

**TITLE: CRIMINAL INVESTIGATION
PROCEDURES**

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PURPOSE

The purpose of this directive is to provide policy and general procedures for the conduct of the investigative function.

DISCUSSION

The investigative function is a necessary requirement to solving crime. Investigations begin upon the first notification that a crime may have been committed. Investigations end when the case is solved and the perpetrator is arrested, prosecuted or the case is otherwise satisfactorily resolved. Cooperation is vital to effective investigative efforts.

POLICY

It is the policy of the Department to utilize the integrated resources of the investigative and patrol functions to arrest, convict perpetrators, and to recover stolen property.

PROCEDURE

69.1.01 Duties and Responsibility

A. Section Commanders

1. The Criminal Investigations Division is Commanded by a Captain who is responsible for the administrative management of the Division, as well as a Lieutenant, who is responsible for the operational management of the Division

B. Unit Supervisors/ Detectives

1. The Supervisor of each Unit of the Criminal Investigations Division will be an officer with the rank of Sergeant. The Sergeant is responsible for first line supervision of personnel assigned to the Unit. The Sergeant will monitor case load, case progression/status and the productivity of detectives. The Sergeant will plan, oversee and determine the manner in which cases are investigated by detectives when needed. The Sergeant will report to the Lieutenant in charge of the Criminal Investigations Division.
2. All Detectives of a Unit will report to the Sergeant in charge of that Unit. Detectives are responsible for the investigation of criminal activity; juvenile matters, narcotic offenses, property crimes, crimes against persons and the gathering of intelligence information. Detectives will work to resolve cases without unnecessary delay and will investigate cases completely and document their investigations accurately.
3. In the absence of the Unit Sergeant, members will report to a designated CID Sergeant or the CID Lieutenant.

C. Goals and Objectives

1. The Sergeant will review the goals and objectives of his/her Unit each year and will submit a report to the Lieutenant with his/her recommendations for updating the Unit's goals and objectives.
2. The Sergeant will provide the Lieutenant a written evaluation on a quarterly basis of each year as to the progress of the unit in reaching the established goals and objectives.

D. Monthly Reports

1. The Sergeant is responsible to ensure that each detective under his/her command submits a monthly activity report covering the types of cases they were assigned, how

many were cleared and how many arrests were made.

2. The Sergeant is responsible for ensuring that each Detective under his/her command submits a monthly activity report detailing the Detective's activities. The monthly activity report will be submitted in a timely manner unless extenuating circumstances exist (sickness, overtime, etc.) This will require supervisor approval on a case by case basis.

E. Reports

1. The Sergeant is responsible for the review and approval of all reports generated by detectives under their command and to take corrective actions as necessary to ensure these reports are clear, concise, accurate, and completed in a timely manner.

69.1.02 Preliminary Investigations

A. Detectives of the Criminal Investigations Division will conduct preliminary investigations as required. These investigations will include:

1. Document all observations of events that occur, conditions that exist, and remarks made while conducting a preliminary investigation.
2. Locating and identifying victims and witnesses.
3. Interviewing complainants and witnesses.
4. Interrogating suspects.
5. Arranging for the collection of evidence.
6. Arresting those identified as criminally involved.
7. Reporting the incident fully and completely.

B. Detectives should refer to their unit's Procedures for further details.

69.1.03 Follow-up Investigations

A. Detectives of the Criminal Investigations Division will conduct follow-up investigations as required and will ensure that these investigations include (when necessary):

1. A review and analysis of all previously prepared reports on the incident.
2. Conduct additional interviews and interrogations as required.
3. Review departmental records.
4. Seek additional information from Uniformed Officers and Informants.
5. Review results of laboratory examinations.
6. Arrange for the dissemination of information as appropriate.
7. Plan for, organize, and conduct searches.
8. Prepare the case for court presentation.
9. Assist the prosecution.
10. Identify and apprehend suspects.
11. Collect physical evidence.
12. Determine the involvement of suspects in other crimes.
13. Check suspect's criminal history.
14. Obtain Search and Arrest warrants if necessary.

69.1.04 Case Assignments for Follow Up

- A. Cases will be assigned for follow-up based on the nature of the case and the expertise required. It is the Department's intent to utilize the best-qualified detective available to investigate the case. It shall be the responsibility of the unit supervisor to ensure that cases are assigned to qualified personnel or to ensure assistance is provided to new detectives who are in training.
- B. The Detective assigned to the follow up investigation of a case will be considered the principal investigator or case agent.
- C. This Detective will be responsible for the overall investigation of the case and will be considered the lead investigator when more than one Detective is assigned to investigate the same incident.

D. The Unit Supervisor will determine whether a case will be assigned to a Detective for follow up. This decision will be based on the Supervisor's assignment priority assessment, Unit case load, and the seriousness of the incident.

69.1.05 Case Assignment

A. The unit supervisors shall review incoming reports daily and assign a priority rating based upon the gravity of offense, solvability factors, and urgency of action for follow up investigation. In the absence of the unit Sergeant the C.I.D. Lieutenant will review/ assign reports or delegate assignment of reports/ cases. Case assignment shall occur in a timely manner. Priority A cases shall be assigned immediately. Priority B cases shall be assigned within 2 days of the date of receipt.

1. Gravity of Offense

- a. Felony.....3
- b. Misdemeanor2
- c. Victimless Crime.....1

NOTE: Victimless Crime refers to reports made to this department by persons other than the actual crime victim in which the identity of the victim is unknown and cannot be determined.

- d. Status Offense.....1

NOTE: Status Offenses refer to reports of missing persons and runaways. All missing persons and runaway reports will be assigned for follow up.

2. Probability of Solution

- a. Suspects named.....3
- b. Suspects known.....2
- c. Suspects described.....1
- d. Vehicle can be identified by license...2
- e. Vehicle can be identified by description.....1

- f. Witnesses' ability to assist in solution of case.....1
- g. Eyewitness(es).....2
- h. Physical Evidence, excluding prints....2
- i. Fingerprint1
- j. Trace-ability of property.....1

3. Urgency of Action

- a. Danger to others.....3
- b. Immediate action required.....2
- c. Pattern/frequency of crime.....1

4. Supervisory Judgment

- a. Departmental Policy.....1
- b. Totality of circumstances.....1
- c. Investigator's case load.....1
- d. Personal background and experience.....1

5. Cases will be given the following designation based upon the total number of points assigned to a case:

- a. Suspect is jailed or placed in juvenile detention and case filing is required..... A, with court-imposed time deadlines.
- b. 10 or more points.....B
- c. 6-9 pointsAttention
- d. Less than 6 points.....Not Assigned (unless deemed necessary by the Unit Commander)
- e. Status Offenses.....S (Runaway/Missing Person)

6. Investigative reports are required within the following time line:

- a. A.....8 days
- b. B.....20 days
- c. Attention/not assigned.....30 days

d. S.....Case to remain active until reclassified.

- B. Cases assigned an attention designation shall be assigned and maintained by the investigator for six months. If at any point the investigator develops additional information that enables him/her to work the case, the case can be opened and the unit commander shall be notified. The assigned investigator will review cases, from time to time for similar M.O.'s (methods of operation) that may assist in clearance of the case. Contact with the victim will be made within five (5) days of assignment in person or by telephone.
- C. If after six months and a review of the case no additional information can be obtained, the case will be classified as inactive.
- D. The unit commander will continue to review cases not assigned for six months to determine if any additional information would reclassify the unassigned case to active. If an unassigned case becomes active, the case may be assigned and the assigned detective will make contact with the victim within five (5) days in person or by telephone.

69.1.06 Cases of criminal activity reported to the Santa Fe Police Department will be administratively categorized as follows to determine if additional investigation is required.

- A. Active - A case is considered active/open if additional follow up investigation needs to be accomplished.
- B. Inactive - A case is considered inactive or suspended if there is no additional follow up investigation possible, however, the case has not been resolved.
- C. Closed - A case has been investigated to its resolution.

69.1.07 In addition to the above categories used to determine case status the following sub-categories are also used within the Case Management System:

- A. Unfounded - The facts reveal that the alleged criminal offense did not take place or there is sufficient evidence to prove the incident did not take place.

B. Cleared by Arrest - A suspect has been arrested as a result of the investigation.

C. Exceptional Cleared - The case is satisfactorily resolved and routed to the District Attorney without an arrest being made.

D. Prosecution Waived - The victim has been contacted and does not desire further action or prosecution in the incident.

69.1.08 During the course of an investigation in which a solution has not yet been obtained, the suspension of investigative efforts must be considered. In determining whether investigative efforts should be suspended, the following factors should be considered.

- A. Are there a lack of further leads or solvability factors?
- B. Are there enough investigative resources available to justify continued investigation?
- C. How serious is this case compared to the overall caseload?
- D. Prior to the suspension of an investigation, the case will be reviewed by the unit supervisor to ensure that the suspension is appropriate.

69.1.09 Each time a detective is assigned to follow up on a case, the supervisor making this assignment must ensure it is recorded in order to identify the detective assigned for future reference.

- A. Assignments shall be recorded in the Santa Fe Police Department's Case Management System, case assignment section, by the supervisor and shall include: the priority rating, the case number, type of case, the detective assigned to the follow up and the date the assignment is made.

69.1.10 For Case Assignment

- A. All cases involving felony criminal activity will be assigned to the appropriate component of the Criminal Investigation Division for follow up, with the exception of fatal motor vehicle accidents that will be assigned to the Patrol Division.

- B. Cases involving misdemeanor criminal activity will be assigned to Detectives for follow up on a case by case basis. A misdemeanor case should be considered due to its frequency of occurrence, public attention, and when potential for escalation into a felony situation is likely. For example a series of misdemeanor assaults occurring in one specific area in which it is highly likely that only one person is responsible. Misdemeanors may also be assigned based on the Supervisory Priority Assessment, giving consideration to the investigator's caseload.
- C. Normally, Patrol Officers will be assigned to conduct preliminary investigations. Detectives will be assigned preliminary investigations based on the seriousness and frequency of the crime, and when deemed necessary based on the shortage of Uniformed Patrol manpower during emergency situations.

69.1.11 Case Files

- A. Upon receipt of a case assigned for follow up investigation, the investigator is responsible for initiation and maintenance of a case file. The case file is to contain copies of the following reports, when applicable:
 1. Original Crime Report
 2. Supplemental Investigation Reports
 3. Criminal Records of Suspect(s)
 4. Laboratory Reports
 5. Witness and Suspect's Statements
 6. Affidavits and Copies of Search and Arrest Warrants
 7. Advisement of Rights
 8. Consent to Search
 9. Any other documents that were generated or have direct bearing on the investigation.
- B. All Originals will be forwarded to Records with the exception of statements which will be handled as follows:
- C. Misdemeanor case statements will be attached to the original report and will be maintained by Records. Felony case statements, written or

audio/ video recorded, will be submitted into evidence.

- D. Access to case files housed in the Investigation Section is limited to personnel within the Section. Other police personnel having a need to access the files are to do so under the direct supervision of an Investigation Division Supervisor.
- E. The Investigation Division will maintain case files for a period of two years. After that the case files will be transferred to Records for assimilation into permanent records, with the exception of unresolved homicides that will be maintained until solved.

69.1.12 On-Call Personnel

- A. Due to the fact that C.I.D. personnel typically work during normal business hours, Monday through Friday, an on-call supervisor will be assigned as a contact person for requests for C.I.D. assistance after normal working hours. The "On Call List" will assure proper coverage and staffing for periods outside normal working hours. The "On Call List" will be comprised of a Sergeant, Detective(s) and Crime Scene Technician(s).
- B. The responsibility for being 'On Call will be rotated between unit supervisors, unit Detectives and Crime Scene Technicians.
- C. During the time that a unit supervisor is the designated on call supervisor, he/she must maintain 24-hour a day communications with the Santa Fe Police Department through police radio, telephone or departmental issued cell phone.
- D. Upon being notified of a request by a Uniformed Patrol Commander/Supervisor for Criminal Investigations Division personnel, the "On Call Supervisor" must evaluate the request to determine if the incident requires an immediate Criminal Investigation Division response. If it is determined that Criminal Investigation Division personnel should respond, he/she will ensure that a Detective(s) and/ or Crime Scene Technician(s) are notified of the incident and directed to proceed to the scene and handle the investigation/ scene processing.

- E. If the "On Call Supervisor" determines that the request by the Patrol Commander/Supervisor does not require a Criminal Investigation Division response, he/she will inform the commander/supervisor of the reasons why. If the Patrol Commander/Supervisor still feels that Criminal Investigation Division personnel should respond, he/she should contact the Criminal Investigation Division Commander with his/her request.
- F. If upon the activation of the 'On Call Detectives' it is determined that additional Criminal Investigation Division personnel or Crime Scene Technicians should be activated, he/she shall make the appropriate notifications. It should be noted that when additional Criminal Investigation Division personnel are required, it is desirable, to assign personnel from the appropriate unit based on the nature of the crime.
- G. On Call personnel are required to respond to any incident, in person, and as necessary within 60 minutes of being notified. On Call personnel must also be in a physical condition to perform his/her duties. The consumption of alcoholic beverages is strictly prohibited while in an "On Call Status."

69.1.13 District Attorney Case Dismissals & Commander Review

- A. On occasion, cases that have been sent to the District Attorney's Office through a Letter of Transmittal will be dismissed or declined for prosecution by that office. When this occurs, a disposition report noting this decision is returned to the Department's Liaison Officer. This report is also referred to as a "Follow-up Request Report." A copy of this report should also be provided to the appropriate unit commander for his information and action.
 - 1. Whenever a Unit Supervisor receives a Letter of Dismissal or Declined Prosecution on a case investigated by investigators under his command, he/she shall review the case. This review should be made to:
 - a. Ensure that a complete investigation has been done by the assigned investigator.

- b. Determine why, if the investigation is complete, the District Attorney's Office refused to prosecute the case.
- 2. This review is designed to improve both (1) the investigation and (2) the understanding of the District Attorney's policies concerning the prosecution of cases.
- 3. In addition this review procedure is to be used to:
 - a. Determine conflicts in policy between the Santa Fe Police Department and District Attorney's Office that need to be addressed and corrected.
 - b. Determine possible areas in training that need to be addressed department wide, which will be referred to the Training Officer.

69.1.14 Background Investigations

- A. During the course of a criminal investigation, it may become necessary to do a background investigation into a person(s) involved in the case. When a background investigation is to be done, the reasons for this investigation will be included in the investigator's report. When this situation arises, the following guidelines will be used:
 - 1. Potential sources for this type of investigation include, but are not limited to:
 - a. Financial institutions
 - b. Past employers
 - c. N.C.I.C. Triple I reports
 - d. Past and present friends of the person under investigation
 - e. Other law enforcement agencies
 - f. Public service companies
 - g. Telephone companies.
 - It should be noted that on some occasions search warrants or subpoenas may be required.
 - 2. The information collected during a background investigation should be used

during the investigation of the criminal case and included in the investigator's report.

3. Information gained during a background investigation will be closely guarded and distributed only to law enforcement agencies or prosecutors as needed. This information should not be considered public information.
4. Once the criminal investigation and prosecution have been completed, the information gained through the background investigation will be destroyed with the approval of the District Attorney's Office. It should be noted that these background investigations are case specific and not to be confused with the efforts of any other C.I.D. Unit.

69.1.15 Joint Roll-Call Meetings

- A. In order to provide for better communications between patrol and Criminal Investigations personnel, the following procedures will be followed:
 1. Members of the Criminal Investigations Section will attend the Patrol Division briefing (s) at the direction of C.I.D. commanders and as often as necessary to:
 - a. Advise patrol of the types of crimes that are the present priorities being investigated by the units and how the patrol officers can assist in the investigations.
 - b. Listen to what the patrol officers are observing in the field and how it could relate to on-going criminal activity.
 - c. Provide two-way communication between patrol and criminal investigation personnel on problems that are arising.
- B. Investigators will provide information to patrol personnel regularly concerning specific vehicles and persons being sought in ongoing investigations. They will also distribute composites, photographs, and video of unknown suspects whom they are trying to identify.

69.1.16 Preparation of Case Plan/Operational Plan

- A. In order to assure that complicated investigations are organized, coordinated and efficient, it will be the policy of the Santa Fe Police Department to prepare and obtain approval of a case plan before such investigations begin.
- B. A Case Plan will be required any time Santa Fe Police personnel engage in pro-active enforcement programs, activities involving money expenditures, the extended use of manpower/equipment, and operations that take place outside the jurisdiction of the Santa Fe Police Department or involve multiple agencies. (This does not include administrative activities that take place outside the jurisdiction of this department such as transports, or arrests, or expenditures and proactive enforcement that is not exceptional in manpower/ money expenditures and is part of normal daily duties to include assisting/ working with other agencies.
- C. A Case Plan is a written document which contains the following information:
 1. An explanation of the nature of the operation and its goals.
 2. The names, addresses and dates of birth of all identified targets of the operation, including photographs when available.
 3. The location(s) where the operation is to take place.
 4. The make, model, year, color and license number of all vehicles as they relate to the targets.
 5. The names of all departmental personnel involved in the operation and their assignment.
 6. Police Department numbers of all personnel used in the operation.
 7. An estimate of the funds to be expended during the operation, both contingency and informant funds.
 8. An estimate of the man hours to be expended during the operation.
 9. The dates and times of the operation.

10. The names of all outside agencies and the names of the personnel involved in the operation.
- D. The Case Plan will be prepared by the Case/Agent assigned to the incident. Once the case plan has been prepared, it will be approved through the department Chain of Command, Unit Commander, Criminal Investigations Section Commander, and Chief's Office when applicable. At that time, the case plan can be implemented. Case plans should be prepared in advance, to provide ample time for review by the chain of command, when possible.
- E. An operational plan will supplement a case plan and will be required any time police personnel engage in pro-active enforcement, consisting of high risk warrant service, control buys, buy-bust operations, undercover operations, search warrant service, ICAC operations, human trafficking, prostitution, vice, and any other pro-active investigations that occur during investigative operations.
- F. An Operational Plan is a written document/template which may contain the following information:
1. A narrative describing the objective of the operation.
 2. Deconfliction
 3. Type of operation
 4. Undercover personnel
 5. Investigative personnel
 6. Informant Information
 7. Subject information
 8. Communication
 9. Surveillance personnel
 10. Evidence recovery team
 11. Equipment list
 12. Use of force policy
 13. Deadly Force policy
 14. Operations
 15. Specialty Teams
 16. Contingency plans
 17. Operational Approval
- G. Operational plan procedure: Any member who anticipates conducting a high risk warrant service, buy-bust operation, search warrant shall consult with the Criminal Investigations Division Lieutenant. The Criminal Investigations Division Lieutenant shall grant authorization for the operation.
1. The ranking supervisor involved in the operation will ensure that a single member is clearly designated as the operation coordinator. This operation coordinator can be the ranking supervisor, or another member who is experienced and familiar with the particular investigations.
 2. The operation coordinator will be responsible for the developing strategies and tactics for the execution of the operation.
 3. These strategies and tactics should be reduced to a written form, the operational briefing outline by the operation coordinator.
 4. After review by the ranking supervisor, the plan will be disseminated to all involved members on a need to know basis. Each written copy of the operational plan should be accounted for by writing the member's name on their sheet and destroyed upon termination of the operation. A copy of this plan should be attached to the case file for future reference.
- H. The operational supervisor in charge of any other operations can use discretion concerning the utilization of other specialized components to complete the assignment which includes, but are not limited to the following:
- Patrol Operations Division
 - Technical Support
 - Crime Scene Unit
 - Canine Unit
 - Flight Unit
 - Other Professional Agencies
 - Fire Department
 - Emergency Medical Teams
 - Surveillance Teams

- I. When the intelligence and background investigations provide information indicating a special hazard; the operational plan should be adjusted to attempt to neutralize the risks involved.
- J. The planning of entering into the target location and apprehension of suspected will need to be done with regards to any anticipated resistance. The use of force in any operation should be commensurate to the resistance encountered.
- K. The arrest of persons at the scene of the operation should be done by members having independent knowledge of probable cause or existing arrest warrants.
- L. The operation coordinator should appoint one person as being responsible for documenting the operation. The documentation should indicate, but not be limited to the following:
- Names and responsibilities of all personnel.
 - Dates and times of all significant occurrences.
- M. Personnel shall follow established departmental policies and procedures pertaining to the use of force. In order to ensure that operational objectives are met and members use only force necessary to accomplish the desired objective, the presence of a supervisor shall be required on all search warrants, high risk arrest warrants, buy/bust operations, undercover operations or any operation requiring the presence of a supervisor as deemed appropriate by the criminal investigations division commander.
- N. Prior to any search warrant, high risk warrant service, undercover operation, buy/bust, the communications section commander or the respective supervisor will be notified of the operation unless exigent circumstances exist. During the above notification process, any advance tactical dispatching plans will be communicated, if necessary.
- O. Special precautions will always be taken when the operation involves an undercover member or an informant being on the inside during an operation.
- P. All participating members of the high risk warrant service, undercover operation, or buy/bust operation should be identified to one another. This especially important when multiple agencies are involved.
- Q. In the event that injuries are sustained to any person during the execution of a raid, the ranking supervisor shall summon medical assistance to the scene immediately via the Communication Section. All information pertaining to the request for assistance and its subsequent dispatch shall be recorded.
- R. Whenever possible a critique of the investigation will be conducted by the operation coordinator within a reasonable time after conclusion. Most of the supervisors and investigators should be present for this meeting. The purpose of the review is to share information, identify deficiencies, and improve future operations.

69.1.17 Contingency Funds

- A. The Criminal Investigations Division maintains an account known as contingency funds which provide monies for special circumstances during the course of daily operations. The Criminal Investigations Division Lieutenant is responsible for overseeing the use of the contingency funds. The Criminal Investigations Division Lieutenant is responsible for maintaining the accountability of the actual monies expended and will maintain physical possession of the funds, make payments pursuant to the following directives and provide funds pursuant to approved case plans and/or operation plans. The Lieutenant may issue unit supervisors funds for operations using approved forms.
- B. The contingency funds will be maintained and controlled by the Criminal Investigations

Division Lieutenant. Members of the Santa Fe Police Department who desire to use monies-from contingency funds must contact the C.I.D. Lieutenant, prior to obtaining funds.

- C. The C.I.D. Lieutenant will distribute contingency funds to the Narcotics unit sergeant. This distribution will be logged in the Lieutenant's expenditure *master* log. An allotment of no more than \$1,000.00 will be given to each Sergeant and will be tracked via a field book maintained by each Sergeant. The Sergeants of these units are ultimately responsible for the accountability of their fund expenditures and may be periodically audited by the C.I.D. Lieutenant. Once the allotted \$1,000.00 is used, the C.I.D. Lieutenant will be notified of the need to replenish the individual Unit's contingency fund. Any allotments above \$1,000.00 must be approved by the Chief of Police.
- D. The contingency funds of the Santa Fe Police Department are provided for use during the investigation of criminal activities and are used for the following purposes:
 1. The making of cash payments to confidential informants for information that furthers the investigative and law enforcement efforts of the department.
 2. The making of cash payments for the purchase of controlled substances in connection with the investigation of narcotic violations.
 3. The making of cash payments for the purchase of stolen property in the connection with the investigation of property crime violations.
 4. For undercover operations in furthering investigative efforts.
- E. Once a case plan and/or operation plan has been approved, a confidential expenditure voucher will be prepared. This voucher will be signed by both the detective involved and the Lieutenant or Unit Sergeant in charge of the fund being used.
- F. The monies and a receipt field book will then be issued. The original receipt (white copy), once signed by Informant, will be entered into the Informant file, housed in the Lieutenant's Office; it will be attached to the original expenditure voucher. A copy of this receipt (pink copy) and a copy of the payment voucher will be maintained by the Detective in the case file. The last copy (yellow copy) will remain in the field book assigned to the Unit Sergeant.
- G. An entry directing this expenditure will be placed in the Unit Sergeant's monthly contingency expenditure report. This entry will include the date, Detective, case number, amount of money involved, receipt date, purpose and Informant assigned number.
- H. Once the monies have been turned over to the Detective involved, payment must be made within the working day as follows:
 1. Once monies have been issued, a payment voucher will be used to verify the payment. This voucher will be signed by the confidential informant, the Detective making the payment, any witnesses to the transaction, and the supervisor present when the transaction is made.
 2. In the event that payment of contingency funds cannot be made within the working day, these funds must be turned back in to the supervisor who issued them as follows:
 - a. When the Detective turns in funds, the Sergeant will provide him/her with a receipt. This receipt will note the amount of money turned in, the Detective involved, case number and the signature of the Lieutenant and/or Unit Sergeant in charge of the fund.
 - b. A copy of the return receipt will be attached to the Confidential Expenditure Voucher along with the receipt issued when the funds were issued.

- I. Due to the need for accountability, the contingency fund records will be audited to ensure they are being used within the guidelines established by departmental policy.
- J. On a monthly basis, the Lieutenant in charge of any contingency fund will submit to the Criminal Investigations Division Captain a monthly expenditure report which recaps all transactions made during the month by the Narcotics Unit.
- K. After receiving the monthly expenditure reports, the Captain will reconcile the reports, auditing the expenditures and submit a report to the Chief of Police.
- L. On at least a quarterly basis, each contingency fund will be audited by the Budget Section Supervisor or his/her designee, the C.I.D. Lieutenant and the Captain of C.I.D.
- M. On an annual basis, each contingency fund will be audited by an independent Auditor.
- N. Additional audits may be conducted as necessary at the direction of the Chief of Police or his/her designee.

69.1.18 Confidential Informants

- A. During the course of many investigations, confidential informants are used to secure information that cannot otherwise be obtained. Due to the inherent risk to departmental personnel when contacting informants and the risk to the individual confidential informant if his/her identity were to become known the following procedures concerning Confidential Informants (CI's) will be used. Personnel utilizing CI's will be trained on how to properly manage them.
 - 1. Each Confidential Informant used by the Santa Fe Police Department will be documented using a Confidential Informant Report regardless if they are paid or working off charges. As new Confidential Informants are identified and used, Confidential Informant Report(s) will be created on them. After use, the informant and information reliability will be documented and added to the CI file utilizing a Confidential Informant Debrief Form.
 - 2. Prior to utilizing any information supplied by an informant, the informant will be properly documented as a confidential informant.
 - 3. Each Confidential Informant Report will include:
 - a. Confidential Informant number
 - b. Detective assigned as handler
 - c. Confidential Informant code name
 - d. Date/time file was prepared
 - e. Informant's full name, address, and alias
 - f. Residential status
 - g. Driver's license information
 - h. Place of birth
 - i. Citizenship
 - j. Ethnic origin
 - k. Social Security number
 - l. Date of birth and age
 - m. Race
 - n. Sex
 - o. Description
 - p. Vehicle information
 - q. Criminal History (NCIC, Triple I), (AS 400)
 - r. Comments about the Confidential Informant that the Detective deems necessary
 - s. Confidential Informants code name and normal signatures
 - t. (2) Fingerprint Cards
 - u. Photograph of the informant (front and left/right profile)

- v. A history of their information, the reliability of that information, and transactions. (Prior work as a CI)
 - w. Any involvement of a Confidential Informant in an actual operation.
 - x. CI Contract (rules to abide by)
 - y. Memorandum of Understanding (if working off charges)
- B.** The Criminal Investigations Division Lieutenant will maintain a master file of all Confidential Informants used by the Santa Fe Police Department. An informant may be deactivated at any time by the handler or supervisor.
- C.** On an annual basis, each Confidential Informant file will be reviewed and updated. In addition, files of Confidential Informants who have been inactive for five (5) years will be destroyed.
- D.** Due to the sensitive nature contained within the Confidential Informant reports, their security is important.
- 1.** All confidential informant files will be stored in a locked and secure filing cabinet within the C.I.D Lieutenant's office. No copies of the file shall be made. Access to this material is to be limited only to those persons directly involved with the individual informant. Confidential Informant files should not leave the office of the Lieutenant even while being viewed. When reviewed, the logbook will be annotated with the date and time of the review.
- E.** In addition to the security of the Confidential Informant files, Detectives should carefully consider where they are and who is present when discussing Confidential Informants. Furthermore, the use of a Confidential Informants name, code name, or number will never be referred to in any written report or affidavit. However, if the Detective has independent corroboration of the Confidential Informant's information it should be included. At no time will a Detective reveal the identity of the Confidential Informant, unless under a legal court order to do so, which would occur in an in-camera hearing in a criminal prosecution. It should, however, be considered whether it would be in the interest of the Confidential Informant's safety to drop the criminal case prior to revealing that information.
- F.** The identity of an informant may be disclosed to an Internal Affairs investigator for purposes relating to an internal investigation.
- G.** Caution should be used in the dealing with Confidential Informants and the information they provide. When it is necessary to meet with a Confidential Informant, a Detective/officer should not do so alone and a minimum of two personnel will be present when meeting with any confidential informants.
- H.** In addition, meetings between Detectives/officers and Confidential Informants of the opposite sex, or whose sexual preference may create a situation susceptible to compromise through alleged improprieties, shall be avoided when possible.
- I.** The use of juvenile confidential informants is discouraged, although it is acknowledged that situations will arise when they will be used. When this occurs, the parents or legal guardian of the juvenile must give their written consent before the juvenile can be used.
- J.** Although some persons who are classified as Confidential Informants will provide information to law enforcement agencies for personal reasons, most do so for financial reward. The payment of Confidential Informants is made based on the quality of their information and the impact this information has on the overall efforts of the Santa Fe Police Department. The decision to pay a confidential informant, and the amount of this payment, is made by the Criminal Investigations Division Lieutenant based on the evaluation of its importance by both the Detective and unit Sergeant. This

does not apply to the Sergeants who are issued field books and funds. A Criminal Investigations Unit Sergeant can approve a confidential informant payment specifically to their units operations; in these cases the sergeant can approve payments not exceeding \$1000, which must be approved by the Chief's Office. If any unit not issued a field book needs to provide a payment to a confidential informant, this Detective/Sergeant must have the payment approved by the Lieutenant. The payment of confidential informants is to be made from the department's contingency funds.

- K. Detectives/ officers shall not use an individual as a Confidential Informant who is currently on charges with the District Attorney's office or a participant in the LEAD program.
- a. In the event there are extenuating circumstances that would require use of such a C.I, express approval from the District Attorney's office is required

69.1.19 Seizure of Property

- A. STATE PROCESS- Contact the City Attorney's Office for assistance.

Property subject to forfeiture may be seized with a court order or without a prior court order, if the seizure is incident to a lawful arrest for a crime, or a search lawfully conducted pursuant to a search warrant. The following must also exist:

- a. Probable cause that the property is subject to forfeiture and that the subject of the arrest or search warrant is an owner of the property; **and**
- b. The property subject to seizure is the subject of a previous judgement in favor of the state; **or**
- c. The delay occasioned by the need to obtain a court order would result in the

removal or destruction of the property or otherwise frustrate the seizure.

1. Contact owner to establish involvement in case.
 2. Determine if there are any liens on the property.
 3. If a decision to seize is made, the City Attorney will file all documentation with the proper court, however, it is the Unit Commanders responsibility to submit a memo to the City Attorney with all pertinent information requesting seizure of monies and or Property within 5 days of the seizure of the property. A copy of the Offense Incident Report will accompany the memo.
 - a. If a Complaint of Forfeiture is not filed within 30 days of making the seizure the property must be returned to the person from whom it was seized.
 4. Property/vehicles need to be inventoried and personal property not being seized either as evidence or for forfeiture is to be returned to owner. An itemized receipt shall be given to the person possessing the property or, in the absence of a person, left in the place where the property was found, if possible.
 5. Vehicles will be stored at the Police Impound Lot.
 6. The City Attorney's Office will forward any summons to be served on the owner to the appropriate Detective. Detectives must complete a supplemental report documenting the service or attempted service of any summons.
 7. All confiscated money is to be submitted into evidence, it is then to be deposited with the District Court Clerk's Office and into an interest bearing account.
 - a. A petition signed by a District Court Judge must be obtained in order to deposit money with the District Court Clerk.
- B. FEDERAL PROCESS- If the following requirements are met, the federal agency should

be contacted for advice and protocols for seizure otherwise the State Process should be followed.

1. Officers/ Detectives shall not directly or indirectly transfer seized property to a federal law enforcement authority or other federal agency unless:
 - a. The value of the seized property exceeds fifty thousand dollars (\$50,000), excluding the potential value of the sale of contraband; **and**
 - b. The law enforcement agency determines that the criminal conduct that gave rise to the seizure is interstate in nature and sufficiently complex to justify the transfer of the property; **or**
 - c. The seized property may only be forfeited under federal law.
2. Officers/ detectives shall not transfer property to the federal government if the transfer would circumvent the protections of the Forfeiture Act that would otherwise be available to a putative interest holder in the property.

NARCOTICS INVESTIGATIONS

69.1.20 Organization and Operations

- A. The Santa Fe Police Department, recognizes the destructive effects of narcotics use and sales and is committed to taking a proactive approach identify, target, disrupt and dismantle drug organizations within the Santa Fe area. This will include the identification, investigation, arrest, prosecution and if possible, seizure of criminal assets from these offenders. It is the duty of every member of the Santa Fe Police Department to assist in the enforcement of applicable laws to deter drug possession, narcotics equipment possession and narcotics sales. In order to accomplish these goals the Santa Fe Police Department Criminal Investigation Division, has assigned personnel responsible for investigating these activities. These Detectives will be commanded by the Narcotics Unit Sergeant who reports to the C.I.
 - D. Lieutenant. This unit will be provided with equipment, funds, and other resources based on the overall needs of the department and community. All personnel will follow established C.I.D narcotics procedures and be trained in the latest narcotics investigation techniques. Additionally, each Detective assigned to the Narcotics Unit will successfully complete an 8-Week Narcotics Field Training Program.
- B. Personnel assigned to this area are responsible for the investigation of all narcotics offenses within Santa Fe. The Sergeant will establish written goals and objectives annually for the expected performance of the unit during any one year period. These goals and objectives will be used to determine the resources required to meet them and will provide-the unit's personnel with a clear understanding of what is required in order to meet them.
- C. It shall be the responsibility of the Narcotics Unit Sergeant to coordinate and oversee narcotic investigations and keep the C.I.D. Captain, Lieutenant, Chief of Police and the Region III Task Force informed of cases within the Santa Fe area. The Chief of Police shall designate an executive staff officer to the Region III Drug Task Force Executive Board.
 1. Caution shall be taken to ensure proper de-confliction with Region III on all controlled substance cases requiring investigation above the street level. Information on Region III cases will only be shared with departmental designees and on a need to know basis.
 2. Department personnel shall utilize department approved de-confliction services prior to commencing any narcotics investigation to ensure that individual(s) are not being investigated by another unit/agency.
 3. The Narcotics unit Sergeant will coordinate those cases and information which may require federal referrals.
- D. The Narcotics Unit will be responsible for the investigation of narcotics offenses within the Santa Fe area. Detectives will share helpful information with other units in the department unless there is a possibility that the information will be compromised or endanger any other

investigator. These investigations will include, but are not limited to:

1. Possession of drug equipment.
2. Possession of controlled substances.
3. Trafficking controlled substances.
4. Manufacturing controlled substances.
5. Fraudulently obtaining prescription drugs.
6. Money laundering linked to narcotics trafficking.
7. Firearm/Weapon offenses related to narcotics trafficking.

E. Narcotics Personnel may be assigned to investigate the following areas of criminal activity within the Santa Fe area:

1. Prostitution.
2. Assistance with felony investigations involving narcotics trafficking.
3. Assist with undercover operations.
4. Assist with covert surveillance.

69.1.21 Operations

A. Complaints on narcotics activity received by the Santa Fe Police Department will be handled in the following manner:

1. Calls received by Regional Emergency Communications Center/ Reception concerning incidents of narcotics related activity in progress will be referred to the Uniformed Patrol Division for investigation. The results of these investigations will be documented and referred to the Narcotics Unit Sergeant.
2. Information received through investigation and intelligence gathering or through Confidential Informants, the Drug Tip Hotline and Crime Stoppers will be referred to the Narcotics Unit Sergeant.
3. Upon review of the information provided and based on assignment criteria, it will be determined by the unit commander whether

follow up investigation should be conducted.

4. All investigations, preliminary and follow up, will be documented using standard Offense Incident Report Forms of this department.
- B. The Narcotics Sergeant shall maintain a record of all narcotics complaints made by citizens which are substantiated by investigation. These records will be maintained in accordance with the policies pertaining to record keeping and in accordance with local, state and federal law.
- C. Records concerning narcotics complaints will be reviewed on an annual basis by Narcotics Unit Sergeant in order to evaluate both the community problem and public attitude toward the problem.
- D. Criminal Investigations personnel assigned to narcotics related offenses will share responsibility for the confidentiality of all intelligence pertaining to the investigations of these crimes and ensure that these investigations maintain confidentiality and remain under departmental lock. The departmental lock will allow only certain personnel within the department to view and retrieve such cases. The cases shall be assigned case numbers just like other active open cases; however, the actual case itself will not be open to view except on a need-to-know basis. In the event that an investigation requires a coordinated effort, a request for assistance shall be made to the immediate supervisor and again the report may only be viewed on a need-to-know basis. Manual type case files may be maintained by a case Agent/Detective. Unit supervisors will review these cases. Access to these files will be limited to Agents/Detectives actively working these cases. These cases will be maintained in locked files until the case is entered into the system. The Agent/Detective may keep a case file consisting of notes and copies of any documents etc. The reports will then be filed in separate locked files as prescribed by Records Section Directives. If an Agent/Detective leaves the department or the specialized unit, open cases on locked status will be turned over to the appropriate unit supervisor. The Case Agent/Detective and unit supervisors shall

coordinate dissemination of information of these types of files.

- E. The Investigations Division Lieutenant will maintain files of Confidential Informants pursuant to standard operating procedure.
- F. Due to the ability of criminals to move rapidly from one community to another it is recognized that information concerning these individual may be needed by other law enforcement agencies. In the event that information obtained by the Santa Fe Police Department is required by another law enforcement agency it will be the duty of the Case Agent to document the request, verify the requestor and document what information was provided in his/her case file. At that point if assistance is requested by that agency, the Agent or Detective assigned shall then convey the request to his or her immediate supervisor for approval and process it through the chain of command. In all cases it shall be the Agents' or Detectives' responsibility to follow the investigation and to report to his immediate supervisor so that the agency may evaluate the effectiveness of the assistance. When the Santa Fe Police Department receives information from another law enforcement agency, the unit commander will evaluate the information and determine if it warrants the initiation of an investigation.
- G. Active case files involving narcotics offenses will be maintained by the individual or team of investigators who are involved in the operations. These files will be maintained in the Narcotics Unit Office in a secured filing cabinet. Access to these files will be limited to the members of the Investigations Division on a case-by-case approval by the Narcotics Unit Sergeant or Criminal Investigations Division Lieutenant.
- H. Specialized equipment such as Global Positioning System Trackers, concealed audio/video transmitters and long range photographic equipment will be maintained by the Criminal Intelligence and Analysis unit. When it is determined that this type of equipment is needed, a request will be made to the Sergeant for its use. This request should explain the nature of the investigation, the specific purpose that the equipment will be used for, and how

long it will be needed. An equipment inventory will be maintained and Detectives requesting the equipment will sign for the item.

- I. Once approval has been obtained for the equipment's use, the individual requesting the equipment and the Sergeant will inspect the equipment for its completeness and operational status. If the equipment is usable and the Sergeant is satisfied that the individual knows how to operate it, the equipment will be issued.
- J. On the return of this equipment the Sergeant and the individual returning it will again inspect the equipment for completeness and operational status. If the Sergeant is satisfied, no further action is required. If however there is a problem with the equipment, the individual who obtained it will be required to explain, in writing via a memorandum, what occurred to create the problem.
- K. Organized crime and vice activities can be investigated, at times, using traditional criminal investigation techniques. Due to the nature of these activities, special investigative techniques maybe necessary. All investigations that can be handled using traditional methods of investigation will be handled in accordance with Criminal Investigation Division Standard Operating Procedures. Preliminary Investigations and Follow up Investigations. Special Investigative Techniques are set forth in the following sections.

69.1.22 Surveillance

- A. One of the most effective investigative methods available is surveillance. Surveillance is defined as the covert watching of and/or listening to persons, vehicles and places to obtain information concerning the activities and identities of individuals.
 - 1. Surveillance should only be done in conjunction with criminal investigations and only when the Detective believes

- that the surveillance target legitimately plays a part in that specific investigation.
2. The purpose of any surveillance is to analyze criminal activity by seeking to identify potential victims and suspects. Surveillance should be conducted with the goal of identifying and analyzing probable offenders, their habits, associates, vehicles, methods of operation or any other pertinent information.
 3. A supervisor or case agent trained in surveillance techniques shall direct ongoing surveillance operations. It is recommended that a brief be conducted by all participating persons for routine surveillance operations. An Operation Plan and briefing will be completed for complex surveillance operations.
 4. The objectives of the surveillance should be clear to all involved personnel. Desired objectives frequently include, but are not limited to the following:
 - a. Obtain evidence of a crime
 - b. Establish locations of suspects, associates, vehicles or vessels
 - c. Obtain information for later use in interrogation
 - d. Locate hidden property or contraband
 - e. Verify the reliability of an Informant
 - f. Obtain Probable Cause for Search Warrants
 - g. Prevent a crime or to apprehend a subject in the commission of a criminal act
 - h. Protect an Undercover Officer or an Informant during an operation
 5. Detectives assigned to conduct surveillance should familiarize themselves with the area and make visible observations if possible.
 6. It shall be the responsibility of the case agent and their immediate supervisor to determine operations procedures for conducting observation, arrest or moving surveillance of the target. Some procedures may call for the use of additional surveillance vehicles, air support or utilizing special surveillance equipment.
 7. Surveillance shall be conducted in compliance within legal guidelines and current case law standards. Personnel are encouraged to contact the District Attorney's Office for additional advice in the event that legal issues come into question.
 8. All personnel conducting surveillance should equip themselves with proper food, clothing, toiletry items and expense money. Surveillance vehicles should have sufficient fuel to support the operation. Personnel should be prepared to travel long distances and for prolonged periods of time without normal conveniences.
 9.
 - i. Identify new suspects in the higher echelon of a group
 - j. Corroborate the testimony of the Undercover Officer

10. Supervisors in charge of surveillance should design the operation so that each Officer has ample time for rest and personal relief.
11. Officers should only leave a surveillance post under dire circumstances or when relieved from duty by the case agent or supervisor in charge.
12. The assistance of the SWAT Team may be requested to supplement any surveillance which appears to be particularly hazardous or difficult for personnel involved or may involve the arrest of potentially violent persons.
13. It is recommended that surveillance be documented.

69.1.23 Electronic Surveillance

- A. Electronic Surveillance, for the purpose of this procedural document, shall be defined as the acquisition of prosecutorial evidence of felony crimes through the use of electronic equipment, devices, and computers, through the established systems of the telecommunications company or by means of physically placing an electronic device in a location for the purpose of listening to conversations. Such equipment and means are not limited to the following:
 - 1.
 2. Wire Intercept Device
- B. A pen register, or Dialed Number Recorder (DNR) is an electronic device that records all numbers called from a particular telephone line. The term has come to include any device or program that performs similar functions to an original , including programs monitoring internet communications. The
 - C. United States statutes governing pen registers are codified under 18 U.S.C., Chapter 206.
 - D. A wire intercept device is usually a DNR which has been modified to allow for the audio interception of conversation on the targeted telephone line. During full audio monitoring, the DNR will continue to capture and record all telephone activation on the targeted telephone line. The wire intercept device can also capture text messaging (SMS) and multimedia messaging (MMS) which include photo and video media.
 - E. A trap and trace is an operation conducted by a telecommunications company which will identify the telephone number being dialed or forwarded to the target telephone. This will ensure that all incoming and outgoing telephone numbers are identified. The trap and trace conducted by the telecommunications company must be authorized by the Court, and must include the geographic (specific) areas from which telephone calls are being placed to the target. (Example: A target is being monitored in Santa Fe, and the court order only requests that calls being placed within the New Mexico 505 area code are to be trapped and traced. This would cause any telephone numbers being used to contact the target from anywhere outside the 505 area to be lost. The conversations would still be monitored; however, the identity of the subscriber would be lost.)
 - F. Electronic Surveillance Operations generally require the addition of resources not available to the Police Department. For cases which will require additional manpower, refer to the Procedure on Joint / Liaison Operations. All Electronic Surveillance Operation proposals must be submitted in a case plan. (Refer to Case Plan Procedures as outlined in the Investigation Division guidelines).
 - G. The following criteria must be met before any Electronic Surveillance Operation will be approved:
 1. All other reasonable means of detection, investigation, and apprehension have failed or have proven to be too dangerous to accomplish, and the failed results have been documented.

2. The crime which is suspected to have been, is not being, and will continue to be committed, is a felony, in violation of any federal, state or local law.
 3. That there is a reasonable belief that the electronic surveillance will succeed where all other reasonable means of detection, investigation, and apprehension have failed.
 4. That the information and belief that the crime is being committed is sufficient to substantiate probable cause to support a Court Order.
 5. Information received through the use of reliable confidential informants must be corroborated and the informant must have been previously documented. (Refer to section concerning Confidential Informants).
- G.** All proposals for the use of electronic surveillance, after initial approval by the Chain of Command will be submitted to the Office of the District Attorney for approval. A required case plan outlining all activities will be submitted by the case agent. It is the case agent's responsibility to ensure all personnel have been accounted for in the operational plan and contingencies are in place in the event personnel cannot participate.
- H. Informational Requirements**
1. Any proposed electronic surveillance operation will contain the applicable information requirements as set forth in the New Mexico State Statutes. These requirements far exceed the requirements of the Federal Statutes governing electronic surveillance.
 2. The Federal Bureau of Investigations (FBI) or the Drug Enforcement Agency (DEA) will be contacted to assist in the use of their monitor room/ equipment for any electronic surveillance operation (wiretap). Officer/ detectives will brief with those agencies to obtain protocols and training prior to monitoring. A Santa Fe Police Department letter will be sent to these agencies with the Chief of Police's or his/her designee's signature requesting the use of their facilities. The letter should provide ample time for these agencies to make arrangements and ensure the facilities are available.
- I.** The establishment of any electronic surveillance presents specific logistical requirements / concerns which must be addressed prior to the operation.
- J.** If approval is obtained and a Court Order is authorized, the Investigations Chain of Command will initiate a pre-operation briefing which will include all the assigned personnel, and district attorney's representative. The briefing will outline the objectives of the operation, identify the target(s) of the operation and will define the operational procedures of the surveillance as established in the section governing surveillance operations.
- K. Informational Requirements**
1. Any proposed electronic surveillance operation will contain the applicable information requirements as set forth in the New Mexico State Statutes. These requirements far exceed the requirements of the Federal Code governing electronic surveillance.
 2. Personnel assisting federal agencies on an electronic surveillance operation will follow the requirements of the federal agency and will adhere to the Federal Code governing electronic surveillance.
- L.** The establishment of any electronic surveillance presents specific logistical requirements / concerns which must be addressed prior to the operation.
- M.** A monitoring location will be arraigned in advance by requesting the assistance of a law enforcement agency that is equipped with an electronic monitoring facility, such as the following agencies:
1. Federal Bureau of Investigations
 2. Drug Enforcement Administration

3. Department of Homeland Security Investigations

The Case Agent will determine if the Santa Fe Police Department will be billed by the agency for utilizing their equipment. This bill will be in addition to the bill due to the telephone service provider for the targeted telephone line. The Case Agent will obtain approval and make arrangements to ensure that all costs associated with the wire intercept are paid in full.

- N.** Once the equipment and structure are obtained, the telephone company must be notified through their Securities Division. A certified copy of the Court order authorizing them to conduct a wire intercept must be faxed before any telephone company involvement is initiated. The Securities Division will establish the required telephone lines to the monitoring location.) It will be necessary to instruct the telephone company representative as to the particular needs of the surveillance. Below are listed the minimum requirements of the telephone company:

1. Certified copy of the Court Order.
2. Target telephone number, the name as shown on telephone records associated with the target telephone number and address associated with the telephone number as shown on the telephone company records. (This information is available through subscriber information obtained previously as part of the initial investigation).
3. The location where the monitoring station will be established.
4. The number of telephone lines needed at the monitoring location.
5. Identification and telephone numbers must be obtained from the telephone company Securities Division representative and the central office representative to facilitate re-connection if disconnect occurs.

- O.** Below are listed the minimum equipment requirements for performing any electronic surveillance operation:

1. A monitoring station with all associated hardware, software and connections. Personnel monitoring the communications are recommended to utilize audio head phones.
2. Writable DVD-R Discs and/or Electronic Storage Device to be entered into evidence.
3. A telephone or department cell phone for communication with visual surveillance teams in the field.
4. A laptop to complete transcripts of conversations.
5. Office equipment.
6. Evidence tags, reports and other related material.
7. A large table and at least two chairs.
8. Log sheet to document personnel who enter the monitoring location. Personnel will document the date, the entry time and exit time.

- P.** All electronic surveillance operations conducted in Santa Fe will require the use of bi-lingual officers to monitor any recorded conversation.

- Q.** A minimum of two (2) officers will be responsible to monitor the recording equipment, twenty-four (24) hours per day for the duration of the operation. The Investigations Lieutenant and the case agent will decide on the number and schedule of exterior surveillance units and manpower.

- R.** While at the monitoring location no unauthorized personnel will be allowed into the room housing the monitoring equipment. The persons who are authorized are those persons immediately involved in the surveillance operation, the members of the District Attorney's Office assigned to the case, the Criminal Investigations Lieutenant, the Operations Deputy Chief, the Chief of Police. ALL PERSONNEL ENTERING INTO THE MONITORING ROOM WILL BE

REQUIRED TO SIGN IN AND SUBMIT A WRITTEN REPORT EXPLAINING THE PURPOSE OF THEIR PRESENCE AND ACTIVITIES MONITORED.

- S. The operation of the electronic surveillance will not be disclosed to any non-involved member of the Police Department, including certified law enforcement officers, commanders, or civilian personnel. No disclosure will be made to any person, business or organization outside the Police Department for any reason, except where a need to know has been established. (i.e. the telephone company, the Court etc.)
- T. Radio communications discussing the target identity, the ongoing operation or any aspect of the operation will be prohibited. All discussion or communications not necessary to the investigation will be handled over the telephone.
- U. Any inquiry from any member of the press will be referred to the Public Information Officer, (refer to Directive concerning Media Relations) who will not disclose the existence of any electronic surveillance operation by Order of the Court.
- V. Every monitor of the recorded conversations will prepare a report documenting the conversations recorded, the time they were received, the call number, and a brief synopsis of the conversation, prior to leaving the monitoring location at the conclusion of their duty day. The case agent will be responsible for downloading the recordings of the conversations (even if no conversations were recorded) to DVD-R disks and/or an Electronic Storage Device. All recordings are to be submitted as evidence in the case and are to be handled as such. (Refer to the Department Directive outlining Evidence procedures).
- W. All field surveillance personnel are to complete a report for their activities, observations and findings before completing their duty day. These reports will be turned into the case agent or designated personnel at the monitoring location.
- X. Occurrences of a significant nature are to be brought to the attention of the case agent, who will brief the Criminal Investigations Lieutenant. The Investigations Lieutenant will in turn notify the Investigations Captain.
- Y. The case agent will maintain an open line of communication with the Investigations Lieutenant in order to brief the Investigations Captain on a daily basis of the progress of the investigation.

69.1.24 Strike Force Organization

- A. During the normal course of operations it may become necessary to form a temporary organization or Strike Force to deal with a problem. Strike Forces are temporary in nature and designed to target a specific problem. This organization may involve only internal personnel of the Santa Fe Police Department or may involve the participation of several law enforcement agencies working in concert to cope with a problem. Strike Force personnel will follow the C.I.D. chain of command for all communication.
- B. One type of situation that may require a multi-agency strike force would be in the investigation and control of Organized Crime that may operate in several communities at one time.
- C. When it is determined that a strike force will be utilized to enhance the investigative capability of the Santa Fe Police Department a written operations plan will be created authorizing it's institution. This plan should include the following information:
 1. A statement identifying the purpose of the strike force including the type of offensives the strike force will be charged to investigate.
 2. Consideration should be given to the strike force's chain of command and establishing a defined authority and the responsibilities of those involved.
 3. Clear reporting lines must be identified which establishes its accountability.
 4. A statement defining the resources, both material and personnel that will be dedicated to the strike force.
 5. A statement covering the method of measuring and evaluating the performance of the strike force results and under what

criteria the strike force will be ended or continued as a necessary function.

69.1.25 Joint Liaison Operation Procedure

- A. All joint operations (those operations involving personnel from other sections, divisions, teams or units within the Police Department or personnel from other law enforcement agencies) must be approved by the Investigations Lieutenant. Upon approval, it will be the responsibility of an Investigations Unit Commander to request the use of the additional personnel from the other divisions, sections, teams or units supervisors and from any outside law enforcement agency participating in the operation.
- B. Any request made for a Joint Operation must be made in the form of a Case Plan. (See 61.1.16 Preparation of a Case Plan).

69.1.26 Undercover Operations

- A. Undercover operations include all operations which require that the police portray themselves as something or someone different than police officers. These types of operations are potentially dangerous and therefore should be undertaken with caution, planning and proper supervision.
- B. Additionally, no ruse or portrayal will be used which could be construed as to defame, corrode or jeopardize the character or livelihood of any private citizen, business or organization.
- C. All operations which are determined to be Long Term or Undercover Operations must receive approval from the Investigations Lieutenant and a Case Plan must be submitted. The case plan will include factors of the case which include:
 1. Required manpower.
 2. Estimated required overtime.
 3. The plans objectives.
 4. Benefits to the Police Department/Community.
 5. Specialized equipment needed.
 6. Anticipated length (in terms of time needed to accomplish the objectives.)
- 7. Anticipated results (in terms of the number of individuals arrested, property recovered, controlled, substances seized, intelligence, etc.).
- D. When it becomes necessary to conduct an undercover operation, a plan of action will be formulated in order to provide for a thorough and smooth operation. A case plan will be submitted through the CID chain of command. An operational brief will be conducted by personnel involved to ensure everybody is aware of the identities and clothing being worn by Detectives operating in an undercover capacity. The operational plan briefing should provide personnel's specific roles and responsibilities. The following areas will be considered during this planning stage:
 1. An examination of the criminal activity under investigation and the victims of the activity should be made in order to better understand the problem.
 2. A clear duress signal should be identified and all personnel shall be aware of the signal to safeguard the lives of undercover operators and informants.
 3. Consideration that the undercover operation is the most effective method available
 4. How contact will be made with the suspects. Contact with suspects should be done with caution and as much planning as possible.
 5. A logistical assessment should be made of the area of operations , associates and suspects in order to determine potential risks
 6. Determine the need for false identification and ensure that it is provided prior to the start of the operation.
 7. The undercover detective will be supplied with expense funds prior to the start of the operation and ensure the Detective understand its authorized use and accountability. These funds will be withdrawn from Contingency Funds.

8. Electronic monitoring devices shall be utilized when conducting undercover operations unless a supervisor determines it is not feasible or creates a risk.
9. When an undercover operation is underway, the case agent and their supervisor will be in charge of establishing contingency plans regarding communications. These plans involve both visual and audible communications to alert backup officers when assistance is needed.
10. The frequent use of confidential informants in undercover operations makes it necessary for the case agent to be familiar with current criminal solicitation and entrapment legal issues. Officers/Detectives should never allow informants to control the operation.
 - a. Whenever possible, investigative methods should be used to corroborate the informant's statements regarding the criminal predisposition of subjects.
 - b. The case agent/handler should strive to always have control over the informant in an effort to avoid the informant improperly enticing a subject to commit or conspire to commit a crime.
 - c. The case agent/handler should attempt to remove the informant from the transaction if the opportunity develops or by initiating steps that would accomplish this goal. This would help to protect the informant's identity in future court proceedings.
11. Officers/Detectives participating in undercover operations should use discretion in planning and making arrests due to the difficulty in properly identifying the undercover agent. The below guidelines should be followed:
 - a. The undercover agent should not deviate from the written plan unless he/she is able to obtain supervisory approval during the operation.
 - b. When arrests are not preplanned, an undercover agent should weigh the seriousness of the offense against the potential of encountering difficulties.
 - c. Where arrests are pre-planned, the case agent or his/her supervisor should:
 - 1). Be aware of the risks of injury to the undercover agent and/or informants on the inside
 - 2). Develop a plan so that all undercover agents work in concert with the arrest team
 - d. Sufficient arrest team manpower should always be available to ensure the undercover agent(s) does not have to assist in the physical arrest of suspects.
12. Officers/Detectives will not make undercover narcotics purchases without being accompanied or directly covered by another Officer/Detective. The amount of back-up and cover should be increased when the potential for violence and danger to the undercover agent and informant increases.
13. In all cases where Officers/Detectives engage in dangerous undercover operations, close supervision is a necessity.
 - a. Supervisors should never allow extreme or undue risks with the safety of undercover agents.
 - b. Officers/Detectives should advise their immediate supervisor on a daily basis of scheduled activities in order for the supervisor be aware of the Officer/Detective's location at any time.
 - c. The undercover agent will be supplied with vehicles and other equipment which will facilitate the furtherance of the investigation.

- d. The undercover agent should not deviate from the written plan unless he/she is able to obtain supervisory approval during the operation.
 - e. The undercover agent will not meet with suspects in a narcotics investigation without proper surveillance and cover units.
 - f. The undercover agent will never “front” any portion of the flash roll to facilitate the purchase.
 - g. Should the undercover agent be robbed during the course of the operation he/she will immediately give the duress signal and relay it to cover surveillance units to take appropriate action.
 - h. Undercover agents shall not give away or sell narcotics or controlled substances to anyone in the performance of their duties unless it has been previously approved by a supervisor and the district attorney, such as in the case of a reversal.
 - i. Every Officer/Detective, while working in an undercover capacity, who witnesses or obtains information in a serious crime, will take no enforcement action unless such action is necessary to save his/her own life or the life of another. An incident of this nature will be reported immediately to the Investigations Lieutenant or highest ranking member of the department that is present. .
- 14. Undercover Use of Force**
- a. It is recognized that a Detective serving in an undercover capacity is exposed to risk of being robbed, injured and/or killed while conducting undercover operations. It is also not feasible for an Undercover Detective to be equipped the same as a conventional Police Officer or Detective with less lethal devices such as a Taser, Oleoresin Capsicum Spray and/or expandable baton.
 - b. A weapon of opportunity is any other object that an officer uses to apply force to another individual.
 - c. During these incidents, an Undercover Detective may be faced with an immediate defense of their own lives and may have to utilize a weapon of opportunity when their firearm is not accessible or cannot be reasonably deployed. In these dynamic situations, an Undercover Detective is permitted to utilize any item available in immediate defense of their lives and the lives of an informant and/or to escape an immediate threat of great bodily injury.

E. RULES AND PROCEDURES DURING VICE, PROSTITUTION, AND HUMAN TRAFFICKING INVESTIGATIONS.

During some related operations, police officers or police agents may use role-playing in order to investigate vice violations. Detectives may act out the behavior and actions of a criminal participant whether it be a prostitute, promoter of prostitution, a solicitor of a prostitute, or other vice related criminal activity. While personnel are role-playing, they must balance, evaluate and consider the following:

1. Role-playing is only a disguise. Personnel must still use their police discretion, personal integrity, and professional training while investigating crimes. A charge, or perception, of impropriety is not worth the arrest of a suspect.
2. Restrictions on role-playing will be dictated by city ordinances, state and federal statutes. Additional restrictions may be placed upon officers by Unit supervisory staff.
3. Personnel assigned to the Special Victims Unit will not engage in any sexual acts with suspected prostitutes. Sexual acts are to include any penetration, masturbation, fellatio or cunnilingus.
4. Officers will not completely undress during any investigation.
5. The focus of any investigation will be the proper and legal gathering of facts and evidence that will be usable in a successful criminal court prosecution.
6. Officer safety considerations.

7. Investigators must use all available investigative techniques to affect the arrest of a suspect and to avoid being placed in a situation that could later be construed as improper outrageous conduct. As a last resort and having exhausted all other options, investigators may consider the following alternative IF NECESSARY for the investigation:

8. Officer may briefly touch a suspect's clothed body, but only if invited to do so and at the specific direction of the suspect as to the location to be touched.

9. Officers may allow their clothed body to be touched briefly by a suspect.

10. Payment for Services

F. Officers may agree to pay for illegal services but should avoid actually giving money to a suspected prostitute. In every case where a prostitute is handed department funds, the offense report will document the denominations and show how the money was recovered. If a suspected prostitute absconds with the money, the offense report will reflect these facts and a Criminal Investigations Division (CID) expense report will be forwarded to the CID Lieutenant.

G. Officers will not agree to pay for legal services such as a dancer or masseur without an operational objective, and prior authorization of the supervisor in charge.

H. Prostitution Arrests

1. Officers will not make prostitution arrests while working alone.

2. Unless exigent circumstances exist, officers will utilize a tape recording of all prostitution investigations.

3. Surveillance and teamwork are necessary to ensure the safety of the

- officers. Arrest team personnel will use a Department raid jacket when effecting any arrest, unless doing so would subject the officer to unnecessary danger. Investigating officers should avoid arresting suspects.
4. Transportation of arrested prostitutes should be made by uniformed personnel, unless uniformed personnel are so busy that other Special Victims Unit members may be used to transport arrested persons. Under no circumstances will Special Victims Unit personnel transport combative or disorderly suspects and the Special Victims Unit supervisor will coordinate the transportation of these individuals. The investigating officer will prepare the complaint on arrested prostitutes.
 5. Officers will not tag condoms as evidence, but may photograph or list such items in their report.
 6. Photographs of arrested prostitutes may be taken, but will not be designed to embarrass the department or the suspect.
- I. Patronizing a Prostitute Arrests**
1. The use of undercover officers will follow established CID policy on undercover operations.
 2. Undercover officers and arrest team personnel will utilize digital recorders or other devices to capture information necessary for court or to protect officers from later charges of entrapment, mistreatment or outrageous conduct. These tapes will be part of the case.
 3. The Criminal Investigations Division Lieutenant should consider contacting the media on such operations and should contact the PIO to inform them of any decoy operation.
 4. In the event information is to be released to the media. The PIO will abide by the ICAC Task Force PIO standards.
- 69.1.27 Fictitious Identity**
- A. The Santa Fe Police Department shall allow certain members of the Department to obtain, possess, and use undercover identification cards or undercover driver's licenses while working undercover roles requiring use of a fictitious name, address and city. The acquisition of such identification cards or drivers licenses will be made with the approval of the Investigations Lieutenant and the identification used will be registered with the Chief's Office, to be maintained in the individual's personnel file.
 - B. The following guidelines will be adhered to when requesting an undercover identification card or driver's license.
 1. A memorandum will be submitted through the chain of command to the Investigations Lieutenant.
 2. The individual submitting the memorandum will indicate the intended purpose or need for the undercover identification, and provide an estimate of the length of time the document will be needed.
 3. In addition to the memorandum, the individual requesting such fictitious identification will complete a letter to be sent to the New Mexico Department of Motor Vehicles if the request is approved.
 4. Upon receipt of approval, the individual making the request will provide the Office of the Chief of Police with a photocopy of the fictitious identification to be placed into the individual's personnel file at the Police Department.
 5. It is the responsibility of the individual to return the fictitious identification to the

Department of Motor Vehicles upon expiration of the time required or submit a memorandum to the Investigations Commander requesting additional time. Once the identification is no longer required, the individual must remove the photocopy of the fictitious identification from their personnel file within 30 days or it will remain in the file.

6. Use of the fictitious identification is limited to official duties only. The fictitious identification will not be used unless the individual is in the actual performance of assigned duties. At no time (unless required in the performance of duty) will the individual present the identification as true to any law enforcement officer. Should the need arise, while in the actual performance of duty, to present the fictitious identification the individual will, as soon as possible, document the occurrence, the reasons for the action and attach any citations issued to a memorandum directed to the Investigations Lieutenant.
7. Misuse of undercover identification or driver's license by an individual issued such documentation will result in the immediate suspension of use of the undercover identification, and possible disciplinary action.

69.1.28 Warrant Service

- A. When it becomes necessary to conduct a Warrant Service an operational brief will be conducted prior to the warrant service being carried out. This planning is to ensure that all personnel know their roles and responsibilities for safe implementation of the operation. During this planning, the following will be considered:
 1. What jurisdiction will be granting the authorization for the warrant service.
 2. One person must be designated as the officer in charge.
 3. Examine the location where the warrant service is to take place and develop a

strategic and tactical plan for its approach, entry, security and possible leaving targets.

4. Designated search teams and the methods to be used to search for and seize the evidence.
5. Examine the operation and determine what equipment will be required and secure it prior to starting.
6. Examine the communications and personnel requirements of the operation and ensure that the equipment is available and that personnel selected have the appropriate specialization for their assignment.
7. Identify the possible targets and assign personnel to arrest teams.
8. Complete a Risk Assessment Matrix for Search Warrant services and High Risk Arrest Warrant services. Examine the risk factors involved in the operation and ensure that all personnel understand the threat level that exists and what the authorized use of force is.
9. Based on the threat level and the overall operation, determine the need for medical assistance and how close at hand it should be.
10. Personnel should be assigned to provide documentation of the operation to include service of search/arrest warrants, photographs of evidence, collection of evidence and reports.

- B. It should be noted that in any of the above operations a case plan shall be required.

69.1.29 Control Drug Buy Operations

- A. The Control Buy is usually the least prosecutable of all buy cases since controlled buys are mainly backgrounds. Since the person conducting the control buy (Informants) can possibly be required to testify at official proceedings, it is absolutely necessary to ensure that the buy is conducted in such a manner that it will withstand the closest of scrutiny.

- I. Control Buy- An Undercover investigation which utilizes a confidential informant, directly supervised by an Officer/Detective, to obtain or purchase suspected contraband or stolen property.
- B. Before a controlled buy is attempted, the Case Agent should examine the investigation and determine if other buy methods are feasible, and if so, they should be used instead of a controlled buy.
- C. Controlled buys shall not be conducted unless the person conducting the buy has been fully documented and approved as a Confidential Informant.
- D. Whenever possible, controlled buy investigations should be discussed in advance and approved by the Narcotics Sergeant or Investigations Lieutenant.
- E. The Informant making a controlled buy will be made aware, by the Handler, of all legal ramifications of the buy, including the fact he/she could possibly be required to testify in court.
- F. At least (3) Officers/Detectives shall directly supervise and/or participate in a controlled buy operation. Optimally, 4 Officers/Detectives should participate.
- G. Suspected violators shall be identified prior to any controlled buy unless an exception has been granted by the Narcotics Sergeant.
- H. The following procedure will be followed for a control buy:
1. The handler will meet with the confidential informant. The handler will conduct a search of the informant's person for money, weapons, narcotics and any illegal contraband. The informant is not permitted to possess any of the previous listed items. If the informant is traveling in their vehicle to the meet location, a search of the vehicle will also be conducted. Once the search is completed the handler will provide the informant with the Contingency Funds necessary for the operation. If the informant is a paid Informant, he/she shall receive his/her payment after a successful completion of the operation. Prior to any use of contingency funds, the actual money used in the operation will either be photographed or copied to display serial numbers in the cash.
 2. Prior to the controlled buy, the informant will be briefed on the safe operation of a listening/recording device.
 3. The handler will maintain surveillance of the confidential informant and will be in contact with the informant at all times during the operation. Once the operation is completed the handler will meet with the confidential informant to collect the purchased evidence.
 4. The handler will again conduct a search of the confidential informant and their vehicle if it was utilized for money, weapons, narcotics and any illegal contraband.
 5. The handler will then debrief the confidential informant as to how the meet with the target took place, collect any new information and to provide any follow up on assignments to the informant. The handler will complete the field receipt book and have the confidential informant sign the field receipt book with its designated Code Name. Once this takes place the handler will pay the confidential informant.
- I. Detectives/Officers will ensure that the person making the controlled buy actually meets with the suspected violator. At times, this may not be immediately available. For example the Informant enters the target's home. Detectives will use all means available to ensure the target is in fact the person the Informant met with. This can include, physical surveillance, audio devices, informant debrief etc.
- J. Upon completion of the control buy the handler will meet, as soon as practical without losing

contact with the person conducting the buy. The requirements of the meeting are:

1. Ensure evidence was obtained.
2. Any unexpended funds will be obtained.

K. All aspects of the controlled buy will be documented in the investigative case file in detail, and the purchase will be termed a “controlled buy” for report purposes only. The title of the report should be “Trafficking a Controlled Substance”. The Detective will request a case number for the controlled buy and request the case be locked by the Records Division. If for any reason the proper procedure cannot be adhered to during the purchase by a person other than a law enforcement officer, then the purchase will not be termed a control buy and will not be used for prosecution.

69.1.30 “Flash Role” Usage

A. Undercover investigations will occasionally find it necessary to “flash” a large amount of cash to convince a suspect the investigator has the cash available to pay for illegal drugs or property or services. The following will be the procedure for using a “flash roll”:

1. The investigator will submit a case plan indicating the use and how much money he/she will need.
2. If the flash roll exceeds \$1,000.00, approval from the Chief’s Office will be required.
3. At any time that a flash roll is out of the Police Department, it will be accompanied by at least two investigators.

69.1.31 Communication with other Agencies

A. The Santa Fe Police will establish and maintain a good working relationship with all law enforcement agencies within the geographic area of Santa Fe, New Mexico. This includes, but is not limited to:

1. Santa Fe County Sheriff’s Office
2. Department of Public Safety

3. District Attorney’s Office
4. Department of Corrections
5. Espanola Police Department
6. Los Alamos Police Department
7. Federal Bureau of Investigation
8. Drug Enforcement Administration
9. Albuquerque Police Department
10. United States Marshal’s Service
11. Department of Homeland Security
12. New Mexico All Source Intelligence Center

B. Representatives of these agencies will discuss strategies for the identification, apprehension and prosecution of persons responsible for organized crime and vice-related activities.

C. To this end, the Santa Fe Police Department may participate in the Region III Task Force. A detective from the Narcotics Unit will be assigned as the department’s liaison to this organization. In addition it is possible that a second member of this department may be called on to serve on the Region III Board.

1. As the liaison for Region III the assigned Detective is responsible for the following :
 - a. When it is determined that an operation will be conducted which requires outside agency personnel, outside agency equipment, or occurs outside of the city limits of Santa Fe a case plan will be prepared. This case plan is then approved by the CID. Lieutenant and then presented to the Region III Coordinator.
 - b. When a case plan has been approved the liaison will ensure that the commanders of all effected outside agency units are contacted.
 - c. The liaison will brief all involved personnel on the operation prior to it being conducted.

- d. The liaison will ensure that all evidence obtained during an operation is properly packaged, secured and maintained as evidence by the Santa Fe Police Department.
 - e. The liaison is responsible for all reports, booking information, and laboratory analysis required and will ensure that each outside agency prepare and forward a copy of their report to him/her for inclusion in the file.
2. When an outside agency conducts an operation their request for personnel or equipment resources must be reviewed by the Narcotics Unit Sergeant, and approved by the Chief of Police.
 3. If the Liaison Detective is not available, the Narcotics Unit Sergeant will appoint another Detective from his/her unit to act as a replacement during the absence.
 4. It is the responsibility of the Liaison Detective to ensure that all department personnel who were involved in an operation write a report and that copies of these reports are provided to the lead agency of that operation.
 5. Informant and/or contingency expenditures will be dispersed by the liaison in accordance with procedures established by the Region III Narcotics Task Force.

PROPERTY CRIMES

69.1.32 Pawn Shop Function

- A. When appropriate and/or staffing is available, a member of the Property Crimes Unit will be assigned to oversee the city's pawn shops.
 1. Due to pawn shop regulations, all pawn shop transactions are required to be recorded for the information and use of the Santa Fe Police Department. The information recorded reflects the item involved in the transaction and the person making the transaction. When deemed necessary by Detective(s) and/or the unit supervisor, department personnel will

collect, review and/or analyze the pawn tickets against departmental records of stolen property.

2. If an item listed on a pawn shop card is determined to be stolen, a Detective will recover this item from the pawn shop and conduct a follow-up investigation concerning the individual who pawned it.
3. Whenever weapons are the item of the transaction, they will be checked through N.C.I.C. to ensure the recovery of stolen weapons. If a weapon is determined to be stolen, the detective will recover the weapon as soon as possible. Once recovered the Detective will ensure that it is removed from N.C.I.C. A follow-up investigation will be conducted concerning the individual who pawned it.
 - a. If the weapon is from another jurisdiction, notification via a Teletype will be made to that agency in order to ensure that the weapon is removed from N.C.I.C. The detective will make arrangements to get the weapon returned to the agency concerned.
4. When deemed necessary by a Detective(s) and/or the unit supervisor, department personnel will inform the appropriate law enforcement agency whenever a ticket is received and the person is out of the jurisdiction of the Santa Fe Police Department

Pawn Shop Tickets are kept on file for a two (2) year period. After the two (2) year period the tickets will be destroyed.

69.1.33 Property Crimes Investigations

- A. The Detective assigned is responsible for the overall investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation; but he/she is not limited only to these items because each case is a separate and unique incident.
 1. If assigned to investigate an incident in which a crime scene needs to be processed, the Detective will ensure that the scene remains protected and secured, with the

assistance of uniform patrol personnel as needed.

In addition, prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required to enter and investigate the scene.

If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until a search warrant can be obtained.

The case investigator is responsible for determining how the crime scene search/processing is to be carried out and shall ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted within the procedures as per Standard Operating Procedures Evidence Collection and Packaging.

2. When assigned the case, the Detective will review all reports concerning the incident in order to prepare a plan for the full and complete investigation of the incident. In addition he/she will attempt to compare this incident to other such incidents looking for similarities which could assist in determining the identity of the perpetrator(s).
3. The case investigator will attempt to identify all victims, witnesses, and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements obtained, when possible, using the procedures as per Department Directive 56.1, entitled Interviews.
4. The case investigator will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.
5. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
6. Upon the establishment of probable cause the case investigator will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
7. Upon the collection of evidence from a crime scene, the case investigator will evaluate the items collected to determine whether it needs to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Evidence that does not require examination will be turned into the Santa Fe Police Department Property Room.
8. In all cases involving the collection or submission of evidence, the case investigator will include the evidence tag(s) number(s) within the narrative of their report.
9. Upon the completion of the Crime Laboratory examination, arrangements should be made, by the case investigator within five (5) working days, to pick the evidence up and return it to the Santa Fe Police Department Property Room. Further, upon obtaining the results of these examinations, a supplemental report will be made reflecting the results. A copy of the written Crime Laboratory examination report will be forwarded to the District Attorney's Office within two (2) working days, either in person or in a Letter of Transmittal.
10. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail investigation and its results to date. This report, once submitted, will be delivered to

the District Attorney's Office within two (2) days via a Letter of Transmittal.

11. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the Investigation.
12. A supplemental report will be prepared by each individual who assisted in a case, even though they are not considered the case investigator. These supplemental reports will be given to the case investigator for review by the case investigator.
13. The case investigator will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and written statements are provided to the District Attorney's Office. An entire case file containing the necessary documentation will be hand delivered to the District Attorney's Office and a signed receipt will be acquired by the case agent. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned back to the District Attorney's Office.

69.1.34 BURGLARY/LARCENY

- B. Property recovered through investigation will not be held for identification in the Property Crimes Office longer than is reasonable. All attempts at making identification will be completed within (3) business days of the recovery. Any recovered property that is identified will be photographed and turned in as evidence to the property custodian. Arrangements for release of the property will be made with the Office of the District Attorney, and a copy of the Order Authorizing Release as well as a copy of the Departmental Property Release form will be placed in the case investigator's file. Individuals

with identified property will be notified to make arrangements with the Property Custodian for release of that property once the Order Authorizing Release has been obtained from the District Attorney.

- C. Property recovered through investigation that has not been identified within the allotted time will be submitted to the Property Custodian for storage. The case investigator will be required to obtain a new case number for submission of this type of property if no other case number is available, and will prepare a report titled "Recovered Property", indicating the circumstances for the recovery and any related case numbers.

69.1.35 WHITE COLLAR CRIME

- A. The case investigator assigned is responsible for the overall investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation; but he/she is not limited only to these items because each case is a separate and unique incident.
 1. Upon being assigned the case, the investigator will review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents looking for similarities that may exist which could assist in determining the identity of the perpetrator.
 2. The case investigator will attempt to identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible, using the procedures as per Department Directive 56.1, entitled Interviews.
 3. The case investigator will seek additional information concerning the investigation by interviewing other officers and street informants, where appropriate, in order to identify the perpetrator.

4. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
5. After collecting evidence, the case investigator will evaluate the items collected to determine whether it needs to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory Receipt. Evidence that does not require examination will be turned into the Santa Fe Police Department Property Room.
6. Upon the completion of any Crime Laboratory examination, arrangements should be made, within five (5) working days, to pick the evidence up and return it to the Santa Fe Police Department Property Room. Upon obtaining the results of these examinations, a supplemental report will be prepared reflecting the results. A copy of the written Crime Laboratory Examination Report will be forwarded to the District Attorney's Office within two (2) days, either in person or in a Letter of Transmittal.
7. Upon the establishment of probable cause, the case investigator will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
8. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within the two (2) days via a Letter of Transmittal. It should be noted that the case investigator will note, in his report his/her observations as to the conditions, events and remarks made during the investigation.
9. The case investigator will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and written statements are provided to the District Attorney's Office. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office.

69.1.36 EMBEZZLEMENT

- A. During the course of the investigation, the victim of the embezzlement should provide evidence showing the dates and amount of funds or list of items involved. These dates and amounts must be documented and supported by the victim to avoid having the case investigator interrupt the victim's accounting system.
- B. The case investigator may further find it necessary to obtain a search warrant or subpoena duces tecum for additional evidence which supports information provided by the victim. The case investigator is responsible for determining how the search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The collection of items during this search should be processed according to procedures as per Standard Operating Procedures Evidence Collection and Packaging. It should be noted that original documents should be obtained whenever possible.

69.1.37 FORGERY

- A. The case investigator will obtain the original questioned document and preserve it in plastic as the evidence in the investigation. Only copies of the original questioned documents should be kept in the case file. The original will be submitted to the Santa Fe Police Property Room.

These original documents should be obtained from either the victim or financial institution involved.

- B. During the course of an investigation, the case investigator may determine that financial institution records, handwriting exemplars and major case fingerprints may be required. Although sometimes these items can be obtained voluntarily, it may also become necessary to obtain a search warrant. In such cases, it must be remembered that a suspect's handwriting and fingerprints are considered physical evidence, and they may not refuse to comply with a search warrant and if they refuse, they may be compelled to provide fingerprints or a specimen.

69.1.38 FRAUD

- A. During the course of this type of investigation, the case investigator will need to obtain evidence of the suspect's conduct, practices, or representations used to intentionally misappropriate things of value. Evidence of this may come in the form of taped recorded statements by the suspect, papers showing the false services or product offered by the suspect, financial institution records or a combination of these.
- B. At times, the case investigator may require a search warrant in order to gather this evidence. The case investigator is responsible for determining how the search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. Evidence collected will be packaged and preserved as per Standard Operation Procedures; Evidence Collection and Packaging.
- C. It should be noted that when the detective is assigned to a case involving counterfeit monies. These cases should be referred to the United States Secret Service for investigation as soon as possible after receipt. Upon receipt of a counterfeit case, the detective will contact the United States Secret Service and make arrangements with them to take possession of the counterfeit money.

- D. In cases involving multi-jurisdictional situations, it may become necessary to gain the assistance of or turn the entire matter over to the State's Attorney General's Office. This decision should be made by the Unit Commander in conjunction with the District Attorney's Office on a case by case basis.

69.1.39 AUTO THEFT INVESTIGATION

- A. The detective assigned to an auto theft case is responsible for the overall investigation and completion of the case. Each case is a separate and unique situation.
 1. Upon being assigned, the detective will review all reports concerning this incident in order to prepare a plan for its full and complete investigation. In addition he/she will compare this incident with other such incidents, looking for similarities that may assist in determining the identity of the perpetrator. The detective will further ensure that the information on the stolen vehicle has been properly entered into NCIC.
 2. The detective will attempt to identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and written, or audio/video recorded statements will be obtained when possible.
 3. The detective will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and through confidential informants, where appropriate, in order to identify the perpetrator of the crime.
 4. Once an individual has been identified as the suspect, the detective should review the subject's criminal history and evaluate his/her activities as they may relate to other crime involvement.
 5. Upon the establishment of probable cause, the detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will

- be transmitted to the district Attorney's Office detailing the suspect's involvement in the crime.
6. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured with the assistance of uniformed patrol personnel, as needed.
 7. Prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
 8. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing being done until a search warrant can be obtained.
 9. The detective is responsible for determining how the crime scene search/processing is to be carried out and for ensuring that sufficient manpower is available. The search/processing of the crime scene will be conducted within the procedures as per Departmental Directive entitled Evidence Collection and Packaging. The detective will ensure that all stolen vehicles are processed for physical evidence prior to being released to the owner.
 10. The case investigator will include in his/her report all observations as to the conditions, events and remarks made during the investigation.
 11. Upon the collection of evidence from a crime scene, the detective will evaluate the items collected, and determine whether they need to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken, by the detective, to the Crime Laboratory. Evidence that does not require examination will be turned into the Santa Fe Police Department Property Room.
 12. Upon the completion of the Crime Laboratory examination, arrangements should be made within five (5) working days to pick up the evidence and return it to the Santa Fe Police Department Property Unit. A supplemental investigation report will be prepared reflecting the return of the evidence to the property unit and the results of the examination. A copy of all written Crime Laboratory examination reports will be forwarded to the District Attorney's Office within two (2) days, either in person or through the department's Liaison Officer.
 13. The detective will ensure that upon the recovery of a vehicle reported as stolen to the Santa Fe Police Department, the owner will be notified of the recovery and advised of the vehicle's operational condition, in person, by telephone or when necessary by registered letter.
 14. If the vehicle recovered has been reported stolen through any agency other than the Santa Fe Police Department, a teletype will be sent to that agency informing them of the vehicle's recovery, its operation condition, its location and who they can contact within the Santa Fe Police Department regarding its return. In addition, an acknowledgment from the concerned agency will be obtained upon notification of recovery.
 15. Upon the recovery of a vehicle, which was reported as a stolen vehicle through the Santa Fe Police Department, the officer/detective making the recovery will ensure that Radio Dispatch personnel are directed to remove the vehicle from NCIC and will verify with Radio dispatch personnel that the vehicle has, in fact, been cleared prior to his/her tour of duty.
 16. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days either in person or via a Letter of Transmittal.
 17. The detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the

case for trial. The detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible to ensure that all diagrams, drawings and photographs required for the trial are provided in a timely manner. All District Attorney's Office follow-up request are to be answered within eight (8) days and the results turned over to the District Attorney's Office by the department's Liaison Officer.

69.1.40 Arrest Warrant Priorities

- A. The purpose of this directive is to establish priorities and guidelines for the service of outstanding arrest warrants. Only sworn officers shall execute arrest warrants.
- B. The Investigation Liaison Detective, N.C.I.C. TAC Coordinator and the Regional Communications Center Liaison will be responsible for the distribution, processing, and filing, verifying and updating arrest warrants.

69.1.41 Pre-Trial Release

- A. On Misdemeanor Arrests; See Patrol Commanders procedure for Release on Own Recognizance Releases.
- B. On all Felony Arrests; The District Attorney's Office has sole responsibility for Release on Own Recognizance Releases.

69.1.42 SPECIAL VICTIMS UNIT/INTERNET CRIMES AGAINST CHILDREN UNIT (I.C.A.C.) TASK FORCE MEMBERS.

- A. The Santa Fe Police Department is committed to the development and perpetuation of programs designed to prevent children from becoming a victim of a major crime. In order to achieve this goal the following activities are considered to be basic.
 - 1. Design and implement programs intended to educate children and their parents or guardians of crimes against children as well as the protection of children on social media and the internet.

- 2. Conduct follow-up investigations of cases when children, under the age of 18 are victims of a crime.
 - 3. Utilize available investigative efforts to come to a successful resolution in the case.
 - 3. The investigator may use Safe House Interviews, Family Centered Meetings, Sane Exams, and "C.A.R.T." Exams, and home visits to assist them with the case. Detectives will not be limited to these investigative techniques.
 - 4. Proactively investigate internet crimes against children.
- B. To this end the Santa Fe Police Department has established the Special Victims Unit/ Internet Crimes against Children Unit (I.C.A.C.) TASK FORCE which will be staffed by personnel trained to deal with the unique cases when a child under the age of 18 becomes a victim of a crime.
 - C. The Special Victims Unit of the Santa Fe Police Department will be organized as follows:
 - 1. The Unit Supervisor will be a commissioned Officer holding the rank of Sergeant.
 - 2. Detectives assigned to the Special Victims Unit or Internet Crimes against Children Unit (I.C.A.C.) TASK FORCE, will be commissioned officers holding the rank of either Detective I or Detective II. These officers will receive training in the specialized area of juvenile cases in which the child becomes a victim- as classes and funding become available. The detectives of the Special Victims Unit or Internet Crimes against Children Unit (I.C.A.C.) TASK FORCE report to the unit Sergeant.
 - D. Although the Special Victims Unit is the primary element of the Santa Fe Police Department involved in the investigation/handling of juvenile cases, when named as the victim, it is only one part of the juvenile justice system.
 - E. As the agency develops policies and procedures relating to juvenile cases, a review will be made.

- F. All members of the Santa Fe Police Department are expected to have an understanding of the handling of juvenile problems, both criminal and non-criminal, and have responsibility to assist in the juvenile operation function.
- G. On an annual basis an evaluation of all enforcement and prevention programs will be made relating to juvenile cases. The purpose of this review is to thoroughly evaluate both quantitative and qualitative elements of each program in order to determine whether any specific program should 1) continue as is; 2) be modified; or 3) be discontinued. This evaluation will be compiled by the Unit Sergeant and routed to the Chief by January 31 of each year.

69.1.43 OPERATIONS

- A. Detectives assigned to the Special Victims Unit will be involved in the decision-making process in handling juvenile cases when a child under the age of 18 becomes a victim.
- B. Detectives assigned to the Internet Crimes against Children Unit (I.C.A.C.) will be proactive and involved in the decision making process in handling Internet Crimes against Children when the victim is under the age of 18.
- C. Detectives assigned to the Internet Crimes against Children Unit, will be part of a Task Force, maintained by the Office of the New Mexico Attorney General. They will attend vigorous trainings and will be required to stay up to date on the trends and capabilities of technology. Detectives assigned to this unit will work closely with the Office of the New Mexico Attorney General and other Task Force agencies and members.
1. Commanders and Supervisors shall acknowledge the potential effects of Investigations and exposure to Images. When practicable, they shall attempt to mitigate the potential effects of the work using, for example, the following techniques:

- a. Work environment considerations – Commanders and Supervisors are encouraged to provide a physical location for the work environment that allows the Investigator to conduct discreet Investigations.
- b. Work flexibility – Commanders and Supervisors are encouraged to allow flexibility for Investigators and others who are exposed to Images, or traumatic incidents involving children (e.g., frequent breaks, having an open-door policy, etc.).
- c. Educating colleagues – Commanders and Supervisors are encouraged to teach their colleagues that the viewing of Images is serious and restricted.
- d. Work with Mental Health Providers (MHP) – Commanders and Supervisors are encouraged to work with MHP to make recommendations for care of Members and to provide education and training designed to minimize the impact of Images or traumatic incidents.
 - e. Training – Commanders and Supervisors are encouraged to share or seek out best practices for minimization of the impact of Images and to promote attendance at trainings regarding methods used to minimize said impact.
 - f. Autopsy – Any autopsies involving a child shall be attended by no less than two (2) commissioned law enforcement officers, to mitigate the trauma.

D.

Detectives will also use peer to peer software to proactively investigate crimes related to sexual abuse of a child under the age of 18. Detectives shall not utilize computers which are on the City of Santa Fe network for these operations and day to day activities.

1. Absent prosecutorial input to the contrary, during online dialogue, officers

- shall allow the Investigative target to set the tone, pace, and subject matter of the online conversation.
2. The above section shall not be construed to prohibit Investigators from performing any of the following activities when initiating or conducting an Investigation:
 - (a) posting information including visual depictions (image or video/printed or digital) to establish an online presence,
 - (b) placing advertisements or posts, or sending messages.
- E.** The I.C.A.C. Sergeant is responsible for determining Investigative priorities and selecting cases for Investigation. Those determinations shall include an assessment of victim risk, jurisdiction, known offender behavioral characteristics, and the likelihood of securing the information necessary to pursue each Investigation.
- F.** The Santa Fe Police Department, Special Victims Unit and Internet Crimes Against Children Unit-Task Force, recognizes that research has identified that those individuals who are required to view child sexual abuse images at work may experience specific stressors associated with their exposure to images or videos depicting child sexual abuse. To ensure that employees are assisted in limiting the potential for secondary or vicarious trauma, the task force members are encouraged to participate in "Self-Care" activities.
- G.** The Santa Fe Police Department, Internet Crimes Against Children-Task Force and Special Victims Unit, encourages all members to participate in "Self-Care" by doing the following:
1. Meet with the Internet Crimes Against Children Mental Health Provider (MHP) both annually and as needed for individual and/or group meetings.
 2. Attend Wellness trainings to increase the task force member's knowledge and awareness of the potential for secondary/vicarious trauma and the methods that can be employed to decrease the chances to experience secondary/vicarious trauma.
3. With the support of the Internet Crimes Against Children MHP, create a "Safety Plan" to assist the task force member in decreasing the chance to experience secondary/vicarious trauma.
 4. This "Safety Plan" might include strategies/activities such as:
 5. Taking a break from exposure to take a walk.
 6. Talking to a friend or co-worker.
 7. Do not participate in any exposure to child pornography within a half hour of leaving work for the day.
 8. Do a different work activity for an hour prior to going off shift.
 9. Go home. (If allowed by I.C.A.C. Supervisor)
 10. Contact the task force MHP. (If your task force does not have a designated MHP, then contact your Employee Assistance Program, insurance approved mental health provider, or public crisis hotline. (These numbers should be readily available on the "Safety Plan").
 11. Have plenty of activities/hobbies outside of work that are relaxing and stress reducing.

69.1.44 IDENTIFICATION OF JUVENILES

- A.** During the investigation of cases pertaining to juveniles, many forms of identification may be collected. These forms of identification include but not limited to, inked fingerprints, photographs and physical sample, such as blood, hair, saliva and handwriting. Due to the fact that the retention and use of these materials need to be strictly controlled, the following procedures are provided.
1. The files containing the identification and photographs will be maintained in Central Records. It should be noted that these files will be maintained separately from all adult files.
 2. On an as-needed basis these records may be signed out by the Special Victims Unit Commander for use in ongoing

investigations. However, a record will be maintained as to the date, time and person who signed them out.

3. Under no circumstances will these records, in part or in total, be provided to anyone outside of law enforcement or as provided by New Mexico Statute unless ordered by a court of law.

69.1.45 Other forms of Juvenile Identification

A. During the course of an investigation it may become necessary to obtain different forms of identification based on the types of evidence that have been collected. These forms of identification, referred to as known standards, may consist of such things as hair, blood, saliva, major case prints and handwriting. These known standards are then used for comparison purposes against the collected evidence. When such known standards are required, these procedures will be as followed:

1. The decision to collect known standards will be on a case-by-case basis and may be obtained through the use of a properly prepared and executed search warrant or voluntarily.
2. Once these known standards have been collected and examined, they will be maintained with the other evidence collected in the individual investigation and kept separate from all other evidence and maintained in the property room.

69.1.46 JUVENILE RECORDS

A. Maintenance of Files:

1. It is the policy of the Santa Fe Police Department to maintain juvenile arrest and identification records separately from those of adults. In order to accomplish this, all juvenile arrest and identification (photographs and inked fingerprint card) records will be maintained by the Central Records Supervisor. It shall be the responsibility of the Records Supervisor to ensure that these records are collected, disseminated and retained in order to maintain their security and confidentiality.

Access to juvenile arrest and identification records will be limited to those who have a need to know as follows:

- a. Members of the Santa Fe Police Department when accompanied by a Supervisor.
 - b. Other law enforcement agencies with the approval of the Lieutenant of the Investigations Section.
2. It is acknowledged that arrest reports are computerized by the Records Division of the Santa Fe Police Department. However the computer program used on these reports flags all information concerning a juvenile and does not allow access to this information to the general public.
 3. It should be noted that in addition to the above restriction these files will also be maintained pursuant to s32-2-32 "Confidentiality of Records" NMSA.

69.1.47 Expungement and Retention of Records

- A. Juvenile records will be expunged pursuant to s32-2-26 "Sealing of Records" contained in the New Mexico Children's Code.

69.1.48 JUVENILE INVESTIGATIONS

A. The Detective assigned to investigate juvenile cases is responsible for the overall investigation and completion of the case. The detective should consider the items listed below when conducting an investigation; but he/she is not limited to these items because each case is a separate and unique incident.

1. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured, with the assistance of uniformed patrol personnel as needed.
2. Prior to the actual processing of a crime scene, it will first be determined whether or not a search warrant will be required to enter and investigate the scene.

3. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until a search warrant can be obtained.
 4. The case investigator is responsible for determining how the crime scene search/processing is to be carried out and shall ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted in the accordance with the procedures as per Standard Operating Procedure for Evidence Collection and Packaging.
 5. When assigned the case, the detective will review all reports concerning the incident in order to prepare a plan for the full and complete investigation of the incident. In addition he/she will attempt to compare this incident to other incidents looking for similarities which could assist in determining the identity of the perpetrator.
 6. The case investigator will attempt to identify all victims, witnesses, and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible using the procedures of Department Directive 56.1, titled Interviews and 46.1 entitled Juvenile Matters.
 7. It is important to remember that the least intrusive interview is that in which the detective conducting it simply takes notes and the most intrusive is the use of a video recording.
 8. The decision as to the most appropriate method to use in interviewing a victim, witness, or suspect should be made after considering the following:
 - a. Seriousness of offense.
 - b. Age and abilities of the person to be interviewed.
 - c. The evidentiary value of the interview.
 - d. The impact on the person to be interviewed.
 - e. Special circumstances which exist that may dictate the method to be used.
- B. When the victim is a juvenile, the parents will be notified of the interview, unless one or both are the suspects. In general these interviews will be "Video Recorded", if the case involves Sexual Abuse, Child Abuse, or serious injury; tape recorded for all other felonies; and handwritten for misdemeanors, unless it is deemed inappropriate as defined in subsection A.
 - C. When the witness is a juvenile and is to be removed from the scene for the interview, all reasonable attempts will be made to notify the parents of the interview prior to conducting it. If the witness is a juvenile who is not being removed from the scene, the parents will be notified as soon as practical by telephone, or in person. The interview will be recorded; unless it is deemed inappropriate as defined in subsection A.
 - D. When the suspect is a juvenile, all reasonable attempts will be made to notify the parents prior to the interview. If the parents cannot be contacted permission to interview will be obtained from the District Attorney's Office.
 - E. In addition, all rights pursuant to 32-2-14 NMSA will be adhered to and the interview will be video recorded if available and if a felony, or handwritten if a misdemeanor, unless it is deemed inappropriate as defined in subsection A.
 - F. The case investigator will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.
 - G. Once an individual has been identified as the suspect, the case investigator should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
 - H. Upon the establishment of probable cause, the case investigator may attempt to secure an

arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office (if suspect is an adult) or to the Juvenile Probation and Parole Office (if suspect is a juvenile) detailing the suspect's involvement in the incident.

- I. Upon the collection of evidence from the crime scene, the case investigator will evaluate the items collected to determine whether it needs to be examined at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Evidence that does not require examination will be turned into the Santa Fe Police Department Property Room.
- J. Upon the completion of the Crime Laboratory examination, arrangements will be made by the case investigator, within five (5) working days, to pick the evidence up and return it to the Santa Fe Police Department Property Room. Further, upon obtaining the results of these examinations, a supplemental report will be made reflecting the results. A copy of the written crime laboratory examination report will be forwarded to the appropriate agency within two (2) days via a Letter of Transmittal.
- K. Upon the arrest of a suspect, a written report will be prepared and submitted within ten (10) days of the arrest. This report will detail the investigation and its results to date, unless the District Attorney's Office is not going to proceed with Grand Jury within (10) days. If not, the report will be submitted when complete and all evidence is gathered, documented, and the case has reached a successful resolution. This report, once submitted, will be delivered to the appropriate agency within two (2) days via a Letter of Transmittal. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.
- L. The case investigator will upon the completion of his/her investigation, assist the District Attorney's Office, or the Juvenile Probation and

Parole Office, in the preparation of the case for trial and prosecution. The case investigator will ensure that copies of all police reports, crime laboratory reports, medical reports and statements are provided to the appropriate agency. In addition, he/she is responsible for ensuring that all diagrams, drawings and photographs required for the prosecution's case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results forwarded to the District Attorney's office through the Department's Liaison Officer.

- M. In cases of suspected child abuse, sexual abuse or neglect, when the suspect is a parent/guardian, the case investigator will also contact the Children Youth and Family Department and advise them of the investigation in progress and work jointly with their investigators.
- N. When the victim in an investigation is a juvenile refer to Departmental Directive entitled Juvenile Matters for guidance.

69.1.49 CUSTODIAL INTERFERENCE

- A. When it is determined that an incident under investigation involves Custodial Interference, the case investigator will investigate the incident as in any juvenile case. However in addition to those items covered under Juvenile Investigations, the case investigator should also consider the following:
 - 1. If the location of the perpetrator and child is not known, the child shall be entered into NCIC and a regional teletype will be initialed as soon as possible. In addition, if the investigation indicates a specific route of travel, all law enforcement agencies along this route will also be alerted by teletype.
 - 2. If the location of the perpetrator and child is known, but out of the jurisdiction, the agency having jurisdiction shall be contacted for assistance.
 - 3. If it has been determined that the perpetrator and child have left the state of New Mexico and a warrant for the perpetrator has been obtained, the Federal

Bureau of Investigation should be contacted for assistance in order to obtain a Federal Unlawful Flight Warrant.

4. If the child is gone for a protracted period of time, the case investigator will utilize any organizations, whether private or public, in an attempt to locate and recover the child.
5. A missing juvenile form shall be completed and sent to the New Mexico Bureau of Vital Statistics. (Upon return of child a cancellation juvenile form shall be submitted to New Mexico Bureau of Vital Statistics).

69.1.50 STATUS OFFENSE INVESTIGATIONS

- A. If a detective is assigned a Status Offense case, the detective is responsible for the overall investigation and the completion of the case.

69.1.51 GANG RELATED INVESTIGATIONS

- A. During the course of any investigation, it may be determined that it is gang related. If this occurs, the following steps will be taken:
 1. The investigation will be conducted as appropriate for the type of crime involved and the degree of seriousness.
 2. In determining if an incident is gang related, the following criteria will be used.
 - a. An incident occurs in which participants, suspect or victim, are identified gang members.
 - b. A reliable non-paid source identifies an incident as gang related.
 - c. A source of previously untested reliability identifies an incident as gang related and this is corroborated by other circumstances or independent information.
 - When an incident is determined to be gang related, based on the criteria above, the secondary offense of the investigation report will be entered "Gang Related Incident".

3. The following criteria shall be used to identify gang members:

- a. An individual admits to membership in a gang.
- b. A reliable non-paid source identifies an individual as a gang member.
- c. A source of previously untested reliability identifies an individual as a gang member and this is corroborated by independent information.
- d. An individual has been arrested several times in the company of identified gang members for offenses which are consistent with usual gang activity.

- Based on the above criteria, when an individual has been identified as a gang member, a Gang Information Form will be completed and routed to the Criminal Intelligence and Analysis Unit.

- B. On receipt of the Gang Information Form, the Community Impact Team Sergeant will review the form for its content, add any comments he/she may have regarding the form and secure the information in a locked filing cabinet in the Community Impact Team. It should be noted that no other gang file will be maintained outside of that kept by the Criminal Intelligence and Analysis Unit.

69.1.52 ALL REASONABLE ATTEMPTS

- A. In conducting any investigation in which the parents of juvenile needs to be contacted by "all reasonable attempts", the following actions will be adhered to in order to comply with this directive.
 1. Attempt to contact by telephone.
 2. Attempt to contact through employer.
 3. Attempt to contact in person.
 4. Attempt to contact a responsible adult, relative, neighbor, school official, or parent's employer. (Two attempts will be made).

- B. If contact cannot be made using the above listed persons the District Attorney's Office will be contacted prior to interviewing juvenile suspects.

It should be noted that it is the responsibility of the detective to document the contact and attempts to contact the parents in his/her report.

69.1.53 HOMICIDE, SERIOUS INJURY AND SEXUAL ASSAULT INVESTIGATIVE PROCEDURES

- A. Detectives assigned to Homicides, questionable deaths, serious injuries, stalking and sexual assaults are responsible for the overall investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation, but he/she is not limited only to these items because each case is a separate and unique incident.
- B. These procedures will apply to all major cases defined as homicides, unexplained deaths, questionable suicides, battery in which death seems imminent and sexual assault.
- C. Upon being assigned to investigate a major case, the Detective will ensure that the crime scene remains secure and protected at all times with the assistance of uniformed patrol as needed.
- C. Prior to the actual processing of the crime scene, it will be determined whether or not a search warrant will be required in order to enter and investigate the scene.
- D. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
- E. The Detective is responsible for determining how the crime scene search/processing is to be carried out and ensure that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted following the procedures contained in the Department Directive- Evidence Collection and Packaging. In the case of a homicide investigation the case detective will assure that a crime scene diagram is completed along with photographic and video documentation of the scene as outlined under the directive titled Collection and Preservation of Evidence.
- F. The Detective will ensure that the District Attorney's Office is notified as soon as possible when a major case is being investigated.
- G. The Detective will ensure that the Office of the Medical Investigator is contacted as soon as possible upon the determination that there is a dead body involved in the investigation.
- H. The Detective will ensure that next of kin is notified as soon as possible when the victim/body has been identified.
- I. In all circumstances in which notification is to be made within the jurisdiction of the Santa Fe Police Department, the Police Chaplain may be contacted and if available will be present with the Detective during notification, with prior approval from the Investigation commander in charge.
- J. In all circumstances in which notification is to be made outside the jurisdiction of the Santa Fe Police Department a teletype will be sent to the agency concerned. In addition, a telephone notification to a supervisor of the assisting agency is also encouraged.
- K. Sufficient information will be provided to the assisting agency in an effort to supply next of kin with details surrounding the incident. In addition, this teletype will contain the name and phone number of the case investigator and will request that an acknowledgement be sent upon receipt of the teletype. This teletype will be sent out prior to the case agent's end of tour.
- L. A Detective will attend the autopsy of the victim/body of all homicide cases and unnatural deaths where it is deemed necessary, by his/her unit commander or CID commander.
- M. The Detective will review all reports and/or department records, concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents, looking for

similarities that may exist, which could assist in determining the identity of the perpetrator.

- N. The Detective will attempt to identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.
- O. The Detective will ensure that the area surrounding the location of the crime scene is canvassed in an attempt to gain additional information.
- P. The Detective will determine if the funeral of the victim should be photographed to document persons of interest, witnesses or suspects that may attend.
- Q. The Detective will seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime took place and street informants, where appropriate, in order to identify the perpetrator.
- R. At the discretion of the detective, a regional teletype will be sent within twenty-four (24) hours, alerting surrounding agencies of the situation.
- S. When evidence is collected from a crime scene, the detective will evaluate the items collected to determine the need for its examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory, along with a completed Department of Public Safety Crime Laboratory Evidence Receipt. In cases where there is a large amount of evidence, the detective should also include an instructional sheet indicating what type of examination is required for each item. Evidence that does not require examination will be turned in to the Santa Fe Police Department Property Unit.
- T. Upon the completion of Crime Laboratory examination, arrangements will be made as soon as practicable to pick the evidence up and return it to the Santa Fe Police Department Property Unit. Upon obtaining the results of these examinations, a supplement report will be prepared reflecting the results. A copy of the written Crime Laboratory examination report will be forwarded to the District Attorney's Office as soon as practicable, either in person or through a Letter of Transmittal.
- U. The investigation of a major case can become a lengthy investigation; therefore, the detective will ensure that an initial report is written and submitted at the end of the first week of investigation. Supplemental reports will be submitted thereafter, as new information becomes available.
- V. The Detective will complete and submit a Violent Criminal Apprehension Program within two (2) weeks of the investigation of a homicide or criminal sexual penetration, if deemed beneficial to the investigation by the Detective or CID commander.
- W. Once the individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may related to other crime involvement.
- X. Upon the establishment of probable cause, the Detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the report will be transmitted to the District Attorney's Office detailing the suspect involvement in the incident.
- Y. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via hand delivery or a Letter of Transmittal.
- Z. The Detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The Detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible for ensuring that all diagrams, drawings and photographs

required for the trial are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office through the department's Liaison Officer or in person.

69.1.54 3RD AND 4TH DEGREE FELONIES AND MISDEMEANORS

A. The detective assigned to these cases is responsible for all follow-up investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation; but he/she is not limited only to these items because each case is a separate and unique incident.

1. Upon being assigned, the Detective will review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she will attempt to compare this incident with other such incidents, look for similarities that may exist which could assist in determining the identity of the perpetrator.
2. If assigned to investigate an incident in which a crime scene needs to be processed, the detective will ensure that the scene remains protected and secured with the assistance of uniform patrol personnel as needed.
3. Prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
4. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
5. The Detective is responsible for determining how the crime scene/search processing is to be carried out and for ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted

following the procedures set out in the Department Directive entitled Evidence Collection and Packaging.

6. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.
7. Upon the collection of evidence from a crime scene, the detective will evaluate the items collected to determine the need for its examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime Laboratory along with a completed Department of Public Safety Crime Laboratory receipt. Further, an instruction sheet should be submitted explaining what type(s) of examination is being requested for each item.
8. Evidence that does not require examination will be turned into the Santa Fe Police Department Property Unit.
9. Upon the completion of Crime Laboratory examination, arrangements will be made as soon as practicable to pick up the evidence and return it to the Santa Fe Police Department's Property Room. Upon obtaining the results of the examination, a supplemental report will be prepared reflecting the results. A copy of the written report from the Crime Laboratory will be forwarded to the District Attorney's Office as soon as practicable, either in person or through the department's liaison Officer.
10. The Detective will attempt to identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.
11. The Detective should seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.

12. Once an individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
13. Upon the establishment of probable cause, the Detective should attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the complete investigation report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
14. In the event that it is determined, by the Detective, that a criminal act being investigated is a misdemeanor, it will be directed to Municipal / Magistrate Court for review and action. The Detective should provide the Court with the following documentation:
 - a. Copy of full police report if Domestic Violence or DWI charged in Magistrate Court. To include all evidence gathered.
 - b. Magistrate Court Complaint/ Probable Cause statement.
 - c. Municipal Court Complaint
15. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report should detail the events involved in the investigation to this point. Once submitted, this report will be delivered to the District Attorney's Office within two (2) days.
16. The Detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The detective will ensure that copies of all police reports, medical reports, crime laboratory reports and written statements are provided to the District Attorney's Office. Further he/she is responsible to ensure that all diagrams, drawings and photographs required for the

prosecution of the case are provided in a timely manner. All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the District Attorney's Office through the department's Liaison Officer.

69.1.55 MISSING PERSONS CASES

- A. The detective assigned to these cases is responsible for the follow-up investigation and the completion of the case.
 1. Detectives assigned will attempt to obtain dental records from the missing person and provide such records to the Regional Communications Center within 14 days as required by NCIC and Missing Persons Clearinghouse procedures.
- B. Although a missing persons case is a non-criminal investigation, the case investigator should use care in the examination of item(s), which could become evidence in a criminal investigation upon the location of the missing person. Due to this possibility, the case investigator once assigned to investigate an incident in which a potential crime scene is involved which needs to be processed, will ensure that the scene remains protected and secure with the assistance of a uniformed patrol personnel as needed.
- C. In addition, prior to the actual processing of any potential crime scene, it will first be determined whether or not a search warrant will be required, in order to enter and investigate the scene.
- D. If it is determined that a search warrant is required, the potential crime scene will remain secure with no processing done until such time as a search warrant can be obtained.
- E. The case investigator is responsible for determining how the potential crime scene search/processing is to be carried out and ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the potential crime scene will be conducted

following the procedures in the Department Directive entitled Evidence collection and packaging.

- F. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.

FOR FURTHER ASSISTANCE REGARDING MISSING PERSONS REFER TO DIRECTIVE 47.1

69.1.56 ROBBERY

- A. The Detective assigned to a Robbery case is responsible for all follow-up investigation and completion of the case. The Detective should consider the items listed below when conducting an investigation, but he/she is not limited only to these items because each case is a separate and unique situation.
- B. Upon being assigned, the detective will review all reports concerning this incident in order to prepare a plan for the full and complete investigation of the incident. In addition, he/she should attempt to compare this incident with other such incidents looking for similarities that may exist which could assist in determining the identity of the perpetrator.
- C. The Detective will attempt to identify all victims, witnesses and suspects involved in the incident under investigation. Each of these persons will be interviewed and statements will be obtained when possible.
- D. In the event that a witness or victim is able to construct a composite of the perpetrator, this will be done as soon as practicable from the date of the incident. Upon obtaining a composite of the perpetrator, copies will be provided to Uniformed Patrol Officers and sent to all surrounding law enforcement agencies.
- E. In the event photographic or video surveillance documentation is available, the detective will ensure the information depicting the perpetrator are provided to Uniform Patrol Officers and surrounding law enforcement agencies.
- F. In the event of a bank robbery, the detective will ensure that the FBI is notified of the incident. Upon the arrival of FBI personnel, the investigation will be turned over to them and the detective will assist as necessary to support the FBI's investigation. In the event that FBI personnel cannot respond to the scene, the Detective will document actions taken, complete a case packet and deliver it the FBI as soon as possible.
- G. The Detective should seek additional information concerning the investigation by interviewing uniformed officers working in the area where the crime occurred and street informants, where appropriate, in order to identify the perpetrator.
- H. In the event that during the investigation of the incident the Detective establishes that his investigation is only a part of a series of incidents, he/she should make contact with the investigators on the other incidents and further consider the publishing of the situation in RMIN, Rocky Mountain Information Network.
- I. If assigned to investigate an incident in which a crime scene needs to be processed, the Detective will ensure that the scene remains protected and secure with the assistance of uniformed patrol personnel as needed.
- J. In addition, prior to the actual processing of any crime scene, it will first be determined whether or not a search warrant will be required in order to enter and investigate the scene.
- K. If a determination is made that a search warrant is required, the crime scene will remain secure with no processing done until such times as a search warrant can be obtained.
- L. The detective is responsible for determining how the crime scene search/processing is to be carried out and for ensuring that sufficient manpower is available to conduct the search/processing in order to maximize the results. The processing of the crime scene will be conducted following the procedures in the Department Directive entitled Evidence Collection and Packaging.
- M. Upon collection of evidence from a crime scene, the Detective will evaluate the items collected to determine the need for their examination at the Department of Public Safety Crime Laboratory. If it is determined that examination is required, the evidence will be taken to the Crime

Laboratory receipt. If there are numerous items to be examined, the Detective should provide an instruction sheet and indicating what type of testing should be done on which item.

- N. Evidence that does not require examination will be turned into the Santa Fe Police Property Unit.
- O. Upon the completion of the Crime Laboratory examination, arrangements will be made within five (5) working days to pick the evidence up and return it to the Santa Fe Police Department Property Unit. Upon obtaining the results of these examinations, a supplemental report will be prepared reflecting the results. A copy of the written crime laboratory examination report will be forwarded to the District Attorney's Office within two (2) days either in person or through the department's Liaison Officer.
- P. Once an individual has been identified as a suspect, the Detective should review the suspect's criminal history and evaluate his/her activities as they may relate to other crime involvement.
- Q. Upon the establishment of probable cause, the Detective will attempt to secure an arrest warrant for the suspect. If an arrest warrant is deemed inappropriate by the District Attorney's Office, a copy of the complete investigation report will be transmitted to the District Attorney's Office detailing the suspect's involvement in the incident.
- R. Upon the arrest of a suspect, a written report will be prepared and submitted within eight (8) days of the arrest. This report will detail the investigation and its results to date. This report, once submitted, will be delivered to the District Attorney's Office within two (2) days via a Letter of Transmittal or in person.
- S. The detective will, upon the completion of his/her investigation, assist the District Attorney's Office in the preparation of the case for trial. The Detective will ensure that copies of all police reports, medical reports, criminal laboratory reports and written statements are provided to the District Attorney's Office. Further, he/she is responsible to ensure that all diagrams, drawings and photographs required by the prosecution are provided in a timely manner.

All District Attorney's Office follow-up requests are to be answered within eight (8) working days with the results being turned over to the department's Liaison Officer for delivery.

- T. The case investigator will note in his/her report all observations as to the conditions, events and remarks made during the investigation.

69.1.57 CRIMINAL INTELLIGENCE AND ANALYSIS UNIT

- A. The Criminal Intelligence and Analysis Unit is a flexible, tactical, pro-active team which will provide support and assistance to all other teams and divisions in the Police Department. They may gather and distribute intelligence and information data, provide warrant service, provide Rapid Intelligence, Human Intelligence, conduct undercover operations and surveillance, provide tactical/technical support, initiate investigations, catalog, analyze, and maintain computer files containing information and/or intelligence pertaining to criminal organizations, career criminals, repeat offenders, high crime areas, suspect criminal activity and confidential investigations. The Criminal Intelligence and Analysis Unit is also responsible for maintaining open lines of communication for the free flow of information and intelligence within the Police Department and with other law enforcement agencies.
- B. The Criminal Intelligence and Analysis Unit is a component of the Criminal Investigations Division which is commanded by the Criminal Investigations Captain or his/her designee who in turn answers to the Operations Deputy Chief of Police.
- C. The Criminal Intelligence and Analysis Unit personnel operate on a variable work schedule and may be called upon to assist other units which may include surveillance, special operations/ assignments, technical support and Rapid Intelligence
- D. The Criminal Intelligence and Analysis personnel will be authorized casual dress while performing their routine duties with

the Criminal Investigations Division and may otherwise dress appropriately depending on the nature of their specific assignment.

- E. The assigned personnel will be required to be proficient in cell phone analysis, social media analysis, computer/digital device analysis, surveillance, warrant service, undercover operations, and knowledge in preparing and executing technological search warrants as part of the analysis.

- F. Criminal Intelligence and Analysis Unit personnel will work with the Intelligence Officer in identifying and strategically disrupting and dismantling criminal organizations within the City of Santa Fe or affecting the City of Santa Fe.

SOCIAL MEDIA INVESTIGATIONS

69.1.58 INVESTIGATIONS USE

That all Santa Fe police department personnel use computers, computer applications, computer programs, Internet resources and network/Internet communications in a responsible, professional, ethical, and lawful manner. This policy is intended to guide employees conduct when it relates to their employment or representations of employment through the numerous social networking venues. The Santa Fe Police Department has established guidelines for conducting surveillance, undercover, decoy, and raid operations. Investigations using Social Networking are specialized investigative operations requiring an understanding of this technology and its impact on the community. These investigations can be very effective in determining criminal activities of individuals or groups both online and in our community. At times, social networking investigations may provide the only technique available to identify principals and co-conspirators involved in criminal activity. Social Networking investigations may be conducted against any type of crime including: organized crime,

narcotics, burglars, vice suspects, stalking, child predators and other individuals or groups who commit criminal acts.

69.1.59 SOCIAL NETWORKING INVESTIGATIVE OPERATIONS

Social Networking investigations have no different requirements when it comes to documenting the investigations. The techniques applied on the Internet still require the information be properly collected, properly preserved and properly presented in a report.

The objective of social networking investigations is to:

1. Determine the nature of the online criminal activity.
2. Identify all of the persons involved in the online criminal activity.
3. Legally obtain evidence for a search warrant or for prosecution.
4. Obtain evidence of the crime from social networking sites.
5. Verify investigators online actions.
6. Prevent the commission of further crime and apprehend subjects committing crimes utilizing social networking sites.
7. Develop leads based on information from other sources.

69.1.60 PROFESSIONAL CONDUCT ONLINE

Officers shall realize their obligation to the community and should strive to act in a professional manner while investigating crimes on the Internet in order to inspire the public trust and confidence. Maintaining professionalism, even while online, should be a primary goal of our officers and will ensure the continued trust and respect of the

community. All officers are public servants and shall keep all contacts with the public both professional and courteous.

69.1.61 PREPARING FOR A SOCIAL NETWORKING INVESTIGATIVE OPERATION

Prior to determining if a social networking investigative operation is necessary or useful, the designated supervisor or investigator in charge will conduct an analysis of all available information, which may include victim information, review of F.I. cards from the area, criminal intelligence data, confidential informant information, and information from police officers or police reports from the neighborhood or target area where officers will work. A Supervisor with the rank of Sergeant or above has the authority to conduct a small scale operation which encompasses his or her squad with the approval of the Divisional Commander.

The supervisor or investigator in charge of the specialized investigative operation will:

1. Closely supervise the operation. .
2. Supply or have access to the computer equipment required for the investigation.
 - a. Online Investigations computer
 - b. Investigative Internet access (not tied to the agency)
 - c. Online evidence collection software
 - d. Any other equipment the supervisor determines to be necessary.
3. Determine operational procedures and guidelines for arrest, if applicable, including:
 - a. Where the operation will start from.
 - b. What is expected of each officer.
 - c. When and where the arrest will take place.
 - d. Any other information which is necessary to successfully complete the operation.
4. Obtain and authorize undercover identities.
5. Obtain false credentials when necessary.
6. Determine what funds need to be made available and provide funds as required to the undercover personnel. Requests for investigative funds will be handled as described by agency directive.
7. Determine what legal problems may be encountered and what action is necessary to resolve them.
8. The supervisor may require the investigator in charge of a large scale social networking investigations to complete a plan of the operation, which is not part of the case file, containing what is currently known about the suspect(s) and target areas. This may be accomplished through an analysis of the available information and should include, but is not limited to, the:
 - a. Suspect(s) activities, habits, vices, occupation, hobbies, and crimes.
 - b. Suspect(s) work and residential address,
 - c. including the neighborhood environment using maps, aerial photos, and/or driving in the area, if possible.
 - d. Known vehicle(s).
 - e. Family, associates and friends.
 - f. Review of F.I. cards of persons who have had contact with the police.
 - g. The plan of operation and all applicable information will be provided to all members participating in a large scale social networking investigation. Information of a sensitive nature may be withheld or distributed in a limited manner at the discretion of the supervisor or investigator in charge, as long as it does not compromise the safety of any involved member.
9. Assure the investigator is properly prepared for the assignment.
 - a. The officer best suited for each particular operation will be selected.
 - b. The officer will adapt review and understand the persona he has adopted online.

69.1.62 UNDERCOVER SOCIAL NETWORKING INVESTIGATIONS

1) General Authority and Purpose

Santa Fe Police Department may engage in undercover activities and undercover operations pursuant to these Guidelines that are appropriate to carry out its law enforcement responsibilities, including the conduct of preliminary inquiries, general crimes investigations, and criminal intelligence investigations. In preliminary inquiries, these methods may be used to further the objective of inquiry into possible criminal activities by individuals or groups who use social networking to determine whether a full investigation is warranted. In general crimes investigations, these methods may be used to further the investigative objectives of preventing, solving, and prosecuting crimes. In criminal intelligence investigations – i.e., racketeering enterprise investigations and terrorism enterprise investigations – these methods may be used to further the investigative objective of ascertaining such matters as the membership, finances, geographical dimensions, past and future activities, and goals of the enterprise under investigation, with a view to the longer range objectives of detection, prevention, and prosecution of the criminal activities of the enterprise. These guidelines do not apply to investigations utilizing confidential informants, cooperating witnesses or cooperating subjects, unless the investigation also utilizes an undercover employee.

Undercover operations will only be used by the law enforcement agencies where they judge such use to be proportionate to the seriousness of the offence(s) being investigated and the history and character of the individual(s) concerned. Online undercover operations should not be used as a speculative means of search for the existence of a criminal offense, where no other grounds exist to suspect that criminal offenses have been or are being committed

69.1.63 DEFINITIONS

Social media is defined as social network sites that use Internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy.

Social media includes text, images, audio, and video. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself for herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit). **Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content,

rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

A. “*Undercover Activities*” means any investigative activity involving the use of an assumed name or cover identity by an employee of the agency or another Federal, state, or local law enforcement organization working with the agency.

“*Undercover Operation*” means an investigation involving a series of related undercover activities over a period of time by an undercover employee, whether on the Internet or not. For purposes of these Guidelines, a “series of related undercover activities” generally consists of more than three separate substantive contacts by an undercover employee with the individual(s) under investigation. However, undercover activity involving sensitive or fiscal circumstances constitutes an undercover operation regardless of the number of contacts involved. A contact is “substantive” if it is a communication with another person, whether by oral, written, wire, or electronic means, which includes information of investigative interest. Mere incidental contact, e.g., a conversation that establishes an agreed time and location for another meeting, is not a substantive contact within the meaning of these Guidelines.

NOTE: In the context of online communications, such as e-mail and Internet Relay Chat (IRC), multiple transmissions or e-mail messages can constitute one contact; much like a series of verbal exchanges can comprise a single conversation. Factors to be considered in determining whether multiple online transmissions constitute a single contact or multiple contacts include the time between transmissions, the number of transmissions, the number of interruptions, topical transitions, and the media by which the communications are exchanged (i.e., e-mail versus IRC).

“*Undercover Employee*” means any employee of the agency, or employee of a Federal, state, or local law enforcement agency working under the direction and control of the agency in a particular investigation, whose relationship with the agency is concealed from

third parties in the course of an investigative operation by the maintenance of a cover or alias identity.

Types of Online Undercover Operations

Online Undercover Operations are the use of a pretext to gain the confidence of persons involved in criminal activities on the Internet. It implies anyone engaged in this type of activity must have the ability to establish a relationship with the suspect online in order to determine the nature of his or her activities. An Online undercover operation may encompass several types of assignments which may include, but are not limited to:

- A. **Single Operation Assignment:** an online undercover operation on a gambling site, a prostitution website or posting on a bulletin board, illegal pharmaceutical drug sales, or a person who deals in stolen property. 7 Copyright 2010, Vere Software, All Rights Reserved | www.VereSoftware.com
- B. **Multiple Operation Assignment:** an investigation of crimes encompassing several websites and or physical locations such as gambling operations or bookmaking, para-mutual betting operations, prostitution activity, or a sales of stolen property from a theft ring.
- C. **Long-Range Penetration Assignment:** an operation directed toward the upper-echelon leaders of an illegal activity.

Intelligence Gathering Assignment: a type of online undercover operation which is not directed toward any specific type of illegal activity. The operation may be used as a listening post for general information in a general geographic location where illegal activities are believed to be occurring. Any collection of intelligence on specific persons or groups that fall within the guidelines as identified in 28 C.F.R. PART 23 need to comply with the Federal rules.

Online Undercover Operational Plans

Operational plans for the conduct of undercover operations on social networking are intended to guide

officers through the execution of an enforcement action. They provide for the assignment of personnel, identification of suspects, equipment and locations (both physical and online) and play a significant role in the safety of officers involved.

- A. An operational plan will be prepared for each significant social networking investigation or enforcement operation.
- B. The operational plan will be generated on an established format and shall note the case and any de-confliction procedures taken. The operational plan will state a clear objective and detail the specific roles and assignments of each participating officer. A follow on plan should be completed when the operation moves to a physical arrest situation or a search warrant execution.
- C. The operational plan will be reviewed by a supervisor or his designee prior to the execution of the enforcement action and maintained in the case file.

De-confliction

Online undercover investigations have the very real potential for multiple agencies to be conducting similar investigations on the same criminal suspects, website, social networking sites or organizations at any given time. There are serious safety considerations in such situations that may bring law enforcement Investigators into high-risk situations without realizing the presence of other law enforcement Investigators. Similarly, such parallel investigations, conducted independently, are less efficient and effective than cooperative law enforcement efforts conducted in a coordinated manner.

- A. All officers should attempt to utilize de-confliction, where practicable. Where formal de-confliction agreements with other agencies do not exist the officer, or his supervisor, should notify the appropriate law enforcement agencies within the area of operation, if identified through the investigation, to ensure appropriate de-confliction has been conducted.
- B. On any investigative activity conducted by an officer outside his assigned area of responsibility,

the supervisor shall notify the affected law enforcement agencies, either local or federal, of the desired investigative efforts within their area. This notification should occur prior to beginning the investigative activity or as soon as it becomes apparent that the online investigation has an identified suspect not in the local jurisdiction. It shall be the responsibility of the supervisor to ensure proper de-confliction is conducted.

- C. Any investigative activity that takes an officer physically out of his assigned area of responsibility will require prior notification of the appropriate law enforcement agencies within the area of operation.

Conducting Online Undercover Operations

Covert undercover operations on the Internet and Social Networking are an effective investigative technique in establishing admissible, credible evidence in support of a criminal prosecution against suspects. The ultimate goal of any online undercover operation is a criminal conviction. To that end, every aspect of undercover operations should be well planned, deliberate and performed in compliance with all applicable policies. The actions of undercover officers on the Internet should always be appropriate, under the circumstances, and easily justified to prosecutors, judges and juries. Officers conducting covert Internet and social networking investigations to obtain evidence for criminal prosecution will conduct such investigations under the following guidelines:

- A. Officers will obtain the approval of a supervisor prior to the initiation of an undercover involving social networking sites investigation.
- B. Officers will corroborate undercover investigations with the assistance of other officers conducting surveillance of the case officer, informants and suspect(s).
- C. When possible, officers will utilize investigative computer systems and software intended to record data from the Internet and audio and/or video recording in an evidentiary manner when contacting suspects. All video or audio recordings

made from the social networking site being used in the investigation shall be considered as evidence and handled as such, regardless of the quality of the recording. All video and audio recordings will be maintained as evidence until the case receives a final disposition.

D. Officers will not transfer or make available for download any files that they knowingly contain any malicious code or other type of file that would disrupt, delay, or destroy another person’s computer system, Officers will follow all local guidelines and Federal law when conducting undercover operation on social networking sites.

E. Terms of Service Social networking sites require that users, when they sign up, agree to abide by a terms of service (TOS) document. Agency employees are responsible for reading and understanding the TOS of the sites they use during an undercover investigation. TOS agreements may ban users who give false names or other false information during the registration process which may affect the investigation if the use of an undercover identity is discovered by the social networking site.

Participation in Otherwise Illegal Activity by Undercover Employees

Except when authorized pursuant to the agency’s general Under Cover operation Guidelines, no undercover employee on the Internet shall engage in any activity that would constitute a violation of Federal, state, or local law if engaged in by a private person acting without authorization. For purposes of these Guidelines, such activity is referred to as otherwise illegal activity.

Review of Conduct

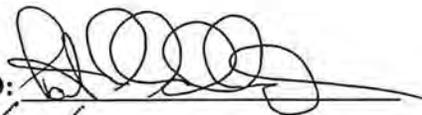
From time to time, during the course of the undercover operation, the Chief of Investigations shall review the conduct of the undercover employee(s) and others participating in the undercover operation, including any proposed or reasonably foreseeable conduct for the remainder of the investigation. Any findings of impermissible conduct shall be discussed with the individual and promptly reported to the designated Supervisor for a

determination to be made as to whether the individual should continue his or her participation in the investigation. Any unacceptable conduct discovered in violation of this or other departmental policy shall be forwarded for review by the agency Internal Affairs Division.

1. Protecting Innocent Parties Against Entrapment must be scrupulously avoided. Entrapment occurs when the Government implants in the mind of a person who is not otherwise disposed to commit the offense the disposition to commit the offense and then induces the commission of that offense in order to prosecute.

2. Identifying and Managing Employee Stress Investigative personnel encounter a range of assignment-specific challenges and strains based on their participation in undercover operations and contact with material that over time can be emotionally detrimental. The cumulative effects of these strains, together with repeated exposure to disturbing images and situations, may result in stress reactions that require the attention of agency managers. Supervisors managing employees working in an undercover capacity on the Internet will monthly evaluate the employee’s ability to continue in that capacity. Referrals to agency approved Employee Assistance Program (EAP) at a minimum may be appropriate. Reassignment of employees to a less stressful position may be warranted based on the supervisor’s evaluation of the employee needs.

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APPROVED: 

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