



# Bernalillo County Sheriff's Office

## Evolution of Law Enforcement Strategies

**From Traditional Policing to Precision Policing:**

Traditional Policing: reactive, uniform, and based on historical data.

Precision Policing: proactive, targeted, and based on real-time data and predictive analytics.

**Key factors in the transition:**

- Increased community engagement and trust.
- Investment in technology and data analysis.
- Shift in mindset from reactive to proactive.

## Adapting Strategies

**Over policing v precision**

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## Legal and Privacy perspectives

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Key considerations include:

- Fourth Amendment (Search and Seizure)
- State Constitution
- Privacy laws (e.g., CCPA)
- Data retention policies

## State's considerations

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Key factors include:

- Public Safety
- Community Engagement
- Transparency
- Accountability

## Retention

**Retention**

Key factors include:

- Statute of Limitations
- Discovery Rule
- Public Access
- Severability

# Evolution of Law Enforcement Strategies

~From Traditional Policing to Precision Policing~

Since the 1950s, advancements in technology have driven significant progress in how law enforcement agencies identify criminal suspects and analyze crime trends.

From CompStat to hotspot policing and intelligence-led approaches, modern strategies increasingly leverage data and analytics to enhance crime prevention and resource allocation.

| Traditional policing   | Intelligence Led policing   |
|--|---|
| <p>Focus: Primarily reactive</p> <p>Approach: Conduct regular patrols</p> <p>Data use: Limited, used for record keeping and tracking past incidents</p> <p>Success Metrics: measured by arrests, response times and volume of citations</p> <p>Strengths: Effective for quickly responding to incidents and visible presence reassures community</p> | <p>Focus: Proactive and data driven</p> <p>Approach: Data and intelligence- sharing and identifying repeat offenders.</p> <p>Data use: Heavy use of data and analytics from several sources</p> <p>Success Metrics: reducing crime rates, effective interdiction and prevented outcomes</p> <p>Strengths: Efficient resource allocation, crime prevention through network disruption.</p> |

~Ethical and moral obligation to address concerns~

Limitations: Less than effective for identifying 'root causes' of crime or identifying criminal trends. Can create a revolving door effect, where the same crime type or offender repeatedly impact our communities

Limitations: Creates concerns surrounding privacy, profiling and community trust if not implemented with **transparency and accountability**.

~This leads us to the question~

How can law enforcement enhance accountability and transparency while staying compliant with federal law and case law, while actively supporting victims and women's rights?

Respect legal and privacy constraints.

Examining our approach.

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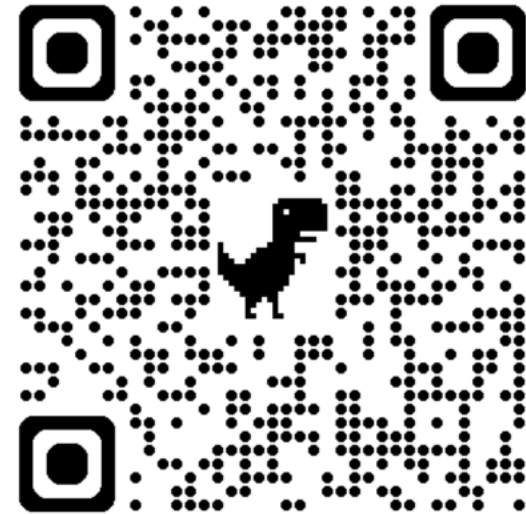
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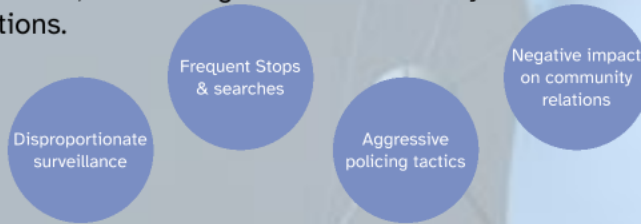
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# Adapting Strategies

## Over policing v precision

Over policing refers to the practice of disproportionately high levels of police presence, surveillance, and enforcement actions in certain communities, often marginalized or minority populations.



## ~Precision Policing~

Law enforcement strategy that aims to focus resources on specific high-risk individuals, locations, and behaviors rather than broad, generalized enforcement across entire communities. This approach uses data and intelligence to "precisely" target the most significant drivers of crime, such as repeat offenders, gang networks, or crime hotspots, with the goal of reducing crime without unnecessary enforcement in low-risk areas.





# Over policing v precision

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Disproportionate surveillance

Frequent Stops & searches

Aggressive policing tactics

Negative impact on community relations

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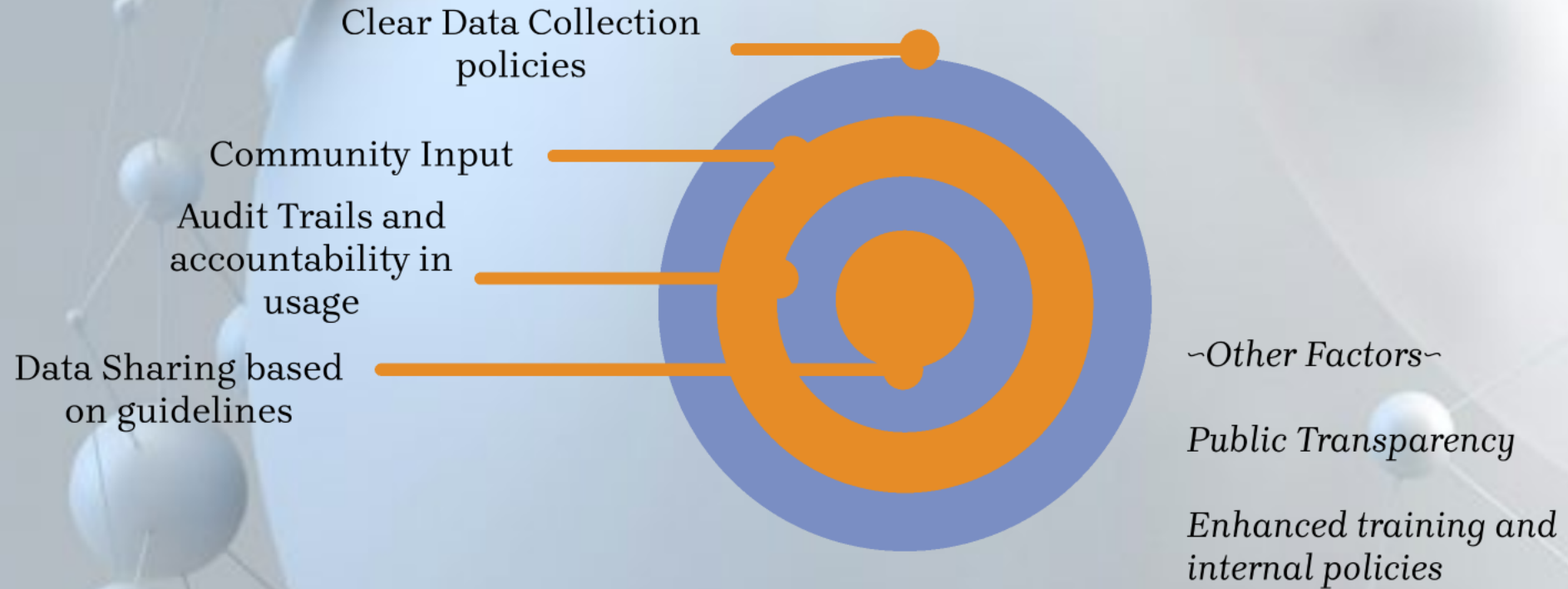
Data driven  
focus

Community  
partnership

Focused  
enforcement

Problem solving  
approach

## Increasing Transparency and Accountability



# Legal and Privacy perspectives

## Overlapping regulations and case law

### Regulations

#### Title 28 CFR Part 23-

*Specifically, it sets standards and guidelines for how information is collected, maintained, and shared within these systems to ensure they are used lawfully and ethically. Providing guidelines for Law Enforcement agencies to operate multijurisdictional criminal intelligence systems.*

#### Privacy Act of 1974-

Protect the privacy of individuals by regulating the collection, maintenance, use, and dissemination of personally identifiable information (PII) by federal agencies. It aims to balance the needs of the government to collect information for its operations with individuals' rights to privacy and control over their personal data.

## Case Law

### Case law

#### United States v. Jones (2012)-

*Not specific to ALPRs', but discussed the use of a physical GPS tracking device placed onto a suspects' vehicle without a search warrant.*

#### U.S. v. Garcia (2018)-

The Ninth Circuit Court of Appeals ruled on the legality of using ALPRs in the context of the Fourth Amendment. The court found that the collection of license plate data through ALPRs, when used to track the movements of a vehicle in public areas, does not constitute a search under the Fourth Amendment because there is no reasonable expectation of privacy in public space regarding license plates.

#### Kyllo v. United States (2001)-

*Not specific to ALPRs', but discussed the use of a thermal imaging devices to monitor a home. Information which would require a search warrant because it should require physical intrusion. Information gathered was not readily available to the public.*

Case law

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Maximum retention is 5 years.

At the end of the retention period records must be purged or revalidated and given a new retention period.

To be retained- submitting agency must determine if person is still reasonably suspected of criminal activity.

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Regulations

# State's considerations



## Governor's Executive Order~ 2022-107

*Protecting Access to Reproductive Health Care Services*

## Bernalillo County~ Sanctuary County (2017)

*Bars the use of County money, resources or personnel from enforcing civil immigration laws.*

## New Mexico Courts

Historically, NM courts have provided greater constitutional protections:

Long standing view- A person travelling in a vehicle on a public roadway has no reasonable expectation of privacy in their movements from one place to another.

There is no distinction currently between a peace officer inputting an actual license plate number into an MVD database or a camera taking a picture and automatically running that plate through a law enforcement database.

## Specific Case law

Maresca v. Bernalillo County~

Deputy Fuentes initiated a traffic stop on a suspected stolen vehicle after mis-typing the license plate into NCIC by one digit. The vehicle was not stolen and inside was a family was returning from a hiking trip.

Disregarding training to double check the NCIC return, the family was detained during a high-risk traffic stop. There were no exigent circumstances which would have precluded not verifying the vehicles' status. This resulted in an excessive use of force District Court case.

## Illinois ALPR data sharing

(625 ILCS 5/2-136):

(b) An ALPR user shall not sell, share, allow access to, or transfer ALPR information to any state or local jurisdiction for the purpose of investigating or enforcing a law that:

(1) denies or interferes with a person's right to choose or obtain reproductive health care services or an lawful health care services as defined by the Lawful Health Care Activity Act; or

(2) permits the detention or investigation of a person based on the person's immigration status.

## Known relationship's

*Violent crimes: (Robbery and aggravated assault) 50-60% of victims do not know their assailant.*

\*Information from the U.S. Bureau of Justice Statistics (BJS), FBI Crime Statistics and National Crime Victim Survey (NCVS)

*Property Crimes: (Burglary and vehicle theft) are most often committed by strangers and the suspect's identity remains unknown in most cases.*

Homicides present varied statistics. In a significant portion of homicides, the victim and assailant have a prior relationship (often in domestic or interpersonal disputes). However, a substantial portion—particularly gang-related or organized crime homicides—involve unknown assailants.



~Factors impacting homicide investigations~

For Homicide cases where the suspect information is not immediately developed, detectives rely on time specific geo-fenced search warrants to obtain CSLI.

This is a lengthy process often taking months to develop potential suspect identity.

~Factors impacting Field Operations~

Since majority of victims do not know their assailant, deputies are left with descriptions and partial plate numbers.

Responding to in progress violent crimes deputies will often stop vehicles resembling those descriptions. In turn leading to over policing our community by contacting uninvolved persons.



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### *ALPR data-*

Must be considered an investigative lead only and vetted through an legitimate law enforcement investigation

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## *Requirements*

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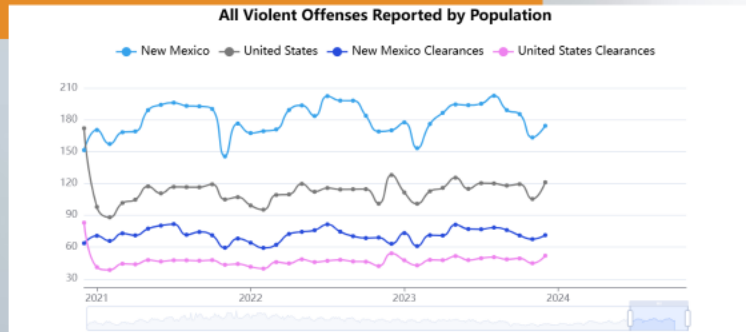
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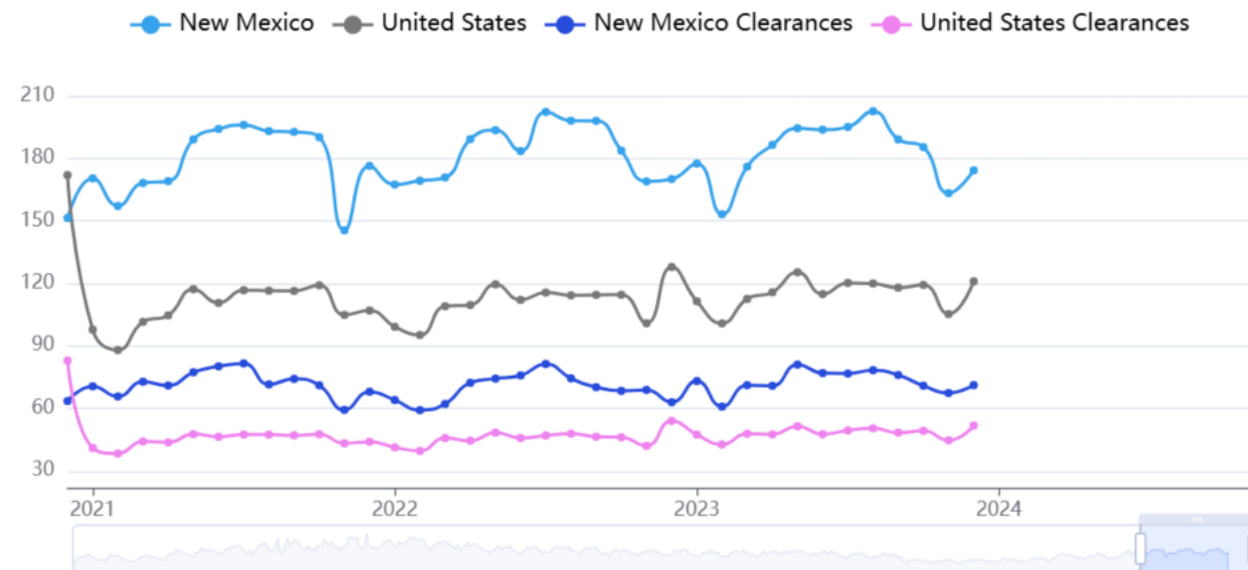
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All Violent Offenses Reported by Population



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# Retention

## **The New Mexico administrative code:**

a. Functional Retention and Disposition Schedule  
(1.21.2 NMAC)

1.21.2.933 EVIDENCE

C. destroy 3 years from the close of the fiscal year  
in which file closed.

1.21.2.938 SURVEILLANCE – LAW ENFORCEMENT

C. Retention- destroy two years from the date file  
closed.

## **TORT claims- NMSA 41-4-15**

a. 2 years after date of occurrence resulting in loss,  
injury or death, except that a minor under the full  
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