

**NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
STATE-TRIBAL COLLABORATION AGENCY REPORT**

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NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

STATE-TRIBAL COLLABORATION AGENCY REPORT

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I. EXECUTIVE SUMMARY:

The primary concern of the New Mexico Department of Public Safety (NMDPS) and on-going areas of concern continues to be the challenge surrounding criminal jurisdiction and the coordination of Law Enforcement efforts by State and Tribal Officers within and surrounding New Mexico's Native American Communities.

The Department recognizes that more consistent and coordinated Law Enforcement efforts would go a long way in reducing DWI, drug related crimes, domestic violence, violence against children and other violent crimes.

The Department participates in meetings with the Tribal-State Judicial Consortium to promote the National initiative known as Project Passport, which is designed to improve recognition and enforcement of orders of protection for victims of domestic violence within and between states and tribes.

The Department continues to build relationships with the Tribal Governments of New Mexico's Pueblos, Tribes, and Nations by commissioning Tribal Officers as New Mexico Peace Officers under NM State Statute 29-1-11, communicating with Tribal Officers and Officials during incidents involving Tribal jurisdiction, participating in forums that discuss State-Tribal issues, participating and protecting cultural events and other similar collaborative efforts.

The Missing and Murdered Indigenous Women's Task Force (MMIW) Task Force was appointed in October of 2019. The MMIW was legislatively created in HB 278 and was required to study and report on the crisis of missing and murdered Indigenous Women in New Mexico. NMDPS has played an integral role on the MMIW Task Force and has participated in many public hearings, committee and sub-committee meetings and has served as a Law Enforcement advisory role while meeting with Tribal community leaders, community members, collecting data, gathering, and reporting survivor testimony.

Also, in this reporting period, NMDPS continues to enroll NMDPS Commissioned Officers to attend the BIA-OJS sponsored Criminal Justice in Indian Country Training Course. This 24- hour training course provides each attendee with extensive training and education on Federal Indian Law and the Major Crimes Act. Upon completion of this training, these Officers receive a Special Law Enforcement Commission (SLEC) with the Bureau of Indian of Affairs, thus granting our officers commissions as Federal Officers when called upon by the various Tribes, Pueblos, and Nations to perform Law Enforcement duties within those jurisdictions if needed.

In Indian Law. Tribes can enter into cross-commission agreements with State or local police. The NMDPS has such an agreement with the Navajo Nation. A New Mexico State Police Officer with a Navajo cross commission may enforce tribal laws against Indians on Indian land. In this capacity, the Officer is literally serving as a Navajo Police Officer. The current agreement was signed in 2012 and requires a 40-hour cross-commission class. Officers who work near the Navajo Nation are sent to this training when there is availability. The overall purpose of the cross-commission agreement is to eliminate the jurisdictional “loopholes” in Navajo Country. This agreement is a great example of Tribal Collaboration and is a tool to prevent criminals from getting away with their crimes by exploiting the jurisdictional complications of using certain areas as safe havens. Due to the Covid-19 pandemic, during 2021 several tribal jurisdictions were closed and did not have the normal scheduled events, meetings, or trainings. The closures slowed down the communication between NMSP District Commanders with the Navajo Nation DPS and Navajo Nation DOJ. DPS/NMSP goal is to continue strengthening the relationship and look at ideas on how to better streamline and standardize the cross-commission training for both departments.

The Department continues to maintain compliance with the 2008 Tribal Collaboration Act by cultural competency training, collaborative State-Tribal Law Enforcement efforts, quarterly BIA Tribal Chiefs meetings, Dept. of Indian Affairs quarterly meetings, open dialogue with all Tribal and BIA Police Chief’s in NM, Amber Alert training to all Tribal Police and the institution of Tribal Amber Alert programs.

II. MISSION STATEMENT

The New Mexico Department of Public Safety protects human life and property through the detection and prevention of criminal activity and enforcement of state laws and regulations. Additionally, the NMDPS provides vital leadership, scientific, training, technical, and operational support to the criminal justice community and public at large.

III. AGENCY OVERVIEW

New Mexico Department of Public Safety (NMDPS) /New Mexico State Police (NMSP):

The Department of Public Safety provides law enforcement services for the citizens of New Mexico through the New Mexico State Police divisions of Uniform, Special Investigations, Special Operations, and Commercial Motor Vehicle Enforcement.

The NMDPS/NMSP exists to promote a safe and secure environment for the State of New Mexico through intelligently led policing practices, vital scientific and technical support, current relevant training, and innovative leadership for our greater law enforcement community.

The NMDPS/NMSP is committed to providing the highest quality of public services for the State of New Mexico and its law enforcement community. We constantly evaluate and develop our efforts to become a national model in providing ethical, innovative, effective, and efficient community oriented public safety services to the citizens and visitors of New Mexico.

The NMDPS provides law enforcement training opportunities for law officers in the state through the Law Enforcement Academy. The Department further provides forensic scientific support and law enforcement records services to all criminal justice agencies in New Mexico through the Forensic Laboratories and Law Enforcement Records Bureau (LERB).

The NMDPS/NMSP provides additional law enforcement services for the citizens of New Mexico through the Special Investigations Unit (SIU). The Special Investigation's Unit has the statutory obligation of enforcing the Liquor Control Act, which includes such diverse activities as premise checks of licensed vendors, assisting other divisions of NMDPS with decreasing DWI's in the

State, plus attention to the laws regarding under-aged persons. One of the major initiatives of SIU has to do with education and compliance.

While SIU Agents are not cross-commissioned so as to have enforcement authority on sovereign nations/tribal lands, SIU has still sought to be a resource to those tribal entities in addressing alcohol related issues that might arise on tribal lands, lead off tribal lands or start on state land and end on Tribal lands. SIU has assisted numerous tribal entities in the last year with alcohol related investigations.

Special Investigations Unit will continue to team successfully with tribal communities who request assistance, training, and education on DWI programs to address alcohol-related community problems.

Special Investigation Units have held training for those who serve alcohol on tribal owned and operated businesses, to assist those servers-and thereby the tribes-in operating their businesses legally with an emphasis on public safety. Specifically, such training assists servers in recognizing the signs of intoxication, to prevent sales of alcohol to intoxicated persons which could jeopardize the safety of any member in that community, on or off the reservations.

The Special Investigations Unit of the New Mexico State Police is a proud participant of State and Tribal collaboration that builds a New Mexico which is safe for all citizens.

The Commercial Motor Vehicle Enforcement Bureau (CVE) of NMDPS reaches out to the surrounding Native American communities and law enforcement partners to promote commercial motor vehicle (CMV) safety and reduce motor vehicle crashes of all types. CVE is available to all tribal law enforcement agencies and aids with resources for the investigation of CMV related crashes and the enforcement of motor carrier safety regulations on tribal lands when necessary and called upon by the tribal government. CVE offers commercial motor vehicle safety enforcement and inspections to all area law enforcement agencies and tribal jurisdictions.

Many New Mexico state roads and highways run through the jurisdiction of tribal entities, we will continue to work with tribal law enforcement agencies toward a common goal of ensuring safety and improving the quality of life for all motorists.

The Law Enforcement Records Bureau (LERB) maintains the state's central repository for information on the criminal histories of persons in New Mexico and acts as the single state agency liaison to the Federal Bureau of Investigation (FBI). The LERB maintains arrest record information on persons arrested in New Mexico for felony, misdemeanor, DWI infractions. LERB serves as the State Criminal Justice Information System Agency (CJIS) for New Mexico, supporting the New Mexico Law Enforcement Telecommunications System (NMLETS) and the National Crime Information Center (NCIC). LERB is also charged with the managements of:

- State Police Repository (Offense/Incident and crash reports)
- Sex Offender Registration (SOR) Program
- Automated Fingerprint Identification System (AFIS)
- NM Missing persons Information Clearinghouse
- State Tacking Number (STN) Program
- NCIC Interstate Identification Index (III) and quality assurance
- National Missing and Unidentified Persons System (NamUS) quarterly uploads of NM Missing persons entered into NCIC
- Uniform Crime Reporting (UCR)
- National Incident Based Reporting System (NIBRS) Program

IV. CURRENT AND PLANNED PROGRAMS FOR NATIVE AMERICAN COMMUNITIES

The NMDPS does support two specific programs that directly support/benefit NM Tribes and Nations. The NMDPS is committed to continuing collaborative efforts in State/Tribal law Enforcement generally and specifically, the continued commissioning and education of law enforcement officers:

- The commissioning of Tribal Police officers as New Mexico Peace Officers using NM State Statute 29-1-11. This program enhances a tribal police departments overall police function by allowing officers not only to respond to, but handle incidents and provide police services that involve non-Indians within their established Tribal jurisdiction. The

tribal officer through his/her New Mexico Law Enforcement Commission can utilize New Mexico State Criminal and Traffic Statutes.

- Through an approved resolution by a specific Pueblo, Nation, or Tribe and through a formal request for a “Government to Government” agreement, the NMDPS supports the Special Law Enforcement Commissioning (SLEC) of New Mexico State Police officers as deputies of the Bureau of Indian Affairs (BIA), allowing for NMDPS commissioned Officers to provide law enforcement services when called upon by the sovereign jurisdiction of the Tribe and/or the BIA. This includes specific NMDPS to Tribal entity MOU’s/MOA’s if in place and agreed upon by both parties.

The SLEC and specific Tribal MOU’s/MOA’s provides NMDPS Officers with civil protection from Tort claims when acting under the color of law and in good faith in established Indian Country.

Currently NMDPS has SLEC commissioned personnel who are assigned to several Uniform Districts along with Agents in specialized areas of the Investigation’s Bureau such as Crime Scene Investigators and Crash Reconstruction Investigators. This Collaboration better allows NMDPS to assist Tribal Communities when called upon to do so.

- Community Engagement. In collaboration with local tribal law enforcement agencies, NMDPS participates in a wide range of annual events on all tribal jurisdictions. An example of these engagements includes but are not limited to:

- o Annual Pueblo Fiestas, Tribal Fairs, parades, and Rodeos
- o Pueblo closures for Tribal Ceremonies
- o Tribal shop with a cop function
- o Law Enforcement days
- o Attend town hall, tribal, chapter meetings
- o Tribal Liaison collaboration

V. NMDPS FY2022 ACCOMPLISHMENTS WITH NM TRIBES

- NMDPS Tribal Liaison attended Indian Affairs Department (IAD) meetings met with other Tribal Leaders or their representative during the year to discuss and address specific concerns

- NMDPS involved extensively on the MMIW Task Force during the last year.
- NMDPS and CYFD Tribal Liaisons collaborations with Tribal entities to streamline the process between local Tribal Social Services and CYFD services.
- Continued success of the Pueblo Sex Offender Registry Program which is a collaborative project consisting of Acoma, Isleta, Zuni, and Laguna Pueblos.

New Mexico State Police - Uniform Services Bureau. The NMDPS, New Mexico State Police Division is divided into twelve (12) uniform Districts. Six (6) of these districts patrol boundaries encompass sovereign Tribal Jurisdictions of New Mexico's tribes and Pueblos. Due to the Covid-19 pandemic Tribes and Pueblos around the state did not have their usual number of special events, lowering the number of events from each district. NMSP/DPS still assisted with calls for service upon the request.

NMSP District 6 – Gallup/Grants

Commanded by Captain Lauren Milligan

- Every District 6 officer has a Navajo Nation police cross-commission, which authorizes them to enforce Navajo laws against tribal members on Navajo land. This collaboration between agencies is aimed at reducing the real and perceived loopholes created by jurisdictional boundaries. For example, cross-commissioned NMSP officers may arrest a drunk driver anywhere on Navajo land, regardless of whether that person is tribal or non-tribal.
- Officers in District 6 are active participants in the McKinley County DWI Task Force, which includes the Navajo Police Department, the Ramah Navajo Police Department, and the Zuni Police Department.
- Navajo Police cross commission training in April 2022
- Met with Laguna Emergency Services to expand their communication system in June 2022
- Met with Acoma Police Department concerning 29-1-11 commissions in June 2022
- Met with Zuni Police Department and Ramah Navajo Police Department to set up an Advanced Roadside Impairment Detection Enforcement (ARIDE) class to recognize signs of impaired drivers in drivers impaired by drugs in June 2022

NMSP District 10 - Farmington

Commanded by Captain Micah Doering

- Under the current District 10 patrol plan, we are required to collaborate as necessary to ensure the safety of the public both on tribal and state lands. This is loosely written which gives us flexibility to work in an “as needed and asked” capacity.
- Officers in District 10 respond when requested to emergency situations to include major traffic crashes, violent crimes in progress, and other such incidents. These requests generally are routed through the dispatch centers.
- No special events were worked due to closures

NMSP Investigations Bureau Technical Unit

New Mexico State Police – Investigations Bureau Technical Unit. The Technical Unit is a highly specialized group who specialize in complicated investigations for traffic crashes, homicides, officer involved shootings, etc. The Crash Reconstruction Unit has assisted with several crashes to assist the Tribes and Pueblos with help reconstructing complex vehicle collisions that often result in felony charges.

Commanded by Lieutenant Noe Alvarado

- Assisted Navajo Nation Police Department with an alcohol involved injury crash in July 2021
- Assisted Mescalero Police Department with an alcohol involved injury crash in July 2021
- Assisted Navajo Nation Police Department with a fatal vehicle crash in September 2021
- Assisted Santa Clara Police Department with a vehicular homicide in January 2022
- Assisted Navajo Nation Police Department with a fatal crash in June 2022

VI. GOALS FOR FY 2023 RELATING TO NM TRIBES

The NMDPS is committed to moving forward with a successful State-Tribal collaboration through accountability, communication, respectful and inclusive State/Tribal partnerships. The State -Tribal Collaboration act mandates us (NMDPS) to “collaborate with and respect tribal governments in New Mexico”. This requires more than empty statements about how much we appreciate other cultures. In the context of criminal justice, true respect means learning about Indian jurisdiction, having culture sensitivity, and applying the laws as they are supposed to be applied to make all NM communities safer for all NM residents and visitors. NMDPS is committed to this partnership.

VII. KEY NAME AND CONTACT INFORMATION:

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