

**TITLE: CONTROLLED SUBSTANCE
DIVERSION**

Codified: 105.1
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Rescinds/Amends: Amends
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PURPOSE

The purpose of this directive is to provide guidelines for sworn personnel when considering the diversion of low level offenders into treatment by utilizing the department's Controlled Substance Diversion program.

DISCUSSION

The Santa Fe Police Department is committed to utilizing alternative methods to incarceration in an effort to improve lives, reduce criminal behavior and create safer communities. A Law Enforcement Assisted Diversion program identifies low level offenders as provided in Section 105.1.10 for whom probable cause exists for an arrest and redirects them to treatment and social supports. The program aims to decrease the harm of opiate use in the community and individuals by improving public safety and preventing overdose. By diverting low level offenders directly into treatment services, the Santa Fe Police Department is committed to helping all citizens of Santa Fe become productive members of society where they contribute in a positive manner.

These guidelines are intended to provide officers with the information needed to make

an informed decision regarding the arrest diversion or social referral of a subject with whom they come in contact with and wish to provide avenues to treatment.

POLICY

It is the policy of the Santa Fe Police Department to provide low level offenders alternatives to incarceration and provide direct linkages to treatment and wrap around services by utilizing a treatment provider designated by the City of Santa Fe. The diversion program is open to residents of the City of Santa Fe only.

PROCEDURE

105.1.01 In making the decision whether or not to divert an individual into the program, the initial decision maker will be the patrol officer or detective who has contacted an individual who meets eligibility criteria to enter the program. Officers will make a series of decisions about the person with whom they come in contact with to determine if the individual is appropriate to enter the program.

Factors to consider when referring an individual are:

- Does the person live in the City of Santa Fe?
- Is the person disqualified from the program due to a particular criminal history such as; exploitation of others or dealing narcotics for profit?

- Is the offense the person is alleged to have committed an eligible offense for a referral?
- Is the person able to provide informed consent and or does the person pose a risk to self or others due to mental illness or intoxication?
- Does the person express any interest in receiving services through a treatment provider or do the individuals' words or actions indicate it would be futile to divert?
- Officers/detectives shall not utilize clients or potential clients as confidential informants or sources. Treatment should be the primary consideration when referring a person addicted to opiates to. In the event an individual chooses to become a confidential informant, they will no longer be eligible to participate in the program.
- Review and recommend department policy updates as they relate to the program.
- Attending Case Coordinating Group Meetings.
- Maintain and conduct presentations on statistical information regarding the program.
- Conducting training for Patrol and Investigations personnel.
- Assist officers/detectives in the diversion process.

105.1.03 Upon arrest, officers make the determination if they intend to divert an individual or if they plan to arrest, book and route the report to the criminal justice system. If the determination is to arrest, book and route documentation, the officer will transport the individual to jail and route the appropriate paperwork.

105.1.04 The officer will determine if the individual is eligible to be diverted in accordance with established program guidelines.

- A. If the individual is not eligible, the officer will proceed in the traditional arrest procedures.
- B. If the individual is eligible, the Officer will notify dispatch and request a case manager respond to his/her scene. The individual is introduced to the case manager. The officer is then free to continue his/her shift.

105.1.05 All documentation will proceed in the traditional manner, with the exception of

Police Liaison

105.1.02 The Police Liaison will be designated by the Chief of Police. The Liaison will be a supervisor/commander with the rank of sergeant or above. The Liaison will be the Santa Fe Police Department's administrator for the program.

Additional assignments include:

- Attending Policy Group Meetings, as a voting member.
- Creating and administering training for department personnel.

the booking process. Officers shall document the lead referral the date, time and case manager with whom the individual was released to, in the case of arrest referrals only.

- A. If during the arrest process contraband and/or other evidence is seized, the officer shall follow Directive 51.1 Evidence Collection and Preservation and Directive 52.1 Evidence Management.

Social Contact Referrals

105.1.06 Social Contact referrals is another method to give individuals an opportunity to enroll in the program and provide an officer an avenue to place individuals with whom they contacted or are familiar with, separate from a criminal investigation, an opportunity to enroll in the program.

- A. Documentation is not necessary unless another criminal matter must be documented by a police report.

Eligibility Criteria

105.1.07 Adult Residents of the City of Santa Fe who are suspected of a criminal offense and who are addicted to opiates may be eligible for the program and may be referred, except when:

- The amount of drugs involved exceeds 6 grams.
- The individual does not appear amenable to the program (i.e. violent upon contact, psychotic, threat to self or others).
- The suspected drug activity involves delivery or possession with the intent to deliver, AND there is a reason to believe the suspect is dealing for profit (drug

dealers) above subsistence dealing. Factors to consider to determine if an individual is subsistence dealing/purchasing are:

1. The individual states they sell or buy narcotics to maintain their addiction.
2. A group of people state they sell or buy narcotics to maintain their addiction.
 - The individual is under the age of 18.
 - The individual appears to exploit minors.
 - The individual is suspected of promoting prostitution.
 - The individual has disqualifying criminal history as follows:
 - In the last ten years: Any conviction for homicide, vehicular homicide, aggravated arson, aggravated burglary, robbery, kidnapping, perpetuated sex offenses and any conviction involving firearms or deadly weapons.
 - The individual is on state probation/parole.
 - The individual is already enrolled in District Court Adult Drug Court.
 - The individual is a law enforcement confidential informant.


Community Involvement

105.1.08 The program liaison and any other officer may participate in the following committees- the Policy Coordinating Group and the Case Coordinating Group.

105.1.09 The Policy Coordinating Group is collaboration between the Santa Fe Police Department, the First Judicial District Attorney's Office, the City of Santa Fe, the Public Defender's Office, the Drug Policy Alliance, the New Mexico Criminal Defense Lawyers Association, and the City of Santa Fe Fire Department. The Policy Coordinating group meets to discuss policy issues, program evaluation, funding and service capacity.

105.1.10 The Case Coordinating Group is a collaboration between the Santa Fe Fire Department, case managers, Officers of the Santa Fe Police Department, the First Judicial District Attorney's Office, the Drug Policy Alliance and the Office of the Public Defender. The Case Coordinating Group meets to discuss referral decisions and program participant progress. The Case Coordinating Group partners will use the meetings to share information about program participant's progress and involvement, possible withdrawal of program support from participants who are not making effective use of the program, discuss referral criteria, program capacity, and compliance with protocol. Participants will be asked to sign a waiver allowing the Case Coordinating Group to discuss their particular cases. The First Judicial District Attorney's Office retains the authority to make the final determination of program involvement.

APPROVED: _____


ANDREW PADILLA
Chief of Police

DATE: _____

07/14/20