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SENATE BILL 138

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Leonard Tsosie

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE LAW ENFORCEMENT SAFE PURSUIT ACT; REQUIRING DATA COLLECTION, TRAINING AND POLICY FORMULATION REGARDING HIGH SPEED PURSUITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "Law Enforcement Safe Pursuit Act".

Section 2. DEFINITION. -- As used in the Law Enforcement Safe Pursuit Act, "high speed pursuit" means an attempt by a law enforcement officer in an authorized emergency vehicle to apprehend an occupant of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the speed limit.

Section 3. DATA COLLECTION. --

A. When a high speed pursuit occurs, each law

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1 enforcement officer involved shall submit a written report to  
2 his supervisor detailing his participation in the high speed  
3 pursuit and the factual reasons for initiating or  
4 participating in the high speed pursuit. The law enforcement  
5 officer in charge of the high speed pursuit shall complete a  
6 written report giving a complete account of the high speed  
7 pursuit, including the factual reasons for continuing or  
8 terminating the high speed pursuit.

9 B. Every state, county and municipal law  
10 enforcement agency shall report to the traffic safety bureau  
11 of the state highway and transportation department, on a form  
12 and in a manner approved by the bureau, information about each  
13 high speed pursuit within thirty days of its occurrence.

14 C. Each report shall include the following  
15 information:

16 (1) the reason for initiating the high speed  
17 pursuit, including the specific offenses that caused a law  
18 enforcement officer to initiate the high speed pursuit;

19 (2) injuries, deaths and property damage  
20 sustained during, or as a result of, the high speed pursuit;

21 (3) the identity of law enforcement officers  
22 involved in the high speed pursuit, including supervising  
23 officers;

24 (4) the identity of the suspect being pursued  
25 during the high speed pursuit;

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(5) the means or methods used to stop the suspect being pursued during the high speed pursuit;

(6) the charges brought against the suspect following the high speed pursuit; and

(7) any other information deemed necessary by the traffic safety bureau to evaluate and improve high speed pursuit policies and procedures.

D. No later than December 31, 2002 and December 31 of each subsequent year, the traffic safety bureau shall collect data regarding high speed pursuits involving accidents and include that data in its annual uniform accident report.

E. By December 31, 2002, the traffic safety bureau shall submit a study of high speed pursuits in New Mexico to the director of the New Mexico law enforcement academy. The study shall be made by surveying a representative sample of state, county and municipal law enforcement agencies in New Mexico. The study shall include, at a minimum:

(1) an estimate of the annual number of high speed pursuits in New Mexico in each of the previous three years;

(2) an estimate of the number and percentage of high speed pursuits that resulted in accidents, injuries, deaths and property damage;

(3) an analysis of the reasons for initiating the high speed pursuits;

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(4) an analysis of factors affecting the likelihood of accident, injury, death and property damage resulting from the high speed pursuits;

(5) an enumeration, description and analysis of the high speed pursuit policies of state, county and municipal law enforcement agencies in New Mexico; and

(6) an analysis of the law enforcement training provided to state, county and municipal law enforcement officers in New Mexico regarding high speed pursuits.

Section 4. POLICE TRAINING. --

A. No later than December 31, 2003, the New Mexico law enforcement academy board shall develop and incorporate into the basic law enforcement training required pursuant to the Law Enforcement Training Act a course of instruction of at least sixteen hours concerning the safe initiation and conduct of high speed pursuits.

B. The course of instruction shall emphasize the importance of protecting the public at all times and the need to balance the known offense and risk posed by a fleeing suspect against the danger to law enforcement officers and other people by initiating a high speed pursuit.

C. The course of instruction shall include adequate consideration of each of the following subjects:

(1) when to initiate a high speed pursuit;

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- 1 (2) when to terminate a high speed pursuit;
- 2 (3) evaluating risks due to conditions of the
- 3 vehicle, driver, roadway, weather and traffic during a high
- 4 speed pursuit;
- 5 (4) evaluating dangers to uninvolved
- 6 motorists and bystanders during a high speed pursuit;
- 7 (5) the number of law enforcement units
- 8 permitted to participate in the high speed pursuit;
- 9 (6) the responsibilities of primary,
- 10 secondary and supervisory law enforcement units during a high
- 11 speed pursuit;
- 12 (7) proper communication and coordination
- 13 procedures when a high speed pursuit enters another law
- 14 enforcement agency's jurisdiction, including a tribal
- 15 jurisdiction;
- 16 (8) driving tactics during a high speed
- 17 pursuit;
- 18 (9) communications during a high speed
- 19 pursuit;
- 20 (10) capture of suspects following a high
- 21 speed pursuit;
- 22 (11) supervisory responsibilities during a
- 23 high speed pursuit;
- 24 (12) use of blocking, ramming, boxing and
- 25 roadblocks as high speed pursuit tactics;

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(13) use of alternative methods and technologies for apprehending suspects during a high speed pursuit; and

(14) preparing a report and evaluation and analysis of a high speed pursuit after it has concluded.

D. The New Mexico law enforcement academy board shall develop the program of instruction, learning and performance objectives and standards for training in conjunction with appropriate groups and individuals that have an interest in and expertise regarding high speed pursuits, including law enforcement agencies, law enforcement academy instructors, experts on the subject and members of the public.

E. In-service law enforcement training, as required pursuant to Section 29-7-7.1 NMSA 1978, shall include at least eight hours of instruction that conform with the requirements set forth in Subsection C of this section.

F. Each certified regional law enforcement training facility shall incorporate into its basic law enforcement training and in-service law enforcement training a course of training in the safe initiation and conduct of high speed pursuits that is comparable to or exceeds the standards of the course of instruction developed by the New Mexico law enforcement academy board.

Section 5. PURSUIT POLICIES. --

A. No later than December 31, 2003, the chief law

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1 enforcement officer of every state, county and municipal law  
2 enforcement agency shall establish and enforce a written  
3 policy governing the conduct of law enforcement officers  
4 employed by the agency who are involved in high speed  
5 pursuits. A copy of the written policy shall be submitted to  
6 the director of the New Mexico law enforcement academy and the  
7 traffic safety bureau of the state highway and transportation  
8 department.

9 B. The policy shall specify, at a ~~minimum~~

10 (1) the conditions under which a law  
11 enforcement officer may engage in a high speed pursuit and the  
12 conditions when the officer shall terminate a high speed  
13 pursuit;

14 (2) measures other than a high speed pursuit  
15 that may be employed to apprehend a suspect in a fleeing motor  
16 vehicle or to impede the movement of the vehicle;

17 (3) the coordination and responsibility,  
18 including control over the high speed pursuit, of supervisory  
19 personnel and the law enforcement officers engaged in the  
20 pursuit; and

21 (4) the procedures to be followed to notify  
22 and coordinate high speed pursuits with law enforcement  
23 agencies in other jurisdictions, including tribal  
24 jurisdictions.

25 C. The written policy shall, at a ~~minimum~~, require

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1 that:

2 (1) a law enforcement officer shall initiate  
3 a high speed pursuit only to apprehend a suspect who the  
4 officer has reasonable grounds to believe has committed a  
5 violent felony and poses a clear and immediate threat of death  
6 or serious injury to others or who the officer has probable  
7 cause to believe poses a clear and immediate threat to the  
8 safety of others that is ongoing and that existed prior to the  
9 high speed pursuit;

10 (2) a law enforcement officer shall not  
11 initiate or continue a high speed pursuit when the immediate  
12 danger to the officer and the public created by the high speed  
13 pursuit exceeds the immediate danger to the public if the  
14 occupants of the motor vehicle being pursued remain at large;

15 (3) when deciding whether to initiate or  
16 continue a high speed pursuit, the following factors, at a  
17 minimum, shall be taken into consideration:

18 (a) the seriousness of the offense for  
19 which the high speed pursuit was initiated;

20 (b) whether a suspect poses a clear and  
21 immediate threat of death or serious injury to others;

22 (c) road, weather, environmental and  
23 vehicle conditions;

24 (d) the amount of motor vehicle and  
25 pedestrian traffic; and

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(e) knowledge of the suspect's identity, possible destination and previous activities that may make apprehension at a later time feasible; and

(4) no more than two law enforcement vehicles shall become actively involved in a high speed pursuit, unless specifically authorized by a supervisor.

Section 6. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2002.

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