 <p>CD-043100</p>	<p>NEW MEXICO CORRECTIONS DEPARTMENT</p> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>
	<p>ISSUE DATE: 10/18/91 REVIEW/REVISED: 06/01/14 EFFECTIVE DATE: 03/13/92</p>
	<p>TITLE: Information Handling: NMLETS and NCIC</p>

AUTHORITY:

- A. Policy *CD-010100*.
- B. Section 33-1-6, NMSA 1978
- C. N.M.S.A., 1978; Criminal Law and Procedures, Vol. 6, Chapter 29 through 33.

REFERENCES:

- A. ACA Standards 2-CO-1F-07, *Manual of Standards for the Administration of Correctional Agencies*, 2nd Edition.
- B. ACA Standards 4-4005, 4-4101, and 4-4102 *Standards for Adult Correctional Institutions*, 4th Edition.
- C. ACA Standards 4-APPFS-1A-03 and 4-APPFS-3D-33, *Performance Based Standards for Adult Probation and Parole Field Services*, 4th Edition.
- D. Rules of Search and Seizure, 1978, Whitebread, Chapters 1 through 12.
- E. Criminal Procedure, 1975, Ferdicos Criminal Procedure for the Law Enforcement Officer.
- F. Police-Community Relations, 1973, Cromwell and Keefers Readings on Police-Community Relations.
- G. Vice Control, 1974, Fergusons The Nature of Vice Control in the Administration of Justice.
- H. NMLETS TAC Handbook

PURPOSE: [4-4102] [4-APPFS-1A-03] [4-APPFS-3D-33] [2-CO-1F-07] [4-4101]

To ensure and define a relationship of cooperation between the New Mexico Corrections Department (NMCD) and other law enforcement agencies; to provide a method of information gathering, sharing, and collaboration with criminal justice agencies; and to set forth a policy and procedure governing the NMCD's system of collecting, receiving, storing, using and disseminating information through the New Mexico Law Enforcement Telecommunications System (NMLETS) and the National Crime Information Center (NCIC).

It is the policy of the NMCD to check offenders for wants and warrants upon each visit to the Probation Parole Office and arrest all offenders who are wanted.

APPLICABILITY:

To all employees of the NMCD, especially to the Office of Professional Standards and any other employee conducting an investigation authorized by the Central Office Agency Administrator, the Central Office Terminal Agency Coordinator, Warden, Communication Equipment Operators/Dispatchers, and all criminal justice agencies interacting with the NMCD. All

Probation and Parole Supervisors, Probation and Parole Officers and NCIC Terminal Access Coordinators (TAC) and Users.

FORMS:

None

ATTACHMENTS:

None

DEFINITIONS:

- A. Agency Administrator: An employee of the NMCD who oversees the NCIC system at Central Office, Probation and Parole Division, the Academy and any private facilities that have NCIC capabilities. At the State facility level, the Warden is the Agency Administrator.
- B. Communication Equipment Operator/Dispatcher: An employee of the NMCD, who has been trained and certified by the New Mexico DPS in the proper operation of the NCIC terminal.
- C. Hits: A positive response to an NCIC or NMCIC record, this response provides:
 - 1. The fact that a stolen report, missing report or warrant has been issued.
 - 2. The date of theft, date of missing and/or date of want.
- D. Law Enforcement Agency: A department, division or administration established by state or federal law to preserve the peace or enforce the laws.
- E. NCIC: A nationwide computerized information system established as a service to all Criminal Justice agencies – local, State and Federal.
- F. NCIC Operating Manual: A manual outlining in detail the proper operational standards, procedures, formats and criteria that shall be followed by all users of the respective NCIC telecommunications line.
- G. NMLETS: New Mexico Law Enforcement Telecommunications System (NMLETS) is a store and forward message switching system established as a service to all law enforcement agencies within the State of New Mexico.
- H. Terminal Agency Coordinator: An employee of the NMCD who has been appointed to serve as the main contact and responsible person for all aspects of NCIC for the NMCD. Each facility, Probation and Parole Division and Central Office shall appoint a Terminal Agency Coordinator.
- I. Users Agreement: A written binding agreement entered into between the Department of Public Safety and the NMCD providing for the Department of Public Safety to serve as the state agency responsible for management and operation of the NMCIC and the NCIC. The

agreement governs the exchange of information between the Department of Public Safety (DPS) and the NMCD.


POLICY:

- A. The NMCD shall collaborate with criminal justice agencies, thereby enhancing the communication and exchange of information and intelligence mutually advantageous to all organizations involved. **[2-CO-1F-07] [4-4102]**
- B. The NMCD is afforded access to interstate and intra-state law enforcement information through the NCIC and NMLETS. Access to and use of such information is regulated by a Users Agreement and subject to sanctions thereof.
- C. Disclosure of any information obtained through use of NCIC or the NMLETS networks shall be only to persons, divisions or prisons authorized by the Central Office Agency Administrator, the Central Office Terminal Agency Coordinator, Probation and Parole Division Terminal Agency Coordinator, Wardens, Deputy Wardens or their designees.
- D. The NMCD will provide access to NCIC to each Probation Parole Officer and Probation Parole Supervisor who has been certified as an NCIC operator unless connectivity to the system is not available.
- E. NCIC and NMLETS terminals shall be physically located so that information received over the system is not in view of inmates, unauthorized employees of the NMCD, or other unauthorized personnel.
- F. The NMCD shall maintain cooperative, professional relations with other law enforcement agencies.
- G. The NMCD shall, when necessary for the expedient, cost effective and lawful administration of justice, request or render necessary assistance to other law enforcement agencies.
- H. The NMCD shall continuously promote the development of inter-agency law enforcement intelligence to include policy development, coordinated planning, and interagency consultation. **[4-4005]**



Gregg Marcantel, Secretary
New Mexico Corrections Department

06/01/14
Date

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AUTHORITY:

Policy *CD-043100*

PROCEDURE: [4-APPFS-1A-03] [4-APPFS-3D-33] [2-CO-1F-07] [4-4102]

The NMCD maintains an open line of communication with several criminal justice agencies in the following manner:

A. Requests for information:

NCIC-related correspondence, questionnaires, or surveys regarding the NMCD, its operation or incarcerated inmates shall be routed through the Agency Administrator.

B. Inter-agency interaction:

The various criminal justice agencies may conduct meetings for the distribution and exchange of relevant information of suspect or unusual incidents that may impact the community and to promote the development of inter-agency law enforcement intelligence to include policy development, coordinated planning, and interagency consultation. **[4-4005]**

C. New Mexico Corrections Department NCIC Terminals:

1. The NCIC terminals shall be operated by the NMCD Communication Equipment Operators/Dispatchers who have satisfactorily completed the prescribed training as provided by or approved by the DPS and the training prescribed by the NMCD **[4-4101]**
2. The Operator/Dispatcher must ensure absolute security measures over the system.
3. All standards, procedures, formats and criteria that are covered by the Users Agreement shall be followed by all Operators/Dispatchers of the NMCD in strict compliance with all present and future Federal and State laws and regulations, and with all rules, procedures, and policies adopted by the DPS as described in the NMCIC, NCIC, and NMLETS Operating Manuals.
4. Only the Central Office Agency Administrator or designee, the Central Office Terminal Agency Coordinator, Probation and Parole Division Terminal Agency Coordinator, the Wardens or their designee may approve requests for obtaining data from the New Mexico Corrections Department NCIC Terminals:

- a. Deputy Wardens and NMCD Executive Staff may submit requests for obtaining data from the NMCD NCIC Terminals.
- b. All requests for NCIC data must be submitted on an NCIC Request Form.
- c. All request forms must be signed by the authorized Department Head, as the person making the request.
- d. Any request that deviates from the Privacy Act of 1974 will be rejected.

D. Appointment of the Terminal Agency Coordinator (TAC):

The NCIC Advisory Policy Board 1984 decision mandated that each terminal agency administrator designate an individual to serve as TAC. This individual will assume the responsibilities of ensuring compliance with State and NCIC policies and regulations. For new terminal agencies, the TAC must be designated prior to the terminal being activated on the NMLETS Network.

1. The TAC and his/her agency will be responsible for monitoring System use, enforcing System discipline, and assuring that NCIC NMCIC, NLETS and NMLETS operating procedures are followed by those agencies for whom they are responsible.
2. Other TAC duties include but are not limited to:
 - a. Validation of NCIC/NMCIC records;
 - b. Quality Control;
 - c. Training and Certification of operators;
 - d. Record Maintenance;
 - e. Terminal Security Office;
3. The TAC may sign as representative of his/her agency if the agency administrator is unavailable.
4. All terminal agencies must retain all criminal history logs, closed NCIC files and validation documentation for a minimum of 5 years.
5. Records and files being discarded must be destroyed by means of burning or shredding. Due to the sensitive nature of the records, the TAC will oversee the destruction.
6. Additional information can be found in the NMLETS TAC handbook.

E. Report of Misuse:

It is the responsibility of the Agency Administrator, through the TAC, to investigate and report to CTA any cases or potential cases of system misuse. If there is any question regarding misuse/illegal use of information, the TAC or Agency Administrator should contact the Control Terminal Officer (CTO) immediately.

F. Procedures for requesting Criminal History Record:

1. An Interstate Identification Index inquiry (I.I.I. inquiry) will be run on all authorized requests to obtain an FBI number and a computerized criminal history (Rap Sheet) on subjects.
2. When the computerized criminal history is received with a State Identification Number (SID) and/or FBI number, a full inquiry (FQ and/or QR) will be run on the subject.
3. If dispositions for arrest are not available, an Initial Inquiry (IQ) can be sent to the arresting agency using their Originating Agency Number (ORI).
4. In the event that additional information is required from another agency, the requestor will submit a completed NCIC request to the TAC or the assigned NCIC USER. After receiving approval by the Central Office Agency Administrator, or the Warden, the TAC or the assigned NCIC USER will run the appropriate inquiry.
5. The TAC or the assigned NCIC USER will be responsible for distributing all information received.

G. Responsibilities of the Agency Administrator or Designee:

1. Has the responsibility of overseeing the NCIC system at Central Office, the Academy and any private facilities that have NCIC capabilities.
2. Approves choice of the TAC for Central Office, the Academy and private facilities.
3. Investigates and reports to the Control Terminal Agency (CTA), in this case, the Department of Public Safety (DPS), any cases or potential cases of system misuse.
4. The Agency Administrator shall be responsible for reviewing the level of internal disciplinary action against any employee who uses NCIC equipment in violation of this policy.
5. The misuse of NCIC equipment may result in criminal charges by an outside law enforcement agency.

H. Responsibilities of the Terminal Agency Coordinator (TAC): [4-4101]

1. The TAC shall be responsible for ensuring compliance with DPS and NCIC policy and regulations, including the validity of all records entered into the NCIC terminal by the NMCD.
2. The TAC shall be responsible for ensuring initial training, functional testing, and affirming the proficiency of Communications Equipment Operators.
3. The Institutional TAC will insure that all Communication Equipment Operators/Dispatchers enroll in the New Mexico Department of Public Safety's "Basic Police Radio Dispatcher" course during their first year on the job as a Communication Equipment Operator.
4. The TAC must notify DPS in writing when there is a change to the TAC position or agency administrator. New agreements will then be initiated by the DPS.
5. TAC's have the responsibility of developing a record keeping system within their agency, ensuring that all NCIC/NMLETS record keeping policies are adhered to.
6. TAC's will ensure that operating manuals are kept current and readily accessible to terminal personnel.

I. Communication Equipment Operator/Dispatcher Selection:

1. The following are essential qualifications for Correctional Officers/support staff to be considered for assignment as Communication Equipment Operators/Dispatchers.
 - a. Completion of at least one year's experience as a Correctional Officer. (Not required for support staff.)
 - b. Demonstrated ability to work under stress and to work with crisis situations by using good judgment.
 - c. Demonstrated personal maturity that is reflected in good judgment and the individual's ability to maintain confidentiality.
2. Additional desirable qualifications considered for assignment as a Communication Equipment Operator/Dispatcher include the following:
 - a. Post high school education in communications.
 - b. Experience in working with data processing and computers.
3. Application Process:

- a. Correctional Officers interested in working as Dispatchers shall submit a written request to their respective Shift Supervisor. The Shift Supervisor shall forward the requests to their respective Operations Manager.
 - b. All requests will be forwarded to the Operations Manager of their respective units.
 - c. The Central Office Agency Administrator, Warden or Deputy Warden shall arrange an interview with the prospective candidate (s).
 - d. Central Office Agency Administrator, Deputy Warden, Deputy Warden or the Unit Operations Manager shall interview candidates.
 - e. The interviewer will submit a recommendation to the Warden. The Central Office Agency Administrator will make his/her own decision.
4. Communication Equipment Operator/Dispatcher Training:
- Initial (within six months of assignment): Functional testing and affirming the proficiency of Communication Equipment Operators.
5. Bi-annually receives in-service retraining, functional re-testing and reaffirmation of the proficiency of NCIC equipment, including Interstate Identification Index (I.I.I.) requirements and record quality for criminal justice agency records personnel.

J. Communication Equipment Operator/Dispatcher Supervision:

Communication Equipment Operators/Dispatchers shall be accountable to the TAC regarding compliance with the DPS and the NMCD Users agreement, the NCIC and NMLETS operator manuals, and including applicable CD Policies and Procedures.

K. Probation and Parole Division Use:

1. Each time an offender visits a Probation Parole Division District Office, a check for warrants will be made prior to allowing the offender to leave the building.
2. For those offenders in state operated residential programs, an NCIC warrants check will be conducted on at least a monthly basis.
3. An NCIC warrants check on non-reporting offenders will be conducted once every six months.
4. NCIC Hits:
 - a. Hits that constitute a violation of supervision conditions:

- 1) If the Probation Parole Office performs the transport, he/she must issue an Arrest and Hold and transport the offender to the local detention facility. Depending on the seriousness of the violation, the Arrest and Hold may be cancelled at a later time, allowing the offender the opportunity of posting bond on the outstanding warrant.
 - 2) If a local police agency agrees to transport in this situation, an Arrest and Hold would only be necessary if the violation is serious enough to justify continued detention of the offender.
- b. Hits that do not constitute a violation of supervision conditions.
- 1) In most situations Probation Parole Officers lack the authority to be the booking agent if there are no violations of supervision conditions.
 - 2) Local police should be summoned to make the arrest.
 - 3) If law enforcement agencies are not available, the Region Manager will be immediately notified and options will be evaluated on a case-by-case basis.
 - 4) If there is a perceived immediate risk to the public or if the offender will likely abscond from supervision and law enforcement officers are unavailable, the Probation Parole Officer should issue an Arrest and Hold and transport the offender to a detention facility.
- c. Out of state hits:
- 1) The New Mexico State Police will be the clearinghouse for all out-of-state warrant hits. The agency's warrant division should be contacted on such warrant hits. They will determine if the warrant is extraditable or not and provide direction on how the offender should be detained.
 - 2) Extraditable Warrants:
 - a) The New Mexico State Police will be the preferred agency to book offenders wanted by other states.
 - b) If the New Mexico State Police are not immediately available, local law enforcement agencies may be utilized.
 - c) Only if no law enforcement agencies are available should Probation Parole Officers be the booking agents on out-of-state warrants.
 - 3) If the warrant is determined not to be extraditable, the Probation Parole Officer should:

- a) Give a written directive to the offender to clear the warrant within a reasonable time, and
- b) Provide a travel permit to the offender, if appropriate.
- c) If after a reasonable amount of time has passed and the offender has failed to comply with written directive, the offender shall be charged with failing to comply with an order of his/her probation/parole officer.

5. Immigration Hits:

- a. Arrest all offenders with an arrest and hold. If unable to transport, request transport from Immigration Control Enforcement (ICE).
- b. After booking ensure the cancellation of the arrest and hold.
- c. Monitor ICE progress of each offender every two weeks.
- d. If deported, issue an Arrest and Hold pending case closure.

6. Documentation:

- a. The TAC shall be responsible for ensuring compliance with DPS and NCIC policy and regulations, including the validity of all records entered into the NCIC terminal by the NMCD.
- b. Hard copy of hits will be placed in the left side of the offender file.

7. Responsibilities of a Terminal Agency Coordinator (TAC):

- a. The TAC shall be responsible for ensuring compliance with DPS and NCIC policy and regulations, including the validity of all records entered into the NCIC terminal by the NMCD.
- b. The TAC shall be responsible for ensuring initial training, functional testing, and affirming the proficiency of Communications Equipment Operators.
- c. The TAC must notify DPS in writing when there is a change to the TAC position or agency administrator. New agreements will then be initiated by the DPS.
- d. TAC's have the responsibility of developing a record keeping system within their agency, ensuring that all NCIC/NMLETs record keeping policies are adhered to.
- e. TAC's will ensure that operating manuals are kept current and readily accessible to terminal personnel.

8. Training:

- a. Each Probation Parole Officer, Probation Parole Supervisor and other selected employees must complete four hours of initial training to be certified as an NCIC operator. This training will be offered at the PPO Basic Training classes.
- b. When a new Probation and Parole employee is given NCIC access, they will be fingerprinted and subjected to a background check to complete their access request.
- c. All NCIC operators will attend required in-service training to maintain their NCIC operator eligibility.

9. System Down Response Protocol:

- a. If the NCIC network is non-responsive the operator will notify the ITO help desk.
- b. If the system is non-responsive for more than ten minutes, the offender may be allowed to leave before completion of the warrant check.
- c. The incident will be fully documented in the offender chrono notes.
- d. Every effort will be made to complete the warrant check by the end of the work day.

10. System Security:

- a. No offender shall be unattended in an office or be permitted to view the NCIC data screen or documents relating to the NCIC.
- b. Computer terminals shall not be unattended while in the NCIC Data program.
- c. Computers that have NCIC accessibility shall be screen saver capable and shall have their screen saver activation set not to exceed 15 minutes of idle use.
- d. Only the designated network printer shall be utilized for NCIC printouts.
- e. All NCIC records and files being discarded must be destroyed by means of burning or shredding.



Gregg Marcantel, Secretary
New Mexico Corrections Department

06/01/14
Date