper-owned unit used for patrol-related activities while in-service shall be clearly marked and shall contain at least the following equipment:
 1. Permanent affixed markings and decals to clearly indicate that the vehicle is an official "New Mexico Mounted Patrol" vehicle along with a clearly visible state issued government license plate.
 2. Two forward facing red flashing lights, an audible siren with a minimum output of at least 50 watts, a prisoner cage, working seatbelts in all seat positions, highly visible orange or red rear facing lights, and a two-way communications mobile radio with programmed frequencies to communicate with appropriate State Police dispatch offices and state car-to-car.
 3. Mounted Patrol/Trooper-owned vehicles that do not meet the aforementioned criteria shall NOT be used for patrol related activities, unless authorized by a Department supervisor. This section does not preclude troopers from using their non-conforming vehicles as transportation to and from assignments.
- c. Any Mounted Patrol/Trooper owned unit used for patrol-related activities shall be subject to inspection for safety and compliance with the requirements of this policy. The State Police Officer/Vehicle Inspection Form, found in OPR: 06 *Officer/Equipment Inspections*, shall be used for this purpose. Mounted Patrol troop commanders are encouraged to complete such inspections twice a year and recording the results on the form listed above. The forms should be filed and made available to Department supervisory personnel.
- d. Mounted Patrol/Trooper owned units may be used for high visibility patrol support, crash response support, traffic control, motorist assists, or as determined by the district, section, or division commander.
- e. When Mounted Patrol/Trooper owned units are used for patrol-related activities, troopers will remain in radio contact with State Police officers and State Police radio dispatch. DPS owned patrol units and Mounted Patrol/Trooper owned units

Clarification added.

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Clarification
added.

→ **shall** be manned at all times by **at least** two troopers when performing patrol related activities. Patrol related activities may be performed by **one** trooper when accompanied by a DPS commissioned officer.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/ John Denko
DPS Cabinet Secretary

DATE: July 23, 2010