

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF: AUTHORIZATION
FOR U. S. PROBATION OFFICERS TO
TRANSPORT DEFENDANTS/OFFENDERS
IN GOVERNMENT VEHICLES

MISC. NO. 08-MC-00004-41

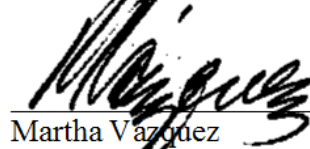
ADMINISTRATIVE ORDER

PURSUANT to the authority conferred by General Services Administration Federal Management Regulation Chapter 102, Subchapter B, Part 102-34.230,

IT IS ORDERED that U. S. Probation Officers are authorized to transport defendants and offenders in government vehicles in furtherance of their official duties subject to compliance with the conditions set forth in the attached policy statement, "District of New Mexico, Transportation of Defendants/Offenders."

DATED in Albuquerque, this 3rd day of December, 2008.

FOR THE COURT:



Martha Vazquez
Chief United States District Judge

Notices

1:08-mc-00004 Administrative Orders

U.S. District Court

District of New Mexico - Version 3.2.1

Notice of Electronic Filing

The following transaction was entered on 12/3/2008 at 1:36 PM MST and filed on 12/3/2008

Case Name: Administrative Orders

Case Number: 1:08-mc-4

Filer:

Document Number: 41

Docket Text:

ADMINISTRATIVE ORDER: Authorizing the Use of Government Vehicles in the Transportation of Defendants/Offenders by U.S. Probation Officers (Attachments: # (1) USPO Transport Policy)(jkb)

1:08-mc-4 Notice has been electronically mailed to:

Jose Cordova jose_cordova@nmcourt.fed.us

Anita Chavez anita_chavez@nmcourt.fed.us

1:08-mc-4 Notice has been delivered by fax to:

1:08-mc-4 Notice has been delivered by USPS to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1167529506 [Date=12/3/2008] [FileNumber=1992920-0] [106876b33c43b1f279eb7e74832fbddb597d85f49ebafcf3145ddd37ee6b533992bdab1ef65acfd19fd907749202d635f10decd95aad528a3885b65e819a4cb]]

Document description: USPO Transport Policy

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1167529506 [Date=12/3/2008] [FileNumber=1992920-1] [577ab3a1f87a79355f0834aa52908c5096a4b099061638773231d67c4a1a04a396ffffaa4cbc133869ef572d1fd286604226a01db24e87c24250d8420f3bd5ca]]

United States Probation Office

District of New Mexico

Transportation of Defendants/Offenders

The U.S. Probation Office has many statutory responsibilities as officers of the Court. The transportation of offenders is not one of those responsibilities. Officers are often placed in a position where transportation of a defendant/offender is imperative to complete a task that may immediately reduce risk to the defendant/offender or danger to the community.

The U.S. Probation Office for the District of New Mexico will provide transportation to defendants/offenders only when ordered by the Court or approved by a supervisor. When ordered by the Court, Probation Officers must discuss the logistics of the transportation with a supervisor before initiating it. Defendants/offenders shall only be transported to destinations ordered by the Court or approved by a supervisor. Where alternative sources are available to provide transportation to the defendant/offender including, but not limited to, family members, defense counsel, other interested parties (such as treatment personnel) or public transportation options, the Court or supervisor may consider these options in lieu of using Probation Office personnel. Requests by defendants/offenders, counsel, family members, or others to provide transportation to offenders/defendants in connection with personal matters unrelated to official Court business should not be undertaken.

Transportation of defendants/offenders will occur only in government vehicles. Officers are not to use personally owned vehicles to transport a defendant/offender unless confronted with an extreme emergency. Other Probation Officers may be called upon to assist with a transport, which may occur outside of normal office hours. Officers may transport individuals who are not defendants or offenders in a government or personal vehicle for official business.

Whenever Probation Officers are responsible for transporting a defendant/offender, safety shall be the first consideration. In assessing the risks involved, officers shall weigh such factors as the defendant/offender's criminal history, drug abuse history, current mental state, amount of time required for the transport, staff availability, and destination. Any transportation that is determined to present an imminent threat to officer safety must not be undertaken, and should immediately be brought to the attention of the judicial officer issuing the transportation order or the approving supervisor. The Chief, Deputy Chief U.S. Probation Officer, or Assistant Deputy Chief U.S. Probation Officer should be consulted on any transportation issue which cannot be resolved through contact with the judicial officer or supervisor.