



NEW MEXICO MILITARY INSTITUTE

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COMMANDANT OF CADETS
DEAN OF STUDENTS

1 August 2020

Memorandum for: Corps of Cadets

Subject: Standard Operating Procedures for Reporting of Crimes

1. **Purpose:** The purpose of this policy is to establish a process by which New Mexico Military Institute Commandant Staff and New Mexico Military Institute Police will coordinate efforts to promote safety and security at NMMI, provide proactive community policing and cooperate to prevent & report crimes.
2. **Policy:** It is the policy of the NMMI Commandant Staff to report all crimes or the belief thereof to the NMMI Police Department.
3. **Applicability:** This policy is applicable to all employees of the NMMI Commandant Staff, who have the potential to observe, detect and/or have reported to them a criminal act.
4. **References:** New Mexico Criminal & Traffic Law Manual (2015 Edition).
5. **Definitions:**
 - a. **Crime** - a crime is an act or omission forbidden by law and for which, upon conviction, a sentence of either death, imprisonment or a fine is authorized. (pursuant to Section 30-1-4, NMSA 1978)
 - b. **Classification of Crimes** - crimes are classified into three (3) categories: Felonies, Misdemeanors & Petty Misdemeanors
 - c. **Felony** - is designated by law or if upon conviction thereof a sentence of death or of imprisonment for a term of one year or more is authorized.

Degrees of Felonies:

1. **Capital Felony** - Death or Life Imprisonment
 2. **First Degree Felony** – Up to Life Imprisonment
 3. **Second Degree Felony** – Up to fifteen (15) years Imprisonment
 4. **Third Degree Felony** – Up to six (6) years Imprisonment
 5. **Fourth Degree Felony** – Up to eighteen (18) months Imprisonment
- d. **Misdemeanor** - is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six (6) months but less than one year is authorized.

- e. **Petty Misdemeanor** - is so designed by law or if upon conviction thereof a sentence of imprisonment for six (6) months or less is authorized and/or a fine.
- f. **Child** - Un-emancipated individual who is less than eighteen years of age.
- g. **Abused Child** - one who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, **guardian** or **custodian**.
- h. **Neglected Child** – one who has been abandoned by the child's parent, guardian or custodian.
- i. **Drug Paraphernalia** - ANYTHING used to plant, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
- j. **Burglary** - "Any person who, without authorization, enters a dwelling house with intent to commit any felony or theft therein is guilty of a Third Degree Felony"
- k. **Larceny** - "consists of the stealing of anything of value that belongs to another."
- l. **Embezzlement** - "consists of a person embezzling or converting to the person's own use anything of value with which the person has been entrusted, with fraudulent intent to deprive the owner thereof."
- m. **Aggravated Burglary** - "Becomes a First-Degree Felony if the suspect is armed with a deadly weapon; suspect arms himself after entry; suspect commits a battery upon any person while in the place.
- n. **Assault** - an attempt to commit a battery. Any unlawful act, threat or menacing conduct which causes another to reasonably believe that he is in danger of receiving an immediate battery. The use of insulting language toward another impugning his honor, delicacy or reputation.
- o. **Aggravated Assault** - done with a deadly weapon AND/OR has concealed his identity with a mask, hood, robe or other covering.
- p. **Battery** - "The unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner."
- q. **Aggravated Battery** - Done with the intent of injuring the other person.
- r. **Assault / Battery on School Personnel** - "Any Battery or Assault on an official who is in the lawful discharge of his/her duties; means engaged in the performance of the duties of a school employee."
- s. **Public Affray** - Agreeing to engage in a fight; the fight itself does NOT have to occur.
- t. **Harassment** - "Knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The

conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.” **(Hazing is considered Harassment 5.09 Bluebook)**

- u. **Stalking** - “Knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in a reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.”

6. **Procedure:**

a. **Guidelines**

1. It shall be the duty of all Commandant Staff to report any incident believed to be a crime to the NMMI Police Department without delay.
2. All effort should be made for medical assistance to be summoned immediately, should the incident require; this takes priority over any other calls, including to the NMMI Police Department; Exceptions to this in in the event of an ACTIVE SHOOTER or an immediate further threat to cadets, staff, faculty, civilians, ect. due to the scene not being safe and/or the obvious indication of an ongoing, continuing immediate threat.
3. Crimes believed to be committed by cadets will be investigated by the Campus Police (CPD). The CPD will report the results to the Chief of Staff, NMMI to maintain impartiality if the investigation reverts back to the Commandant’s office for Blue Book violations.

b. **Active Shooter**

1. All threats (verbal, non-verbal, hand gestures, written) of violence including, but not limited to “threats of an active shooter” must be reported to the NMMI Police Department Immediately to avoid the carrying out of or continued planning of the incident or attack.
2. NMMI Police Department must be notified of any Cadet found in possession of a FIREARM (rifle, shotgun, handgun) whether on the Cadet’s person, Cadet’s room, or Cadet’s motor vehicle. NMMI, is a “weapons free / firearms free” zone. ***This does not include any inert, school issued / ROTC weapons (parade rifles / blue guns / etc.)***
3. NMMI Police Department must be notified of any Cadet found in possession of AMMUNITION, FIREARM MAGAZINES and/or FIREARM PARTS & accessories. ***This does not include any inert, school issued / ROTC weapons (parade rifles / blue guns / etc.)***

c. **Missing Cadets / Runaways / Abductions**

1. Incidents of Cadets under the age of eighteen (18) who are missing should be reported to the NMMI Police Department. The Campus Police Officer on duty will assist Commandant Staff in conducting a full search for the cadet.
2. Incidents of Cadets who are believed to or are confirmed to have “runaway” must IMMEDIATELY be reported to the NMMI Police Department. Law Enforcement MUST (by law), within two (2) hours after receiving a report of a runaway, enter the identifying and descriptive information about the child into NCIC (National Criminal Information System), as per NMSA 29-15-7.1.
3. Incidents of Cadets who are believed to be or are confirmed as being abducted must IMMEDIATELY be reported to the NMMI Police Department. Law Enforcement MUST immediately activate an AMBER ALERT for the child, as per NMSA 29-15A-1.

d. Attempted Suicide / Threats of Suicide

1. NMMI Police Department should be contacted IMMEDIATELY when a Cadet attempts or threatens suicide. Time is of the essence. NMMI Police can assist the Commandant Staff in the location of any weapons, location of the Cadet, location of or determination of the Cadet having a vehicle, etc. The determination of the method threatened should be made (whether by Commandant Staff or NMMI Police) for the safety of the Cadet threatening, as well as the safety of others. Typical methods include, but are not limited to: “Suicide by Cop”, firearm, knife, hanging, Jumping from stoop or building, jumping into traffic, overdose on prescription or non-prescription medications. (*“Suicide by Cop” is when an individual who is suicidal, but for whatever reason cannot complete the action themselves, will call the police with a fictitious call, knowing the police officers will respond; and upon arrival of the police, the individual will either point a loaded or unloaded weapon (handgun, shotgun, rifle) at the police and/or charge the police with a handheld weapon (knife, baseball bat, screwdriver, etc.) knowing that the police officer will be forced to defend himself and/or the public by shooting the individual).*)

e. Narcotics

1. A determination should be made as to how the narcotics (depending on the type of narcotics) are going to be handled, and **IF** an investigation should follow.
2. Any item believed to be narcotics or paraphernalia shall immediately be turned over to the NMMI Police Department for proper storage and disposal.

3. When feasible, suspected narcotics should be left in place and NMMI Police Department contacted.
4. TLA's & SLA's have authority to enter cadet rooms to conduct searches; Law Enforcement however, must do it through a "Consent Search" or "Search Warrant". For this reason, it is perfectly acceptable for a TLA / SLA to retrieve, take possession of, or search for suspected narcotics and paraphernalia in cadet rooms, with the intent of turning said items over to NMMI Police Department for proper testing, storage and disposal.
5. Narcotics delivered to or turned over to the NMMI Police Department will be held in evidence until the duration of the case. Upon completion of the case and once all appeals have been exhausted, the narcotics will be disposed of through a court ordered destruction order.

f. Sex Crimes / Crimes Against Children

1. Any report of a criminal sexual offense, whether by the victim, a witness, or by a third uninvolved party should be reported to the NMMI Police Department without delay, so that a determination can be made if a crime has occurred.
2. Every effort should be made NOT to interview the victim, attempting to obtain specifics, other than the suspect information, location of occurrence, date of occurrence.
3. The primary concern is for the victim safety. Once it is determined that the victim is safe & the suspect no longer has access to the victim, the location of occurrence should be secured if at all possible (cadet room, cadet showers / facilities, etc.) This is to prevent the contamination and/or disposal of any evidence that might still be in the location (clothing, shoes, hats, gloves, condoms, etc.)
4. The following application should be utilized when dealing with any sexual assault incident.
 - A. Is the victim safe?
 - B. Does victim need medical assistance?
 - C. EMS contacted if needed?

- D. Is suspect / are suspect(s) on campus?
 - E. Witnesses identified?
 - F. Ensure you document everything you have done.
 - a. What was told to you?
 - b. Did you enter crime scene, and if so, what time & what did you do?
 - c. Did you touch anything?
5. You will be included in the official police report and you may have to testify during any court proceedings.
 6. Complaints will be evaluated against state statutes for criminal violations by the NMMI Police Department.
 7. The following are examples of child sex crimes:
 - A. Enticement of a Child – Misdemeanor
 - B. Criminal Sexual Penetration – Felony
 - C. Criminal Sexual Contact – Misdemeanor
 - D. Criminal Sexual Contact of a Minor – Felony
 - E. Indecent Exposure – Misdemeanor
 - F. Aggravated Indecent Exposure – Felony
 - G. Voyeurism (victim under 18yoa) – Felony
 - G.1 Consists of intentionally using the unaided eye to view or intentionally using an instrumentality to view, photograph, videotape, film, webcast or record the intimate areas of another person without the knowledge and consent of that person.*
 - G.2 While the person is in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth or the interior of any other area in which the person has a reasonable expectation of privacy.*

g. Fighting / Battery / Assault

1. NMMI Police Department should be notified anytime a “*crime against persons*” occurs.
2. Ensure the safety of the victim.
3. IF the scene is safe, medical attention should be the first priority.
4. If it is an assault (an attempt to commit a battery; an act, threat or menacing conduct which causes the victim to reasonably believe that he or she is in

danger), the victim should be encouraged to file a police report and name the suspect.

5. Insulting language in itself is NOT a crime and should be handled administratively; UNLESS threats of violence or physical harm are included in the insulting language.
6. Any Battery (Cadet vs. Cadet; Cadet vs. Staff; Staff vs. Staff) shall be reported to the NMMI Police Department without delay.
7. Fighting shall be reported to NMMI Police Department without delay. While most occurrences will be handled administratively, the victim has the option and the legal right to pursue charges against his or her attacker should they wish to do so.
8. Photographs should be taken of any injuries with proper documentation of such. If NMMI Police Department is on scene, officers shall take photographs of any injuries and provide them to TLA & SLA staff as requested. In addition, TLA and/or SLA staff shall also take photographs of any injuries to cadets to ensure the incidents are documented to protect the victim as well as NMMI.

h. Alcohol Offenses

1. NMMI Police Department shall be made aware of any cadets found under the influence of alcoholic beverages. While alcohol infractions are typically handled administratively, the necessity to notify NMMI Police is as follows:
 - A. NMMI Police can assist in the locating of any alcohol in open, public locations (cadet parking cage / trash cans / behind stoops / etc.)
 - B. NMMI Police can conduct further follow up investigations in an attempt to find out how the minor was able to procure the alcoholic beverage.
 - C. It is unlawful for any adult to provide alcohol to minors or assist in the procurement of alcohol for minors.

i. Burglary / Embezzlement /Larceny (Theft)

1. NMMI Police Department shall be notified of any theft that has occurred on campus without delay. In an effort to obtain valuable information, evidence, and procure a suspect, as short a delay in reporting the crime as possible is imperative.

2. NMMI Police Department shall be notified of any embezzlement occurring on campus.
3. Any unlawful acts (purchases) involving a credit or debit card shall be reported to the NMMI Police Department.

j. Child Abuse / Neglect

1. ANY accusation or instance of child abuse must be reported to NMMI Police Department without delay.
2. ANY accusation or instance of child sexual abuse must be reported to NMMI Police Department without delay.
3. ANY accusation or instance of child pornography, the filming or depicting of a child for obscene or pornographic commercial purposes must be reported to NMMI Police Department without delay.
4. For this section, the following definitions shall apply:
 - A. **Child** – “Un-Emancipated individual who is less than eighteen (18) years of age.”
 - B. **Abused Child** – “who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child’s parent, **guardian** or **custodian**.”
 - C. **Neglected Child** – “who has been abandoned by the child’s parent, **guardian** or **custodian**.”

k. Duty to Report Child Abuse & Neglect (State Statute)

- 32A-4-3, NMSA 1978 states – “Every person”, including licensed physician; a resident or an intern examining, attending or treating a child; a **Law Enforcement Officer**; a visiting nurse; a **school teacher**; a **school official**; a social worker acting in an official capacity; or a member of the clergy who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately.

l. Obstruction of Reporting or Investigation of Child Abuse or Neglect

- 30-6-4, NMSO 1978 states – “Obstruction of reporting or investigation of child abuse or neglect consists of:

- Knowingly inhibiting, preventing, obstructing or intimidating another from reporting, pursuant to 32-1-15 NMSA 1978, child abuse or neglect, including child sexual abuse; or
- Knowingly obstructing, delaying, interfering with or denying access to a law enforcement officer or child protective services social worker in the investigation of a report of child abuse or sexual abuse.

m. Request for “Back-Up”

1. At no time does NMMI Police Department expect or request for Commandant Staff to physically put hands on anyone when NMMI Police officers call for “back-up”.
2. The most important concept in the call for “Back-up” is the necessity for “on-duty” staff (particularly assigned to Command Post) to acknowledge or answer the officer on the radio, who is calling for the back-up & to make calls as necessary for the officer’s assistance (RPD, CCSO, NMSP, Medical, Etc.).
3. It is perfectly acceptable and at times very beneficial, for the staff who are working, to physically respond to the officers location (keeping a safe distance / not participating); as often times, the mere presence of another individual in the vicinity can / will be a deterrent (keeping the suspect calm) by a “show of force”.

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