

PART 1
GENERAL PROVISIONS

10.29.1 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 1 GENERAL PROVISIONS

10.29.1.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10-1-97; 10.29.1.1 NMAC - Rn, 10 NMAC 29.1.1, 7/1/01]

10.29.1.2 SCOPE: All police officers and law enforcement agencies in the state of New Mexico.

[10-1-97; 10.29.1.2 NMAC - Rn, 10 NMAC 29.1.2, 7/1/01]

10.29.1.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-3 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994), NMSA 1978, Section 10-15-1 (Repl. Pamp. 1995), NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-13 (Repl. Pamp. 1994), NMSA 1978, Section 40-5A-1 to 40-5A-13 (Cum. Supp. 1996)

[10-1-97; 10.29.1.3 NMAC - Rn, 10 NMAC 29.1.3, 7/1/01]

10.29.1.4 DURATION: Permanent

[10-1-97; 10.29.1.4 NMAC - Rn, 10 NMAC 29.1.4, 7/1/01]

10.29.1.5 EFFECTIVE DATE: October 1, 1997

[10-1-97; 10.29.1.5 NMAC - Rn, 10 NMAC 29.1.5, 7/1/01]

10.29.1.6 OBJECTIVE: The objective of part 1 is to establish procedures and policies for conducting meetings of the law enforcement academy board, establish criteria for admission to the law enforcement academy consistent with statutory requirements for certification, identify grounds for the suspension, revocation or denial of certification consistent with statutory requirements, establish administrative procedures for the denial, suspension or revocation of a police officer's certification, requires Parental Responsibility Act compliance and identifies the appropriate procedures in the event of non compliance.

[10-1-97; 10.29.1.6 NMAC - Rn, 10 NMAC 29.1.6, 7/1/01]

10.29.1.7 DEFINITIONS:

- A. "HSD" means the New Mexico human services department.
- B. "Statement of compliance" means a certified statement from HSD stating that an applicant certified police officer is in compliance with a judgment and order for support; and
- C. "Statement of non-compliance" means a certified statement from HSD stating that an applicant or certified police officer is not in compliance with a judgment and an order for support.
- D. "Moral turpitude" means any criminal act done contrary to justice, honesty, or with disregard to one's responsibilities to society in general.

[10-1-97; 10.29.1.7 NMAC - Rn, 10 NMAC 29.1.7, 7/1/01; A, 12/14/04]

10.29.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT ACADEMY BOARD

A. Duties of officers

(1) The attorney general shall serve as the chairman of the board and shall preside at all meetings and shall be charged with the responsibility of preserving order and decorum and enforcing these regulations. The chairman shall execute all of those duties commonly performed by a presiding officer.

(2) The vice-chairman shall act in the capacity of chairman in the absence or unavailability of the chairman.

B. Election of officers - The board shall elect a vice-chairman at the first meeting of the board during each calendar year.

C. Academy director - The director of the law enforcement academy shall be appointed by the board pursuant to NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994).

(1) The director shall be the chief executive officer of the academy, and as such, employ necessary personnel; act as executive secretary to the board; issue appropriate certificates to graduates of the academy; and perform all other acts necessary and appropriate to carry out his duties. He shall supervise the operation of the academy as its chief executive officer and shall administer the agency subject to the direction of the board through its official proceedings. He shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(2) The board may direct the director to implement, carry out, or finalize a particular policy or agreement. When the board has so directed; the director is authorized to sign for the board those contracts and other documents customarily signed by the chairman and secretary of the board.

(3) As secretary of the board, the director is responsible for the review and certification of the minutes of the board.

D. Meetings - Regular meetings of the board will be held at least four times a year at a time and place to be designated by the chairman.

(1) A majority of the board members present shall constitute a quorum for the transaction of business at any regular or emergency meeting. The transaction of the board's business shall be by the vote of the majority of its members present at the meeting. The chairman may vote on any item of business before the board.

(2) If a number of board members less than a quorum shall assemble for any meeting, they may postpone or adjourn that meeting until such time as a quorum can be obtained and notice again given in accordance with the rules herein set forth.

(3) If prior to the commencement of a regular or emergency meeting, the director has received notices that the majority of the members of the board will not be able to attend the meeting, the director may cancel the meeting and is instructed to attempt to give notice of cancellation of the meeting to all board members and the news media.

(4) All meetings of the board shall be open to the public except that the board may exclude the public for the portion of the meeting in which the subject matter being discussed in an adjudicatory matter, a personnel matter or the issuance, suspension, renewal or revocation of a license.

(5) The board may request that persons having business before the board, in addition to providing written information for the board to review, appear personally before the board to discuss their item of business.

(6) The order of business of the board at regular meetings shall be as follows:

- (a) roll call
- (b) approval of agenda
- (c) approval of minutes
- (d) old business
- (e) new business
- (f) designation of place of next meeting
- (g) adjournment

(7) The director shall prepare an agenda for each meeting and shall be guided in his preparation of his agenda by consultation with members of the board and his staff.

(8) The agenda of any regular meeting may be modified and additional matters added by a majority vote of the members of the board present at the meeting.

(9) The agenda for an emergency meeting shall specify the items of business to be considered by the board at that meeting. No business other than that specifically stated on the agenda for that emergency meeting shall be considered. The subject matter to be considered at any emergency meeting shall be included in that notice given by the director to the members of the board as required in these regulations.

(10) All meetings shall be called to order and business of the meeting conducted by the chairman of the board, or in his absence, the vice-chairman. Should both the officers of the board be absent from the meeting, if a quorum is present, the board shall designate one of its members to assume the responsibilities of the chairman for that meeting.

(11) The board shall conduct its meetings in a manner consistent with accepted parliamentary procedure. In the event a question as to the proper method of procedure arises in any meeting, the chairman is vested with authority to resolve such question and his decision shall be final.

(12) The director shall mail to all board members at least one week prior to the regular meeting date, a copy of the agenda for the regularly scheduled meeting, any documents or other items of information that may assist the board members in preparing for the upcoming meeting, and a copy of all petitions received by the board.

(13) The minutes of each board meeting shall contain the names of the board members present at the meeting, a general description of the subject matter of the items discussed by the board, the wording of all motions before the board and the votes of the board on every item of business dispensed with by vote. The director or his staff are directed to compile the minutes of the meeting from stenographic notes of the meeting, a tape recording of the meeting, or both. After the board approves the minutes of the meeting, the stenographic notes or tape recording of the meeting may be destroyed. The approved minutes of a meeting shall constitute the official record of business transacted at the meeting. The approved minutes of the board meeting shall be preserved in a book of minutes and shall be available for public inspection during normal working hours.

(14) Petitions, contracts, or other documents on which the board takes action during a meeting shall be marked as exhibits in the minutes of the meeting and either preserved in the book of minutes or in a separate book of exhibits.

E. Petitions

(1) All persons, other than members of the board or its director, desiring to place before the board any item of business for the board's consideration shall do so by submitting to the director as early as possible, and no later than eight (8) days in advance of the regular meeting, a written petition containing:

(a) a request that the item of business be placed on the agenda of the next regularly scheduled meeting;

(b) a description of the general subject matter of the item of business;

(c) the action that the petitioner desires the board to take on the item of business; and

(d) the reason why the petitioner feels the action proposed by the petitioner is appropriate.

(2) The director must place any item of business requested by a timely petition on the agenda of the next regular meeting and notify by mail the petitioner of the time, date and place of the meeting.

(3) All petitions received by the director shall remain on file in the office of the board and subject to public inspection.

F. Regulations

(1) The board may alter and amend these regulations from time to time as it deems necessary. The board may, by a unanimous vote, waive any provision of these regulations when it feels it is in the public interest to do so. Alteration or amendment of these regulations may be accomplished by a majority vote of the board.

(2) The board may direct the director to develop proposals for such other regulations and guidelines as it feels are necessary for the fair and orderly conduct of the board's responsibilities. Where it is appropriate, rules, regulations, and guidelines of the board shall only be adopted after public hearings for which appropriate notice of not less than thirty (30) days has been given.

G. Miscellaneous - In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday or Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. For purposes of this rule, a legal holiday shall include any day during which state offices are closed for any consecutive period of three (3) hours or more between 8:00 a.m. and 5:00 p.m.

[5-29-76, 3-15-80, 10-1-97; 10.29.1.8 NMAC - Rn, 10 NMAC 29.1.8, 7/1/01]

10.29.1.9 OPEN MEETINGS GUIDELINES

A. Authority - As Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 through 10-15-4 (Repl. Pamp. 1995) states that, except as may be otherwise provided in the constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, commission, or other policy-making body of any state agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times. Any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and Section 10-15-1(D) of the Open Meeting Act requires the New Mexico

law enforcement academy board to determine annually what constitutes reasonable notice of its public meetings. The following regulation is hereby made and adopted by the New Mexico law enforcement academy board. A member of the New Mexico law enforcement academy board may participate in a meeting of the board by conference telephone or other means of communication when it is otherwise difficult or impossible for the member to attend the meeting.

B. Notice

(1) Regular meetings of the New Mexico law enforcement academy board shall ordinarily be held quarterly at a time and place designated in the notice. A proposed agenda will be available during the week before the meeting from the New Mexico law enforcement academy board secretary whose office is located at 4491 Cerrillos Road, Santa Fe, New Mexico. Notice of regular meetings will be given ten (10) days in advance of the meeting date.

(2) Special meetings of the New Mexico law enforcement academy board may be called by the chairman or a majority of the members upon three (3) days notice.

(3) Emergency meetings of the New Mexico law enforcement academy board are meetings called under circumstances which demand immediate action by the New Mexico law enforcement academy board. Although the New Mexico law enforcement academy board would avoid emergency meetings whenever possible, such circumstances may occasionally arise. Emergency meetings of the New Mexico law enforcement academy board may be called by the chairman or a majority of the members upon twenty-four (24) hours notice.

(4) For the purposes of regular meetings described in Paragraph 1 of Subsection B of 10.29.1.9 NMAC, notice requirements are met if notice of the date, time, place, and general subject matter to be discussed is placed in newspapers of general circulation in the state. The New Mexico law enforcement academy board secretary shall also mail copies of the written notice to those broadcast stations licensed by the federal communications commission and newspapers of general circulation which have made a written request of the New Mexico law enforcement board for notice of public hearings.

(5) For the purposes of special meetings and emergency meetings, notice requirements shall be met by posting notices in the offices of the New Mexico law enforcement academy board secretary. The New Mexico law enforcement academy board secretary shall provide telephonic notices to those broadcast stations licensed by the federal communications commission and newspapers of general circulation that have made a written request of the New Mexico law enforcement academy board for notice of public meetings.

C. Closed meetings - Pursuant to NMSA 1978, Section 10-15-1(H), the New Mexico law enforcement academy board may close a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings Act, NMSA 1978, Section 10-15-1 to 10-15-4 (Repl. Pamp. 1995). If any New Mexico law enforcement academy board meeting is closed pursuant to Section 10-15-1(H), such closure:

(1) if made in an open meeting, shall be approved by a majority vote of a quorum of the New Mexico law enforcement academy board and authority for the closure shall be stated in the motion calling for the vote on a closed meeting; the vote on a closed meeting shall be taken in an open meeting and the vote of each individual member is to be recorded in the minutes; only those subjects announced or voted upon prior to closure by the New Mexico law enforcement academy board may be discussed in a closed meeting; and

(2) if called for when the New Mexico law enforcement academy board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the

circumstances, stating the specific provision of law authorizing the closed meeting is given to the members and to the general public.

[5-29-76, 7-20-90, 10-1-97, 1-1-98; 10.29.1.9 NMAC - Rn, 10 NMAC 29.1.9, 7/1/01]

10.29.1.10 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY

A. Qualifications for police officer admission - In accordance with those qualifications enumerated under NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994), the director shall reject applicants for admission to the academy if, after investigation, it is determined that the applicant does not meet the following criteria:

- (1) citizenship and age requirements as set forth in NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994);
- (2) holds a United States high school diploma or its equivalent;
- (3) holds a valid drivers license;
- (4) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge, or within the three year period immediately preceding his/her application, to any violation of any federal law or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
- (5) is found, after examination by a licensed physician, to be free from any physical condition which might adversely affect their performance as police officers or prohibit them from successfully completing prescribed basic law enforcement training required by the Law Enforcement Training Act;
- (6) is found, after examination by a certified psychologist, to be free of any emotional or mental condition which might adversely affect their performance as police officers or prohibit them from successfully completing prescribed basic law enforcement training required by the Law Enforcement Training Act;
- (7) is found to be of good moral character and has not committed any acts constituting dishonesty or fraud; and
- (8) is found not to have committed any other acts which would be grounds for denial, revocation, or suspension of certification under the provision of 10.29.1.11 NMAC.

B. Qualifications for telecommunicator admission - In accordance with those qualifications enumerated under NMSA 1978, Section 29-7C-3, the director shall reject applicants for admission to the academy if, after investigation, it is determined that the applicant does not meet the following criteria:

- (1) United States citizenship or legal resident and age requirements as set forth in NMSA 1978, Section 29-7C-3;
- (2) holds a United States high school diploma or its equivalent from an accredited institution;
- (3) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge, or within the three year period immediately preceding his/her application, to any violation of any federal law or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;

(4) is found to be of good moral character and has not committed any acts constituting dishonesty or fraud; and

(5) is found not to have committed any other acts which would be grounds for denial, revocation, or suspension of certification under the provision of 10.29.1.11 NMAC; and

(6) has been examined by a certified technician and have no uncorrected hearing loss in either ear of greater than 25db at 500, 1000, 2000 Hz, and no more than a 20db loss in the better ear by audiometry, using ANSI (1969) standards.

C. Status - Applicants shall be appraised by the director of the status of their application and any deficiencies therein, in writing, as soon as possible. If an applicant is denied admission, the written notification shall include an explanation of the specific facts and circumstances upon which the decision is based. Decisions of the director may be appealed to the board. The appeals procedures provided for in 10.29.1.13 NMAC through 10.29.1.15 NMAC shall be utilized in the event an appeal is filed under this section.

[4-15-93, 10-1-97, 1-1-99; 10.29.1.10 NMAC - Rn, 10 NMAC 29.1.10, 7/1/01; A, 01/01/04; A, 1/15/09]

10.29.1.11 GROUND FOR DENIAL, REVOCATION OR SUSPENSION OF POLICE OFFICER OR TELECOMMUNICATOR CERTIFICATION; REPORTING REQUIREMENTS

A. Authority - In accordance with the provisions of the Law Enforcement Training Act, NMSA 1978, Section 29-7-13 (Repl. Pamp. 1994), the director may seek to deny, suspend or revoke a police officer's certification, if after investigation, and consultation with the employing agency, it is determined that a police officer has failed to comply with the provisions of the Law Enforcement Training Act concerning qualifications for certification as a police officer in the state of New Mexico.

B. Grounds for police officer - The following conduct by a certified police officer may constitute grounds for denial, suspension or revocation of certification under this rule:

(1) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any felony charge;

(2) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude;

(3) making false statements or giving any false information to the academy in connection with an application for admission/certification;

(4) committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affects an officers ability to exercise the duties of a certified law enforcement officer; and

(5) committing acts of violence or brutality which indicate that the officer has abused the authority granted to him or her as a commissioned law enforcement officer in the state of New Mexico;

(6) is found to have committed acts which would be grounds for denial of application for admission under 10.29.1.10 NMAC.

C. Grounds for telecommunicator - The following conduct by a certified telecommunicator may constitute grounds for denial, suspension or revocation of certification under this rule:

- (1) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any felony charge;
- (2) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude;
- (3) making false statements or giving any false information to the academy in connection with an application for admission/certification;
- (4) committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affects a telecommunicator's ability to exercise the duties of a certified telecommunicator; and
- (5) committing acts which indicate that the telecommunicator has abused the authority granted to a certified telecommunicator in the state of New Mexico;
- (6) is found to have committed acts which would be grounds for denial of application for admission under 10.29.1.10 NMAC.

D. Reports - Any agency employing a certified law enforcement officer or telecommunicator who has committed any act or acts identified in Subsection B or C of 10.29.1.11 NMAC shall report such conduct to the director within thirty (30) days of completing an investigation confirming the alleged misconduct. In every case, alleged misconduct shall be reported to the director if an investigation is ongoing ninety (90) days after the agency receives the initial report of misconduct. An officer or telecommunicator's resignation or termination from employment does not relieve the agency from its duty to file a misconduct report with the academy. All incidents of misconduct shall be reported when a certified officer or telecommunicator is in violation of 10.29.1.11 NMAC. Law enforcement agencies should undertake a timely and thorough investigation to determine whether an allegation of misconduct has been sustained. For the purposes of this section, "misconduct" is defined as any act listed under section 10.29.1.11 NMAC, even if that act results in termination or resignation. The director will establish a reporting form to be used in reporting misconduct. An agency's delay or failure to report misconduct does not divest the board of jurisdiction to take action under Section 29-7-13 NMSA 1978 and Section 29-7C-9 NMSA 1978.
[4-11-93, 10-1-97, 1-1-99; 10.29.1.11 NMAC - Rn, 10 NMAC 29.1.11, 7/1/01; A, 01/01/04; A, 06/17/10]

10.29.1.12 PROCEDURES FOR DENIAL, SUSPENSION OR REVOCATION OF POLICE OFFICER OR TELECOMMUNICATOR CERTIFICATION

A. Procedures - In those instances where the director contemplates taking any action to deny, revoke, or suspend a police officer's or telecommunicator certification under 10.29.1.11 NMAC, the affected individual shall be served with notice of the proposed action to be taken. Such notice shall contain:

- (1) a concise statement of what the contemplated action is;
- (2) a description of the acts for which the denial, suspension, or revocation is sought;
- (3) a general explanation of the evidence the director has; and
- (4) a statement that the affected individual has seven (7) calendar days from receipt of the notice to respond in writing to the notice or to request an opportunity for oral response.

B. Response

(1) If a request for an oral response to the notice of contemplated action is made, the director shall meet with the police officer or telecommunicator within fourteen (14) calendar days of receipt of such request unless the parties agree to an extension.

(2) A police officer or telecommunicator served with a notice of contemplated action pursuant to this section may choose a representative to respond orally or in writing on his or her behalf.

C. Notice - The director shall serve the affected officer or telecommunicator with a written notice of final decision no later than forty-five (45) calendar days after service of the notice of contemplated action. The notice of final decision shall contain:

(1) a declaration of the final position to be taken by the director before the academy board;

(2) a statement of acts which the director believes justifies denial, revocation or suspension of the certification;

(3) a general explanation of the evidence in the possession of the director; and

(4) notice to the police officer or telecommunicator that the director's final decision is to be presented before the law enforcement academy board in accordance with those procedures set forth in 10.29.1.13 NMAC.

[4-11-93, 10-1-97; 10.29.1.12 NMAC - Rn, 10 NMAC 29.1.12, 7/1/01; A, 01/01/04]

10.29.1.13 PROCEEDINGS FOR DENIAL, REVOCATION, OR SUSPENSION BEFORE THE LAW ENFORCEMENT ACADEMY BOARD; PROCEDURE

A. All actions contemplated by the director to deny, suspend or revoke a police officer's or telecommunicator's certification shall be brought before the law enforcement academy. The officer or telecommunicator may secure a hearing before the board if the board receives within thirty (30) calendar days from the receipt of the director's notice of final decision, a request for hearing. Such request shall be made in writing and shall be addressed to the board. The request may be either personally served upon the director on behalf of the board or sent by registered letter to the New Mexico law enforcement academy. If the police officer or telecommunicator does not mail a request for hearing within the time and in the manner required by this rule, the board may take the action contemplated by the director and such action shall be considered final.

B. The board may appoint a hearing officer to receive testimony and make recommendations therein to the board.

C. Neither an appointed hearing officer nor any member of the board shall participate in any adjudicatory proceeding if, for any reason, the hearing officer or board member cannot afford a fair and impartial hearing to the parties.

D. Either of the parties may seek to disqualify the designated hearing officer or particular board members from hearing the appeal if within ten (10) calendar days of receipt of the scheduling order required by Subsection J of 10.29.1.13 NMAC below, an affidavit of disqualification is filed with the board, which states with particularity the specific reasons for refusal.

E. The board or designated hearing officer shall rule on motions of disqualification and no interlocutory appeal of the decision shall be permitted.

F. Parties are not to discuss the merits of any pending adjudicatory proceeding with members of the board or a designated hearing officer unless both parties or their respective representatives are present.

G. The police officer or telecommunicator, within ten (10) calendar days after filing the request for hearing, shall file with the board a concise statement of the issues upon which he or she wishes to be heard and a concise statement setting forth the factual ground and authorities upon which the officer relies.

H. Within ten (10) calendar days after the filing of the police officer's or telecommunicator's statement and brief the director shall file an answer with the board, stating the justification for his decision and any authorities in support therein.

I. Pre-hearing motions shall not be accepted by the board or designated hearing officer. The parties may engage in discovery limited to interrogatories, requests for production, and requests for admission.

J. Within twenty (20) calendar days of receipt of the statements and briefs, the board or designated hearing officer shall issue to the parties a scheduling order establishing deadlines for completion of discovery and a hearing date. Hearings shall be conducted within ninety (90) calendar days of the date of filing of the request for hearing.

K. The parties shall file a list of witnesses and a brief description of their testimony and all exhibits to be introduced at the hearing with the board or the designated hearing officer at least ten (10) calendar days in advance of the designated hearing date.

L. Extensions of time shall be granted in the discretion of the hearing officer or the board.

[4-11-93, 7-29-93, 10-1-97, 1-1-99; 10.29.1.13 NMAC - Rn, 10 NMAC 29.1.13, 7/1/01; A, 01/01/04; A, 1/15/09]

10.29.1.14 HEARINGS BEFORE THE LAW ENFORCEMENT ACADEMY BOARD; PROCEDURES

A. Hearings conducting pursuant to this rule shall be open to the public unless the parties agree that it shall be closed. Hearings shall be conducted at a place selected by the board or designated hearing officer.

B. A party may appear through a representative, provided that such representative has made a written entry of appearance prior to the hearing date.

C. The board or designated hearing officer shall conduct the hearing in an orderly and informal manner without adherence to the rules of evidence required in judicial proceedings.

D. Oral evidence shall be taken only under oath or affirmation.

E. The board or designated hearing officer may admit all evidence, including affidavits, if it is the sort of evidence upon which responsible persons are accustomed to rely on in the conduct of serious affairs. Immaterial, irrelevant, or unduly cumulative evidence shall be excluded.

F. Rules of privilege shall be effective to the extent that they are required to be recognized in civil actions in the district courts of the state of New Mexico.

G. The board or designated hearing officer may utilize their experience, technical competence, and specialized knowledge in the evaluation of evidence presented to them. Administrative notice may be taken as to those matters which courts of this state take judicial notice.

H. The hearing shall be recorded either by stenographic means or by a sound recording device. All evidence received during the course of the hearing shall be made part of the formal recording. The record of proceedings shall be maintained by the law enforcement academy staff in Santa Fe and copies shall be made available to the parties.
[4-11-93, 10-1-97; 10.29.1.14 NMAC - Rn, 10 NMAC 29.1.14, 7/1/01]

10.29.1.15 DECISIONS OF THE BOARD; PROCEDURES

A. After the hearing has concluded the board shall consider the evidence presented and shall render their decision within ninety (90) calendar days.

B. In the event that a hearing officer has been appointed, the hearing officer shall prepare and transmit to the board a recommended decision within thirty (30) calendar days of the completion of the hearing. The hearing officer shall serve a copy of the recommended decision to the parties by certified mail with return receipt requested. Upon receipt, the parties may within ten (10) calendar days file a statement of objections to the recommended decision with the board. The board, within sixty (60) calendar days of receipt of the recommended decision, shall consider the recommended decision submitted by the hearing officer and any objections filed by parties and either reject or accept the recommended decision. No additional oral arguments by the parties shall be allowed. If the board rejects the hearing officer's recommended decision, particularly when the credibility of a witness is at issue, it shall review at least as much of the record as is necessary to support its decision.

C. After a decision of the board is rendered, the board shall serve upon the parties a written copy of the decision by registered mail with return receipt requested. Decisions of the board shall at a minimum contain findings of fact, conclusions of law, and an order based on their determinations.

[4-11-93, 10-1-97, 1-1-99; 10.29.1.15 NMAC - Rn, 10 NMAC 29.1.15, 7/1/01]

10.29.1.16 METHOD OF SERVICE NOTICE; PROCEDURES

A. Any notice required by board rule 10.29.1.15 NMAC may be served upon the police officer or telecommunicator at his or her last known address, either by hand delivery by an officer authorized by law to serve process or by certified mail with return receipt requested.

B. Service of notice is complete when the notice is:
(1) hand delivered; or
(2) deposited with the United States postal service by certified mail with return receipt requested, properly stamped and addressed to the last address provided by the officer.
[4-11-93, 10-1-97; 10.29.1.16 NMAC - Rn, 10 NMAC 29.1.16, 7/1/01; A, 01/01/04]

10.29.1.17 COMPUTATION OF TIME

A. Computation - In computing any period of time prescribed or allowed by board rule 10.29.1.12 NMAC, 10.29.1.13 NMAC, 10.29.1.15 NMAC, the day of the act from which this period of time begins to run shall not be included. The last calendar day of the time period shall be included in the computation.

(1) The last calendar day of the time period shall be included unless it is a Saturday, Sunday or a day on which a legal holiday is observed. In such case, the period of time runs to the close of business on the next regularly scheduled work day.

(2) [Reserved]

B. Response - When a notice or paper is served by mail, the person receiving notice shall have three (3) additional calendar days from the date of mailing in which to respond to those matters contained in the notice or paper.

[4-11-93, 10-1-97, 1-1-99; 10.29.1.17 NMAC - Rn, 10 NMAC 29.1.17, 7/1/01]

10.29.1.18 PARENTAL RESPONSIBILITY ACT COMPLIANCE

A. Disciplinary action - If an applicant, certified police officer or certified telecommunicator is not in compliance with a judgment and order for support, the law enforcement academy board:

- (1) shall deny an application for certification;
- (2) has grounds for suspension or revocation of a police officer's or telecommunicator's certification.

B. Certified list - Upon receipt of human services division's certified list of obligors not in compliance with a judgment and order for support, the law enforcement academy board shall match the certified list against the current list of certified police officers, and certified telecommunicators and applicants for certification. Upon the later receipt of an application for certification, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to human services division the names of board applicants, certified police officers and certified telecommunicators who are on the certified list and the action the board has taken in connections with such applicants and licensees.

C. Initial action - Upon determination that an applicant, certified police officer or telecommunicator appears on the certified list, the board shall:

- (1) commence a formal proceeding under Subsection D of 10.29.1.18 NMAC to take the appropriate action under Subsection A of 10.29.1.18 NMAC, or
- (2) for current certified peace officers or certified telecommunicators only, informally notify the police officer or telecommunicator that his/her name is on the certified list, and that the licensee must provide the director with a subsequent statement of compliance from HSD within thirty (30) days of receipt of the notice from the director. If the certified police officer or certified telecommunicator fails to provide this statement, the director shall commence a formal proceeding under Subsection D of 10.29.1.18 NMAC.

D. Notice of final decision - Prior to taking any action specified in Subsection A of 10.29.1.18, the director shall serve upon the applicant, certified police officer or certified telecommunicator a written notice stating that:

- (1) the director has grounds to bring such an action before the law enforcement academy board, and that the director shall take such action unless the applicant, certified police officer or certified telecommunicator:
 - (a) mails a letter (certified mail return receipt requested) within thirty (30) days after service of the notice requesting a hearing; or
 - (b) provides the director, within thirty (30) days of the date of the notice, with a statement of compliance from HSD; and
- (2) if the applicant, certified police officer or certified telecommunicator disagrees with the determination of non-compliance, or wishes to come into compliance the applicant, certified police officer or certified telecommunicator should contact the HSD child support enforcement division.

E. Evidence and proof - In any hearing under this section, relevant evidence is limited to the following:

- (1) a statement of non-compliance is conclusive evidence that requires the board to take the appropriate action contemplated under Subsection A of 10.29.1.18 NMAC, unless;
- (2) the applicant, certified police officer or certified telecommunicator provides the board with a subsequent statement of compliance which shall preclude the board from taking any action under this section.

F. Order - When a disciplinary action is taken under this section solely because the applicant, certified police officer or certified telecommunicator is not in compliance with a judgment and order for support, the order shall state that the application or certification shall be reinstated upon presentation of a subsequent state of compliance.

G. Procedures - Proceedings under this section shall be governed by the provision of NMSA 1978, Section 29-7-13B (Repl. Pamp. 1994) and 10.29.1.14 NMAC.
[12-7-95, 10-1-97; 10.29.1.18 NMAC - Rn, 10 NMAC 29.1.18, 7/1/01; A, 01/01/04]

HISTORY OF 10.29.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #1, Regulations, Policies, And Procedures For Conducting The Business Of The Law Enforcement Academy Board, filed 2-14-80; Rule #1, Regulations, Policies, And Procedures For Conducting The Business Of The Law Enforcement Academy Board, filed 12-6-83; NMLEA Rule #A1, Regulations, Policies, And Procedures For Conducting The Business Of The Law Enforcement Academy Board, filed 3-10-89; NMLEA Rule #A1, Regulations, Policies, And Procedures For Conducting The Business Of The Law Enforcement Academy Board, filed 12-31-92; NMLEA Rule #7, Open Meeting Guidelines, filed 2-14-80; NMLEA Rule #A2, Open Meeting Guidelines, filed 3-10-89; NMLEA Rule #A2, Open Meeting Guidelines, filed 6-20-90; NMLEA Rule #12, Decertification, filed 2-14-80; NMLEA #A3, Decertification, filed 3-10-89; NMLEA Rule #A3, Qualifications For Admission To The Academy; filed 3-11-93; NMLEA Rule #A3, Qualifications For Admission To The Academy; filed 3-15-93; NMLEA Rule #A3, Qualifications For Admission To The Academy; filed 6-29-93; NMLEA Rule #A4, Grounds For Revocation Or Suspension Of Police Officer Certification; Reporting Requirements, filed 3-11-93; NMLEA Rule #A4, Grounds For Revocation Or Suspension Of Police Officer Certification; Reporting Requirements, filed 6-29-93; NMLEA Rule #A5, Procedures For Suspension Or Revocation Of Police Officer Certification, filed 3-11-93; NMLEA Rule #A5, Procedures For Denial, Suspension Or Revocation Of Police Officer Certification, filed 6-29-93; NMLEA Rule #A6, Disposition Of Appeals Before The Law Enforcement Academy Board, filed 3-11-93; NMLEA Rule #A6, Proceedings For Denial, Revocation Or Suspension Before The Law Enforcement Academy Board, filed 6-29-93; NMLEA Rule #A7, Hearing Before The Law Enforcement Academy Board, filed 3-11-93; NMLEA Rule #A7, Hearings Before The Law Enforcement Academy Board, filed 6-29-93; NMLEA Rule #A8, Decisions Of The Board, filed 3-11-93; NMLEA Rule #A9, Method Of Serving Notice, filed 3-11-93; NMLEA Rule #A10, Computation Of Time, filed 3-11-93; NMLEA Rule #A11, Parental Responsibility Act Compliance, filed 11-7-95.

History of Repealed Material: [RESERVED]

PART 2

FINANCIAL

10.29.2 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 2 FINANCIAL

10.29.2.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10-1-97; 10.29.2.1 NMAC – Rn, 10 NMAC 29.2.1, 7/1/01]

10.29.2.2 SCOPE: All law enforcement agencies in New Mexico (state, county, municipal or other local governments, associations and other groups).

[10-1-97; 10.29.2.2 NMAC – Rn, 10 NMAC 29.2.2, 7/1/01]

10.29.2.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-12 (Repl. Pamp. 1994)

[10-1-97; 10.29.2.3 NMAC – Rn, 10 NMAC 29.2.3, 7/1/01]

10.29.2.4 DURATION: Permanent

[10-1-97; 10.29.2.4 NMAC – Rn, 10 NMAC 29.2.4, 7/1/01]

10.29.2.5 EFFECTIVE DATE: October 1, 1997

[10-1-97; 10.29.2.5 NMAC – Rn, 10 NMAC 29.2.5, 7/1/01]

10.29.2.6 OBJECTIVE: The purpose of part 2 is to establish guidelines for use of academy facilities, fees for use of facilities and services offered by the academy and procedures for their collection.

[10-1-97; 10.29.2.6 NMAC – Rn, 10 NMAC 29.2.6, 7/1/01]

10.29.2.7 DEFINITIONS: [Reserved]

10.29.2.8 USE OF FACILITIES; OTHER ORGANIZATIONS; CHARGES

A. Guidelines

(1) The following guidelines are established for use in connection with handling requests for the use of the department of public safety training center building and facilities. Please allow sufficient time for arrangements to be made for the facilities requested. The request shall be made in writing. Use of the training center building and facilities will be confined to the following:

- (a) Official state agencies and institutions for official purposes;
- (b) Official county, city, or municipal agencies for official purposes and specifically to include the New Mexico municipal league and association of counties;
- (c) The New Mexico sheriffs' and police officers' association;
- (d) The New Mexico sheriffs' association;
- (e) The New Mexico mounted patrol;
- (f) Other law enforcement related associations or activities; and

- (g) Other groups, agencies, and activities in the discretion of the director.
- (2) Other requests not specifically mentioned or included above will be considered.
- (3) A fee will be charged for the use of the facilities.
- (4) The fee is subject to change and quotes will be provided upon request.
- (5) Any organization requesting services which are not utilized will be obligated to pay for all services requested unless written notification of cancellation is made at least five (5) days prior to the date of services.
- (6) All requests are contingent upon available facilities and compatibility with the training center's functions.
- (7) The department of public safety training and recruiting division director may cancel the use of training center facilities fifteen (15) days prior to scheduled date if circumstances warrant such cancellation.

B. Charges for Services

- (1) There will be a fee established for all services rendered by the training and recruiting division.
- (2) The fee will cover training costs, rooms, board, and facilities provided by the training center.
- (3) The fee schedule shall be maintained by the director of the training center.
- (4) Said fee shall be subject to change without notice.
- (5) The director of the training center may raise said fee at any time.
- (6) Any increase shall take effect immediately.
- (7) All increases shall be subject to the approval or disapproval of the academy board at its next meeting.

C. Charges for Dormitory Usage Only

- (1) The following policy is hereby established for use of the department of public safety training and recruiting division dormitory by non-students.
- (2) Use of the training center's dormitory by non-students shall be at the discretion of the director of the department of public safety training and recruiting division.
- (3) If permission is granted for use of the dormitory facilities by a non-student, a fee of \$15.00 per day will be charged. The fee shall be paid to the department of public safety training and recruiting division.
- (4) Any exceptions to the above can be made by the director of the department of public safety training and recruiting division.

[3-15-80, 4-11-89, 10-1-97; 10.29.2.8 NMAC – Rn, 10 NMAC 29.2.8, 7/1/01]

10.29.2.9 ACCOUNTS AND COLLECTIONS - INVOICES; PAYMENTS

- A. Department of public safety will submit invoices to each agency whose personnel have attended all or part of a basic or specialized training course. The notices of payment due will be mailed no later than seven (7) days after the training course terminates.
- B. If payment is not received within thirty (30) days from the date of the invoice, the department of public safety will send a second notice by certified, return receipt mail, to delinquent agencies.
- C. If payment is still not received after fifteen (15) days from the mailing of the second notice, said debts will be referred to the proper authorities for collection. The department of public safety training and recruiting division may also refuse to accept or certify further

New Mexico Department of Public Safety Training Center
4491 Cerrillos Road, Santa Fe, New Mexico 87507
(505) 827-9251—(877) 237-7532 (NM Only) —Fax: (505) 827-3449— <http://nmlea.dps.state.nm.us/>

personnel from such departments until all debts to the department of public safety are paid in full.

D. Payment in advance from continually delinquent agencies or departments or from those who have been referred for collection may be required in the discretion of the director of the training and recruiting division.

[3-15-80, 4-11-89, 10-1-97; 10.29.2.9 NMAC – Rn, 10 NMAC 29.2.9, 7/1/01]

HISTORY OF 10.29.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #8, Guidelines For Payment Of Invoices For Training Conducted By The New Mexico Law Enforcement Academy, filed 4-18-77; NMLEA Rule #3, Use Of Facilities: Other Organizations, filed 2-14-80; NMLEA Rule #4, Charges For Academy Services, filed 2-14-80; NMLEA Rule #5, Charges For Dormitory Usage Only, filed 2-14-80; NMLEA Rule #6, Accounts And Collections, filed 2/14/80; NMLEA Rule #B2, Accounts And Collections, filed 3-10-89; NMLEA Rule #B1, Use Of Facilities; Other Organizations; Charges, filed 3-10-89.

PART 3

COURSE ACCREDITATION PROCEDURES/GUIDELINES

10.29.3 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 3 COURSE ACCREDITATION PROCEDURES/GUIDELINES

10.29.3.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10-1-97; 10.29.3.1 NMAC – Rn, 10 NMAC 29.3.1, 7/1/01]

10.29.3.2 SCOPE: All entities and organizations either for profit or public who offer law enforcement training or educational courses.

[10-1-97; 10.29.3.2 NMAC – Rn, 10 NMAC 29.3.2, 7/1/01]

10.29.3.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994)

[10-1-97; 10.29.3.3 NMAC – Rn, 10 NMAC 29.3.3, 7/1/01]

10.29.3.4 DURATION: Permanent

[10-1-97; 10.29.3.4 NMAC – Rn, 10 NMAC 29.3.4, 7/1/01]

10.29.3.5 EFFECTIVE DATE: October 1, 1997

[10-1-97; 10.29.3.5 NMAC – Rn, 10 NMAC 29.3.5, 7/1/01]

10.29.3.6 OBJECTIVE: The purpose of part 3 is to establish in the office of director a program for preparation and implementation of guidelines to be utilized in evaluating law enforcement training conducted by trainers and educators not affiliated with the New Mexico law enforcement academy.

[10-1-97; 10.29.3.6 NMAC – Rn, 10 NMAC 29.3.6, 7/1/01]

10.29.3.7 DEFINITIONS: [Reserved]

10.29.3.8 JUSTIFICATION AND AUTHORIZATION - Due to the numerous requests received by non-affiliated law enforcement trainers and educators that conduct law enforcement training for various New Mexico law enforcement agencies, the director of the department of public safety training and recruiting division is hereby instructed to prepare guidelines to be utilized to evaluate the proposed training. Such guidelines shall be updated as necessary and, when applicable, such changes shall be reported to the New Mexico law enforcement academy board at their next regularly scheduled meeting.

[9-29-86, 4-10-89, 10-1-97; 10.29.3.8 NMAC – Rn, 10 NMAC 29.3.8, 7/1/01]

HISTORY OF 10.29.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #39, Course Accreditation And Guidelines, filed 8-29-86; NMLEA Rule #C1, Course Accreditation Procedures And Guidelines, filed 3-10-89.

PART 4

INSTRUCTOR CERTIFICATION

10.29.4 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 4 INSTRUCTOR CERTIFICATION

10.29.4.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10/1/97; 10.29.4.1 NMAC - Rn, 10 NMAC 29.4.1, 7/1/01]

10.29.4.2 SCOPE: All law enforcement agencies in the state of New Mexico, any law enforcement instructor, professional lecturer, or specialized law enforcement instructor conducting training programs in New Mexico

[10/1/97; 10.29.4.2 NMAC - Rn, 10 NMAC 29.4.2, 7/1/01]

10.29.4.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.1 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994)

[10/1/97; 10.29.4.3 NMAC - Rn, 10 NMAC 29.4.3, 7/1/01]

10.29.4.4 DURATION: Permanent

[10/1/97; 10.29.4.4 NMAC - Rn, 10 NMAC 29.4.4, 7/1/01]

10.29.4.5 EFFECTIVE DATE: October 1, 1997

[10/1/97; 10.29.4.5 NMAC - Rn, 10 NMAC 29.4.5, 7/1/01]

10.29.4.6 OBJECTIVE: The purpose of part 4 is encourage and regulate the certification of law enforcement instructors and upgrade and improve in-service law enforcement training programs.

[10/1/97; 10.29.4.6 NMAC - Rn, 10 NMAC 29.4.6, 7/1/01]

10.29.4.7 DEFINITIONS: [Reserved]

10.29.4.8 GENERAL INSTRUCTOR: To qualify for general instructor certification, an applicant shall satisfactorily demonstrate to the director of the training center a combination of education and experience in criminal justice, as well as proficiency in the instructional process, and meet the following requirements:

A. certified police officer or radio dispatcher in the state of New Mexico, or a duly elected sheriff;

B. has acquired three (3) years of practical experience as a police officer, or police administrator, or specialist in a field relevant to or related to the criminal justice system; this requirement may be waived by the director of the training center only upon request from the chief/sheriff/department head with supporting documentation;

C. completion of an instructor training or development course, or equivalent training approved by the director of the training center; and

D. qualified applicants for a general instructor designation will be issued a certification for a period of two or more years; an evaluation will be completed by the students subsequent to the completion of each class taught by the instructor; the agency administrator responsible for conducting the class shall review the evaluations to ensure the quality of the instruction.

[9/14/85; 9/2/93; 10/1/97; 4/1/99; 10.29.4.8 NMAC - Rn, 10 NMAC 29.4.8, 7/1/01; A, 4/30/08]

10.29.4.9 PROFESSIONAL LECTURER: The director of the training center may certify as a professional lecturer a person in the formally recognized profession, e.g., medicine, law, psychology, who by virtue of formal academic graduate degrees and professional experience has developed special expertise in a subject area material to the presentation of criminal justice training or educational programs. To be eligible for certification, an applicant shall:

A. be properly licensed or certified by the legally recognized licensing agency for the designated profession to actively engage in the specific profession; this requirement may be waived should a professional or specialist not have an available or required licensing agency;

B. have acquired a minimum of one (1) year of practical experience in the designated profession and area of expertise; and

C. obtain an endorsement from the chief or administrator of the department conducting in-service training; such endorsement must:

(1) recommend the applicant's certification as a professional lecturer;

(2) describe the applicant's expected participation, topic areas, duties, and responsibilities in the criminal justice conducted by the academy, school, or department; and

(3) specify the professional subject area and training course or courses in which certification is requested.

D. qualified applicants for a professional lecturer designation will be issued a certification for a period of two or more years; an evaluation will be completed by the students subsequent to the completion of each class taught by the instructor; the agency administrator responsible for conducting the class shall review the evaluations to ensure the quality of the instruction.

[9/14/85; 9/2/93; 10/1/97; 4/1/99; 10.29.4.9 NMAC - Rn, 10 NMAC 29.4.9, 7/1/01; A, 4/30/08]

10.29.4.10 SPECIALIZED LAW ENFORCEMENT INSTRUCTOR:

A. To qualify for a specialized law enforcement instructor certification, an applicant shall be required to demonstrate to the director of the training center proof of skills, successful experience, and/or training in the related field for which they will be providing instruction, and must meet the following requirements:

(1) must be sponsored by a law enforcement agency in the state of New Mexico; this requirement may be waived by the director of the training center based on a showing of previous training/experience in the field for which certification is requested; the following fields will require specialized training: high risk, including such areas as firearms, baton, unarmed self-defense, etc.; and the following will require specialized training, two (2) years assignment to the specialty and a showing of a number of cases in the field that the applicant brought to a logical conclusion; technical including such areas as fingerprinting, photography, accident investigation, traffic enforcement, vehicle operations, radio-dispatching, etc.;

(2) completion of an instructor training or development course, or equivalent training approved by the director of the New Mexico law enforcement academy; and

(3) qualified applicants for a specialized law enforcement instructor designation will be issued a certification for a period of two or more years; an evaluation will be completed by the students subsequent to the completion of each class taught by the instructor; the agency administrator responsible for conducting the class shall review the evaluations to ensure the quality of the instruction.

B. The director of the training center will maintain and provide to all agencies a listing of those courses which require an instructor to provide supporting documentation of training for certification to instruct in either the high risk or technical law enforcement training areas.

C. Specialized instructor certification subject areas - The following list is provided to each agency to assist in determining the area in which specialized training and/or prior training experience must be achieved by the individual requesting instructor certification in the high risk or technical areas. This list is by no means all inclusive and the academy will determine whether the request qualifies in either the high risk or technical areas if not included below:

(1) high risk: baton, bombs, crowd control, firearms, officer survival, PR-24, SWAT and unarmed self-defense;

(2) technical: accident investigation, accident reconstruction, auto theft, child abuse, civil-vicarious liability, crime prevention, electronic surveillance, executive development, evidence, family crisis intervention, field training officer, fingerprinting, hazardous materials, homicide investigation, intoximeter, jail administration, legal/criminal laws, mobat sober meter, motorcycle operations, photography, police officer as prosecutor, polygraph, radio dispatching, search and seizure, stress, traffic enforcement and vehicle operations.

[9/14/85; 9/2/93; 10/1/97; 4/1/99; 10.29.4.10 NMAC - 10 NMAC 29.4.10, 7/1/01; A, 4/30/08]

10.29.4.11 MASTER INSTRUCTOR: To qualify for a master instructor certification, an applicant shall be required to demonstrate to the director of the training center proof of skills, successful experience, and training in the related field for which they will be training new instructors, and must meet the following requirements:

A. must be sponsored by a law enforcement agency in the state of New Mexico; this requirement may be waived by the director of the training center based on a showing of previous training/experience in the subject area for which certification is requested;

B. must have a current certification as a specialized, technical or professional lecturer instructor in the same subject area as the request for master instructor certification;

C. must produce documentation of successful completion of an instructor-trainer course, train-the-trainer course or master instructor course (or what other term is used to describe a course that qualifies a person to train instructors) in the same subject area for which certification is requested or:

(1) must have completed at least one (1) four-year certification as a specialized or technical instructor in the same subject area; and

(2) must show documentation of additional training hours of expertise development of at least the same amount of hours as the original instructor-level certification; and

(3) must show rosters and student evaluations from at least ten (10) training classes as the lead instructor in the same subject area;

D. qualified applicants for a master instructor designation will be issued a certification for a period of two or more years; an evaluation will be completed by the students

subsequent to the completion of each class taught by the master instructor; the director of the training center or designee shall review the evaluations to ensure the quality of the instruction. [10.29.4.11 NMAC - N, 6/14/02; A, 4/30/08]

10.29.4.12 REVOCATION OF INSTRUCTOR CERTIFICATION:

A. The director may revoke or suspend an instructor certification based on a preponderance of evidence that the instructor:

- (1) failed to meet minimum standards;
- (2) displayed a lack of good moral character or behavior that adversely affects his credibility as an instructor;
- (3) lacked the ability to effectively communicate or instruct in the academy setting; or
- (4) had his professional certification suspended or revoked.

B. The employing agency may request action on an instructor certification by submitting the request to the director in writing and including all supporting documentation.

C. The director may take all necessary steps to review the matter. These steps may include, but are not limited to, issuing written notice to the instructor of the specific allegations no later than thirty (30) days after receiving the request for action, conducting an informal meeting with the instructor no later than sixty (60) days after receiving all relevant supporting documentation, and issuing a final decision no later than one hundred-twenty (120) days after receiving all relevant supporting documentation. The director shall inform the instructor in writing whether the instructor certificate has been revoked or suspended, and the reasons for the revocation or suspension.

[10.29.4.12 NMAC - N, 4/30/08]

HISTORY OF 10.29.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #38, Instructor Certification, filed 8-14-85; NMLEA Rule #38, Instructor Certification, filed 10-22-86; NMLEA Rule #C2, Instructor Certification, filed 3-10-89; NMLEA Rule #C2, Instructor Certification, filed 8-2-93.

History of Repealed Material: [RESERVED]

PART 5

REGIONAL/SATELLITE POLICE OFFICER BASIC ACADEMIES

10.29.5 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 5 REGIONAL/SATELLITE POLICE OFFICER BASIC ACADEMIES

10.29.5.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10-1-97; 10.29.5.1 NMAC – Rn, 10 NMAC 29.5.1, 7/1/01]

10.29.5.2 SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

[10-1-97; 10.29.5.2 NMAC – Rn, 10 NMAC 29.5.2, 7/1/01]

10.29.5.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.1 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994)

[10-1-97; 10.29.5.3 NMAC – Rn, 10 NMAC 29.5.3, 7/1/01]

10.29.5.4 DURATION: Permanent

[10-1-97; 10.29.5.4 NMAC – Rn, 10 NMAC 29.5.4, 7/1/01]

10.29.5.5 EFFECTIVE DATE: October 1, 1997, unless a different date is cited at the end of a section.

[10-1-97, 4-16-98; 10.29.5.5 NMAC – Rn, 10 NMAC 29.5.5, 7/1/01]

10.29.5.6 OBJECTIVE: The purpose of part 5 is to establish procedures for implementation of a satellite academy program; to define the required content for such programs and to implement evaluation procedures to be utilized by the department of public safety training and recruiting division for satellite academies.

[10-1-97; 10.29.5.6 NMAC – Rn, 10 NMAC 29.5.6, 7/1/01]

10.29.5.7 DEFINITIONS: [Reserved]

10.29.5.8 CERTIFICATION

A. The New Mexico law enforcement academy board shall determine the maximum number of satellite academies which may be certified at any given time. The New Mexico law enforcement academy board shall weigh the impact on other academies, department of public safety training staff and the department of public safety training budget.

B. Approved satellite academy programs may not be sold, purchased, or transferred prior to New Mexico law enforcement academy board approval.

C. The following procedures must be adhered to by all basic law enforcement, certification by waiver and police radio dispatch academies and criminal justice certificate programs for the training program to be approved for certification in accordance with NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1997).

[3-15-80, 2-14-87, 4-11-89, 10-1-97, 4-16-98, 6-1-99; 10.29.5.8 NMAC – Rn, 10 NMAC 29.5.8, 7/1/01]

10.29.5.9 PROGRAM IMPLEMENTATION

A. An academy must undergo an accreditation process to ensure that the facilities, instructors, program management, and curriculum meet or exceed the standards and expectations established by the board and the director. Initial accreditation will involve a detailed review of all of the above. An academy will renew its accreditation every three (3) years. A renewal will automatically be processed by the department of public safety training and recruiting division, provided the academy has delivered at least three (3) basic training programs during the previous three (3) calendar years. In the event that an academy has not done so, it must complete the initial accreditation process prior to commencing another academy program. The director will publish a compliance manual for satellite academy accreditation.

B. All agencies and institutions requesting approval for each basic training programs must notify the department of public safety training and recruiting division and supply the following information for review and approval prior to any such program's implementation:

(1) Curriculum which must correspond with the current minimum standards of training for the requested program as set forth in 10.29.9.8 NMAC, effective January 1, 1998 (640 hours), Subsection A of 10.29.6 NMAC, effective January 1, 1999 (120 hours), or 10.29.10.8 NMAC, effective October 1, 1997. Curriculum is subject to change at the discretion of the New Mexico law enforcement academy board;

(2) List of department of public safety training and recruiting division certified instructors and their assigned course(s). Instructors must be certified through the department of public safety training and recruiting division, or instruction conducted by a non-certified instructor must be monitored by the department of public safety training and recruiting division certified instructor. Technical or high risk areas must be instructed by certified department of public safety training and recruiting division instructors; for example, firearms training - qualification must be conducted by a certified department of public safety training and recruiting division firearms instructor;

(3) Schedule of classes for the entire training period; and

(4) Roster of students' full names, dates of birth, and social security numbers.

C. For basic law enforcement and certification by waiver academies, comparable training facilities for the below listed proficiency areas must be available or contracted for by the requesting agency or instructor and inspected by the department of public safety training and recruiting division prior to approval.

(1) Comparable driving track facility;

(2) Comparable firearms range facility; and

(3) Comparable obstacle/agility course facility.

D. Upon receipt of this information, a thorough evaluation will be made and notification sent to the agency or institution advising the decision of the department of public safety training and recruiting division. In the event that the program is not approved, notification and recommendations will be sent advising the agency or institution of the program deficiencies. Once these deficiencies have been corrected, the program will again be examined and notification will be sent as to final disposition.

E. Once approval is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as

established by the New Mexico law enforcement academy board. Any deviation from the previously approved program must be submitted to the department of public safety training and recruiting division for review and approval pending final certification of the program conducted.

F. Within two (2) weeks of the satellite academy start date, all fitness assessment scores, psychological testing reports and medical examination reports shall be received by the department of public safety training and recruiting division.

G. A minimum of ten (10) students must be identified prior to commencing an academy program. A hardship waiver must be applied for and approved by the director if fewer than ten (10) students are identified. There is no maximum amount of students. However, an appropriate instructor to student ratio must be maintained. This is especially important in the critical skill areas of physical fitness, firearms, defensive tactics, emergency vehicle operations, and situational training exercises. The certification of students completing an academy program is important. A low certification percentage, as determined by the board, will be grounds for non-renewal of academy accreditation. Students will be allowed two (2) opportunities to pass the certification exam.

H. The board will establish minimum guidelines for instructor and student conduct.

I. The board will determine which academies are authorized to conduct basic law enforcement training, certification by waiver of previous training, and radio dispatcher training programs. The type of student i.e.; pre-service, local law enforcement, or state law enforcement; allowed to attend a satellite academy program must be approved by the board.

[3-15-80, 2-14-87, 4-11-89, 10-1-97, 4-16-98; 10.29.5.9 NMAC – Rn, 10 NMAC 29.5.9, 7/1/01]

10.29.5.10 PROGRAM COMPLETION - Upon completion of the satellite program, the agency/institution must provide the following information to the department of public safety training and recruiting division prior to administration of the law enforcement officer certification examination (LEOCE) or police radio dispatcher certification examination (PRDCE).

A. Final (revised) student roster: full name, date of birth, social security number, and mailing address of each student;

B. Final (revised) class schedule: dates, time, and length of instruction. Each block of the minimum standards of training will be included;

C. Final (revised) listing of instructors: instructors must be certified through the department of public safety training and recruiting division certified instructor. Technical or high risk areas must be instructed by a certified department of public safety training and recruiting division instructor for the specific areas instructed; example, firearms training - qualification must be conducted by a certified department of public safety training and recruiting division firearms instructor;

D. Block test scores must be provided for each instructional area, as well as scoring for the skill proficiency areas, i.e., firearms, defensive tactics, patrol fitness (1.5 mile run and obstacle course), and driving program. A roster of student names and test scores attested to by the satellite program director is sufficient to meet the department of public safety training and recruiting division testing requirements. Department of public safety training and recruiting division testing requirements and minimum scores for the various block and skill proficiency areas are the only acceptable testing criteria; and

E. Final attendance roster for students of the training program.

[3-15-80, 7-17-82, 2-14-87, 4-11-89, 10-1-97, 4-16-98, 6-1-99; 10.29.5.10 NMAC – Rn, 10 NMAC 29.5.10, 7/1/01]

10.29.5.11 LAW ENFORCEMENT OFFICER CERTIFICATION EXAMINATION; TIME LIMITATIONS

A. Students who successfully complete a department of public safety training and recruiting division accredited satellite program will be allowed to take the law enforcement officer certification examination. Only those students who have successfully completed all requirements under the minimum standards of training, as determined by the director of the department of public safety training and recruiting division, will be administered the law enforcement officer certification examination.

(1) Students will be allowed two (2) opportunities in which to pass the law enforcement officer certification examination within one year from the date of completion of the satellite program. Students who fail the exam two (2) times must attend the academic portion of the certification by waiver of previous training program prior to taking the exam a third (3rd) time. Students who fail the test three (3) times will be required to successfully complete the New Mexico law enforcement academy's basic police training program. Students will not be allowed to attend a regional/satellite program.

(2) Students who achieve a passing score on the law enforcement officer certification examination will be allowed one year from the date of the test in which to be eligible for certification. Certification can be granted only when the eligible student is hired by a recognized New Mexico law enforcement agency in a law enforcement position.

(3) If a student secures a law enforcement position after one year from the date of successful completion of the law enforcement officer certification examination, he will be required to attend the certification by waiver of previous training program (short course) conducted by the department of public safety training and recruiting division.

(4) Students will be allowed three (3) years from the date of successful completion of the law enforcement officer certification examination to secure a law enforcement position. After three (3) years, they will be required to attend and successfully complete another basic police officer training program certified by the New Mexico law enforcement academy board.

B. Students who have successfully completed a satellite program and passed the law enforcement officer certification examination will be provided a letter from the director of the department of public safety training and recruiting division attesting to the student's eligibility for certification as a police officer in New Mexico.

C. An application for certification and required supporting documentation must be submitted to the department of public safety training and recruiting division within fourteen days of the student's employment as a police officer as required under New Mexico law enforcement academy board rule 10.29.9.10 NMAC. Any officer (or department) not submitting the required documents is in violation of NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1994), and will be required to forfeit his position.

D. When all paperwork is completed to the satisfaction of the director of the department of public safety training and recruiting division for any student requesting certification by successful completion of a certified satellite program, or any other previous comparable training, the request will be submitted to the New Mexico law enforcement academy board for final approval and award of certification under NMSA 1978, Section 29-7-1 et. al.,

(Repl. Pamp. 1994).

[2-14-87, 4-11-89, 11-12-89, 10-1-97, 4-16-98, 9-1-99; 10.29.5.11 NMAC – Rn, 10 NMAC 29.5.11, 7/1/01]

10.29.5.12 POLICE RADIO DISPATCHER CERTIFICATION EXAMINATION; TIME LIMITATIONS

A. Students who successfully complete a department of public safety training and recruiting division accredited satellite program will be allowed to take the police radio dispatcher certification examination. Only those students who have successfully completed all requirements under the minimum standards of training, as determined by the director of the department of public safety training and recruiting division, will be administered the police radio dispatcher certification examination.

B. Students will be allowed two (2) opportunities in which to pass the police radio dispatcher certification examination within one year from the date of completion of the satellite program. Students who fail the test two (2) times will be required to successfully complete the New Mexico law enforcement academy's police radio dispatch training program. Students will not be allowed to attend a regional/satellite program.

C. Students who achieve a passing score on the police radio dispatcher certification examination will be allowed one year from the date of the test in which to be eligible for certification. Certification can be granted only when the eligible student is hired by a recognized New Mexico law enforcement agency in a dispatcher position.

D. If a student secures a police dispatcher position between one and three years from the date of successful completion of the police radio dispatcher certification examination, the student will be required to apply for certification by waiver of previous training. This determination is conducted by the department of public safety training and recruiting division staff, and approved by the director.

E. If a student secures a police dispatcher position after three (3) years from the completion of the police radio dispatcher certification examination, they will be required to attend and successfully complete another police radio dispatcher training program certified by the New Mexico law enforcement academy board.

F. Students who have successfully completed a satellite program and passed the police radio dispatcher certification examination will be provided a letter from the director of the department of public safety training and recruiting division attesting to the student's eligibility for certification as a police radio dispatcher in New Mexico.

G. When all paperwork is completed to the satisfaction of the director of the department of public safety training and recruiting division for any student requesting certification by successful completion of a certified satellite program, or any other previous comparable training, the request will be submitted to the New Mexico law enforcement academy board for final approval and award of certification under NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1997).

[2-14-87, 4-11-89, 10-1-97, 4-16-98, 6-1-99; 10.29.5.12 NMAC – Rn, 10 NMAC 29.5.12, 7/1/01]

10.29.5.13 PROGRAM MONITORING AND EVALUATION

A. Department of public safety training and recruiting division director, or his designee, has the authority to visit the satellite training program at any time to monitor and

evaluate the training conducted to insure that the program meets the established minimum standards of training.

B. The department of public safety training and recruiting division director, or his designee, will investigate any reported information concerning the operation of the satellite academy and delivery of training programs. At any time that information on program deficiency is verified, the director can request decertification of the satellite program.

(1) The decertification procedures will require a written report on program deficiencies to the director of the satellite program allowing for correction of noted deficiencies.

(2) If the corrections are not made to the department of public safety training and recruiting division director's satisfaction, decertification will be recommended to the New Mexico law enforcement academy board.

(3) All efforts will be made by the director of the department of public safety training and recruiting division and the satellite program director to resolve program deficiencies prior to initiation of any decertification proceedings.

(4) The satellite program director may appear before the New Mexico law enforcement academy board to appeal, or defend against, program certification recommendations.

[2-6-93, 10-1-97; 6-1-99; 10.29.5.13 NMAC – Rn, 10 NMAC 29.5.13, 7/1/01]

HISTORY OF 10.29.5 NMAC

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #9, Certification By Waiver, filed 2-14-80; NMLEA Rule #9, Amendment No. 1, filed 6-17-82; NMLEA Rule #9, Regional/Satellite Academies: Certification By Waiver, filed 1-14-87; NMLEA Rule #C3, Regional/Satellite Academies: Certification By Waiver Of Training, filed 3-10-89; NMLEA Rule #C3, Amendment No. 1, filed 10-12-89; NMLEA Rule #C3, Regional/Satellite Academies: Certification By Waiver Of Training, filed 1-6-93.

PART 6

CERTIFICATION BY WAIVER

10.29.6 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 6 CERTIFICATION BY WAIVER

10.29.6.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[10-1-97; 10.29.6.1 NMAC - Rn, 10 NMAC 29.6.1, 7/1/01]

10.29.6.2 SCOPE: All applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico

[10-1-97; 10.29.6.2 NMAC - Rn, 10 NMAC 29.6.2, 7/1/01]

10.29.6.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994)

[10-1-97; 10.29.6.3 NMAC - Rn, 10 NMAC 29.6.3, 7/1/01]

10.29.6.4 DURATION: Permanent

[10-1-97; 10.29.6.4 NMAC - Rn, 10 NMAC 29.6.4, 7/1/01]

10.29.6.5 EFFECTIVE DATE: October 1, 1997

[10-1-97; 10.29.6.5 NMAC - Rn, 10 NMAC 29.6.5, 7/1/01]

10.29.6.6 OBJECTIVE: The purpose of part 6 is to establish training requirements and eligibility standards for police officers and telecommunicators who seek certification by waiver of basic training under NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994), NMSA 1978 Section 29-7C-6.

[10-1-97; 10.29.6.6 NMAC - Rn, 10 NMAC 29.6.6, 7/1/01; A, 01/01/04]

10.29.6.7 DEFINITIONS: [RESERVED]

10.29.6.8 REQUIREMENTS FOR POLICE OFFICERS:

A. In order to be eligible for certification by waiver of basic training, such applicants shall be required to successfully complete an 120-hour certification by waiver of previous training program in order to demonstrate proficiency. The training will include the following topics: state laws; constitutional law; firearms training and testing; defensive tactics training and testing; use of force training; patrol tactics training and testing; emergency vehicles operations training and testing; and critical incident management training. All applicants must successfully challenge or complete a law enforcement Spanish class. The 1.5 mile run and the 300 meter run fitness tests must be completed at the 50th percentile or better. Agility course 1 and agility course 2 must be completed in the time required for graduation from the basic training program. If the applicant chooses, he or she may drag a rigid aid or object 10 feet from the side of the wall and use it as a platform to scale the wall. The rigid aid or object will have handles, a flat top, weigh 50 lbs. and be 25" tall. The law enforcement officer certification examination will be

administered at the end of the training program. The applicant will have two (2) opportunities to successfully pass the exam. Two (2) failures of the exam will require the applicant to attend the basic police officer training program.

B. For the purposes of certification by waiver of previous training, pursuant to NMSA 1978, Section 29-7-10 (Repl. Pamp. 1997), the academy board has adopted the following formula to be applied to individuals who have not completed a comparable basic training program: applicants will be given credit for previous certified law enforcement experience at the rate of 40 hours per year for each year of service, up to but not to exceed ten (10) years, for a total of 400 hours, and the applicant will receive credit for advanced training, up to but not to exceed 400 hours. Applicant experience and training must be equivalent to the current minimum standards of training curriculum in effect at the time of application, unless such deficiencies are covered in the certification by waiver program.
[11-25-89, 1-30-93, 10-1-97, 1-1-98, 1-1-99, 6-1-99, 12-31-99; 10.29.6.8 NMAC - Rn, 10 NMAC 29.6.8, 7/1/01; A, 01/01/04]

10.29.6.9 ELIGIBILITY OF OUT-OF-STATE POLICE OFFICER APPLICANTS:

A. In the event a certified officer from another state or duly commissioned officer from a federal agency makes application for certification in the state of New Mexico they must meet all qualifications and requirements as determined by the director.

B. Any applicant who has not been employed as a full-time law enforcement officer for a period in excess of eight (8) years must attend the basic police officer training program to become certified.

C. Any applicant who has successfully completed an accredited law enforcement academy from another state, but has never been certified, must secure a law enforcement position with a recognized New Mexico law enforcement agency within three (3) years of academy completion and must meet all other qualifications and requirements as determined by the director to be eligible for certification by waiver.

[1-30-93, 10-1-97, 12-20-99; 10.29.6.9 NMAC - Rn, 10 NMAC 29.6.9, 7/1/01; A, 01/01/04]

10.29.6.10 ELIGIBILITY OF RETIREES: In the event a retired certified officer who has appropriately separated from law enforcement service makes application to obtain or regain New Mexico certification by waiver of basic training, such applicants shall satisfy the following requirements.

A. Applicant must have graduated from a certified law enforcement academy that was comparable to or exceeded the standards of the programs of the New Mexico academy.

B. Separation period shall not exceed twenty (20) years.

C. Separation must be under honorable conditions.

D. Applicant shall complete current DPS/TRD basic firearms qualifications.

E. Complete all other conditions required under the current certification by waiver of basic training, except for the physical fitness and agility requirements.

F. Complete any other requirements imposed on applicant by sponsoring agency.

[10.29.6.10 NMAC - N, 07-01-03; A, 02-28-05; A, 11-30-09]

10.29.6.11 REQUIREMENTS FOR PUBLIC SAFETY TELECOMMUNICATOR:

A. In order to be eligible for certification by waiver of basic training, such applicants shall be required to successfully complete a certification by waiver of previous training program

in order to demonstrate proficiency. The training will include the following topics: human relations; civil law; criminal law; domestic violence; NCIC - NMLETS and critical incident management training. The public safety telecommunicator certification examination will be administered at the end of the training program. The applicant will have two (2) opportunities to successfully pass the exam. Two (2) failures of the exam will require the applicant to attend the basic public safety telecommunicator training program.

B. For the purposes of certification by waiver of previous training, pursuant to NMSA 1978, Section 29-7C-6, the academy board has adopted the following formula to be applied to individuals who have not completed a comparable basic training program: applicants will be given credit for previous public safety telecommunicator experience at the rate of 24 hours per year for each year of service, up to but not to exceed five (5) years, for a total of 120 hours, and the applicant will receive credit for advanced training, up to but not to exceed 120 hours. Applicant experience and training must be equivalent to the current minimum standards of training curriculum in effect at the time of application, unless such deficiencies are covered in the certification by waiver program.

[10.29.6.11 NMAC - N, 01/01/04]

10.29.6.12 ELIGIBILITY OF OUT-OF-STATE PUBLIC SAFETY TELECOMMUNICATOR APPLICANTS:

A. In the event a certified telecommunicator from another state or a telecommunicator from a federal agency makes application for certification in the state of New Mexico they must meet all qualifications and requirements as determined by the director.

B. Any applicant who has not been employed as a certified telecommunicator for a period in excess of eight (8) years must attend the basic public safety telecommunicator training program to become certified.

C. Any applicant who has successfully completed an accredited law enforcement academy from another state, but has never been certified, must secure a telecommunicator position with a New Mexico public safety agency within three (3) years of academy completion and must meet all other qualifications and requirements as determined by the director to be eligible for certification by waiver.

[10.29.6.12 NMAC - N, 01/01/04]

HISTORY OF 10.29.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #C4, Certification By Waiver Of Previous Training Program, filed 10-25-89; NMLEA Rule #C4, Certification By Waiver Of Previous Training Program, filed 12-31-92.

History of Repealed Material: [RESERVED]

PART 7

IN-SERVICE TRAINING REQUIREMENTS

10.29.7 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 7 IN-SERVICE TRAINING REQUIREMENTS

10.29.7.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87507.

[10-1-97; 10.29.7.1 NMAC - Rn, 10 NMAC 29.7.1, 7/1/01]

10.29.7.2 SCOPE: All certified police officers in the state of New Mexico.

[10-1-97; 10.29.7.2 NMAC - Rn, 10 NMAC 29.7.2, 7/1/01]

10.29.7.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-7.1 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-4 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (Repl. Pamp. 1994)

[10-1-97; 10.29.7.3 NMAC - Rn, 10 NMAC 29.7.3, 7/1/01]

10.29.7.4 DURATION: Permanent.

[10-1-97; 10.29.7.4 NMAC - Rn, 10 NMAC 29.7.4, 7/1/01]

10.29.7.5 EFFECTIVE DATE: October 1, 1997, unless a different date is cited at the end of a section.

[10-1-97, 3-1-98; 10.29.7.5 NMAC - Rn, 10 NMAC 29.7.5, 7/1/01]

10.29.7.6 OBJECTIVE: The purpose of Part 7 is to establish in-service law enforcement training requirements for certified police officers and certified public safety telecommunicators.

[10-1-97; 10.29.7.6 NMAC - Rn, 10 NMAC 29.7.6, 7/1/01; A, 01/01/04]

10.29.7.7 DEFINITIONS:

A. "Academy" means the New Mexico law enforcement academy.

B. "NHTSA" means the national highway traffic safety administration.

[10.29.7.7 NMAC - N, 10/31/07]

10.29.7.8 2012-2013 IN-SERVICE TRAINING CYCLE FOR LAW ENFORCEMENT OFFICERS:

A. All New Mexico certified law enforcement officers shall receive a minimum of forty (40) hours of training bi-annually.

(1) A minimum of four (4) hours shall be in safe pursuit pursuant to Section 29-20-3 NMSA 1978.

(2) A minimum of one (1) hour shall be in domestic violence incident training pursuant to Section 29-7-4.1 NMSA 1978.

(3) A minimum of two (2) hours shall be in the detection, investigation and reporting of a crime motivated by hate pursuant to Section 31-18B-5 NMSA 1978.

(4) For all officers who may be involved in the arrest of DWI offenders as a normal part of their duties, four (4) hours shall be in NHTSA approved standardized field

sobriety testing (SFST) protocols or successful course completion of the NHTSA approved sixteen (16) hour advanced roadside impaired driving enforcement course.

(5) A minimum of one (1) hour shall be in ensuring child safety upon arrest pursuant to Section 29-7-7.3 NMSA 1978.

(6) Four (4) hours of academy approved day and night firearms training on agency approved weapons systems, including but not limited to duty handgun, backup handgun, shotgun, and rifle. No more than one (1) hour training shall be classroom lecture. A minimum of three (3) hours training, divided equally between day and night training, and shall consist of practical exercises using live fire, simmunitions®, airsoft® or other firearms training systems. Qualification testing may not be used as training to meet this requirement.

(7) A minimum of two (2) hours in child abuse incident training pursuant to Section 29-7-4.2 NMSA 1978.

(8) A minimum of one (1) hour shall be in missing persons and AMBER alert training pursuant to Section 29-7-7.4 NMSA 1978.

(9) A minimum of four (4) hours shall be in academy accredited interaction with persons with mental impairments training pursuant to Section 29-7-7.5 NMSA 1978.

(10) A minimum of two (2) hours shall be in academy accredited legal update training to include changes in New Mexico state statutes and recent state and federal case law.

(11) Remaining hours shall be in maintenance or advanced areas from the following general topic areas.

(a) Ethics, use of force, report writing, critical incident management, defensive tactics, communications skills, or emergency vehicle operations.

(b) First line supervisors and mid-managers: Ethics, principles of supervision, field training and evaluation, performance appraisals, coaching, mentoring, vicarious liability, or communication skills.

(c) Agency executives and command staff: Ethics, leadership, policy development, strategic planning, goal setting, budgeting, human resources management, or employment law.

(d) Other approved advanced and specialized training/education or any maintenance training area which is designed to improve upon or add to the knowledge, skills, and abilities of the certified law enforcement officer.

B. Required training may be received through the following means.

(1) The advanced training bureau will contract for course instruction at the regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at the regional training sites.

(3) Curriculum developed by the training and recruiting division will be provided to individual agencies upon request for their own certified instructors to present to their officers, provided the instructor is qualified in the subject matter.

(4) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

C. This four-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon law enforcement and the opportunity to have statewide consistency in certain critical areas.

D. Implementation is to begin on January 1, 2012.

E. Officers obtaining certification between, January 1, 2012 and December 31, 2012, will be required to obtain one-half of the in-service training requirements. Officers obtaining certification between, January 1, 2013, and December 31, 2013, will be required to meet the next two-year requirement which will go into effect on January 1, 2014. This policy will apply in subsequent two-year cycles. Officers transferring from one agency to another will carry with them the responsibility for in-service training.

[1/30/93, 12/15/93, 1/17/94, 12/7/95, 10/1/97, 1/1/98, 1/1/00; 10.29.7.8 NMAC - Rn, 10 NMAC 29.7.8, 7/1/01; A, 1/1/02; A, 6/14/02; A, 01/01/04; A, 04/15/04; A, 12/30/05; A, 12/14/06; A, 10/31/07; A, 11/15/07; A, 03/01/10; A, 12/15/10; A, 12/15/11]

10.29.7.9 2012-2013 TRAINING CYCLE FOR TELECOMMUNICATORS:

A. All New Mexico certified telecommunicators shall receive a minimum of twenty (20) hours of training bi-annually.

(1) A minimum of two (2) hours in academy accredited interaction with persons with mental impairments training pursuant to Section 29-7-7.5 NMSA 1978.

(2) The remaining training may be in academy approved advanced and specialized training/education or any maintenance training area which is designed to improve upon or add to the knowledge, skills, and abilities of the telecommunicator.

B. Required training may be received through the following means.

(1) The CIRT bureau will arrange for course instruction at regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at regional training sites.

(3) The curriculum will be developed by the training and recruiting division and provided to individual agencies for their own certified instructors to present to their telecommunicators, provided the instructor is qualified in the subject matter.

(4) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

C. This four-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon telecommunicators and the opportunity to have statewide consistency in certain critical areas.

D. Implementation is to begin on January 1, 2012.

E. Telecommunicators obtaining certification between January 1, 2012 and December 31, 2012, will be required to obtain one-half of the in-service training requirement. Telecommunicators obtaining certification between January 1, 2013, and December 31, 2013, will be required to meet the next two-year requirement which will go into effect on January 1, 2014. This policy will apply in subsequent two-year cycles. Telecommunicators transferring from one agency to another will carry with them the responsibility for in-service training.

[10.29.7.9 NMAC - N, 01/01/04; A, 12/30/05; A, 10/31/07; A, 03/01/10; A, 12/15/11]

HISTORY OF 10.29.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #C5, In-Service Training Requirements, filed 12-31-92; NMLEA Rule #C5, In-Service Training Requirements 1994 - 1995 Training Cycle, filed 11-15-93; NMLEA Rule #C5, In-Service Training Requirements

New Mexico Department of Public Safety Training Center
4491 Cerrillos Road, Santa Fe, New Mexico 87507
(505) 827-9251—(877) 237-7532 (NM Only) —Fax: (505) 827-3449— <http://nmlea.dps.state.nm.us/>

1994 - 1995 Training Cycle, filed 12-17-93; NMLEA Rule #C5, In-Service Training Requirements - 1996-97 Training Cycle, filed 11-7-95.

History of Repealed Material: [RESERVED]

PART 8

OFFICER TRANSITION TRAINING PROGRAM

10.29.8 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 8 OFFICER TRANSITION TRAINING PROGRAM

10.29.8.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division.

[10.29.8.1 NMAC - N, 11/30/09]

[Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505]

10.29.8.2 SCOPE: All police officers and law enforcement agencies in the state of New Mexico.

[10.29.8.2 NMAC - N, 11/30/09]

10.29.8.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (B) (C) (F) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (E) (F) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-6 (A) (4) (6) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.1 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.2 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994)

[10.29.8.3 NMAC - N, 11/30/09]

10.29.8.4 DURATION: Permanent.

[10.29.8.4 NMAC - N, 11/30/09]

10.29.8.5 EFFECTIVE DATE: November 30, 2009, unless a later date is cited at the end of a section.

[10.29.8.5 NMAC - N, 11/30/09]

10.29.8.6 OBJECTIVE: The purpose and intent of this rule is to provide the ability for New Mexico reserve police officers to attain New Mexico law enforcement certification. These rules do not require the certification of a reserve program, nor do they require any agency or individual currently involved as a law enforcement reserve to attain such certification. The objectives of Part 8 are to:

- A. establish minimum standards of training for police officer certification of officers obtaining certification by the police officer transition training program;
- B. establish criteria for applicants to attend a police officer transition training program;
- C. identify criteria for medical and psychological evaluations required under law and fingerprint clearance; and
- D. establish entry level and requalification firearms training requirements.

[10.29.8.6 NMAC - N, 11/30/09]

10.29.8.7 DEFINITIONS:

- A. "Reserve officer" means a commissioned person who is not a certified police officer by the New Mexico law enforcement academy that assists law enforcement agencies in the state of New Mexico.

B. “Certified officer” means a commissioned person who assists law enforcement agencies in the state of New Mexico who has met all the requirements for law enforcement certification as established by the Article 7, New Mexico Law Enforcement Training Act, NMSA 1978 Section 29-7-1 to 29-7-13 and is commissioned and employed by a recognized New Mexico law enforcement agency.

C. “Transition officer student” means a person that has made application and been approved by the director for obtaining law enforcement certification through the police officer transition training program. This person may not be employed as a certified police officer by any law enforcement agency in this state until the person satisfies the qualifications for certification set forth in 29-7-6, Subsection A, and is awarded a certificate by the director attesting to that fact.

D. “Police officer transition training program” means a program approved by the New Mexico law enforcement academy equivalent to the existing standards established under 10.29.9.8 NMAC that allows for police officer certification.

E. “Certification by prior basic reserve training” means the validation and approval of a comparable basic training program for prior reserve training conducted in New Mexico as recognized and approved by the director through December 31, 2011. Effective January 1st 2012 no credit will be given for law enforcement certification purposes for any basic reserve training conducted outside of the officer transition training program.
[10.29.8.7 NMAC - N, 11/30/09]

10.29.8.8 POLICE OFFICER TRANSITION MINIMUM STANDARDS OF TRAINING:

A. The training standards as established under 10.29.9.8 NMAC are the minimum standards of training for police officer transition certification except as noted in Subsection B of this section.

B. Block 3: Physical and emotional readiness for transition programs; 76 total block hours - this unit of instruction will instruct the student in health and physical fitness concepts, flexibility, strength, body composition and cardiovascular endurance. The student will be expected to successfully complete both entrance and exit standards of fitness and exit standards of job-related agility. The subjects and standards include.

(1) Physical fitness/wellness; 1 hour.

(a) Academy entry standard: This standard is based on cooper clinic studies, data and recommendations. Each academy entry student will be pre-assessed on five fitness/wellness evaluations: (1) 1.5 mile run (altitude adjusted); (2) 1 minute sit-up; (3) 1 minute push-up; (4) sit and reach; and (5) 300 meter run. Entry evaluations 1 through 5 will be measured relative to age and gender norms. Each academy entry candidate must score in the 40th percentile or better, in each of the five designated fitness/wellness evaluations, to be eligible for entry into state-certified law enforcement basic transition training academies.

(b) Academy exit goal: For each academy student the goal, through participation in the physical fitness program, is to be able to score in the 60th percentile in each of the above five fitness/wellness evaluations.

(2) Physical performance requirements; 72 hours.

(a) Fitness program: Each student will participate in a fitness program approved by the director within six months of the projected completion date of all basic training program requirements.

(b) Academy fitness exit standard: Complete the 1.5 mile run and 300 meter run at the 60th percentile.

(c) Academy agility course #1 - Pursuit and control exit standard: Score passing time (3 minutes, 5 seconds) on agility course while wearing 10 pounds of extra weight.

(i) Officer is seated in a vehicle with seatbelt in use. As the timed exercise begins, the officer will undo the seatbelt and open the vehicle door.

(ii) Run 30 feet and open a building door.

(iii) Cross the threshold (4 feet) and run up two flights of stairs and pause for 60 seconds. (A rise and run of 7 inches by 11 inches is standard; 8 inches by 10 inches or 6 inches by 12 inches are acceptable variations. Standard floor landings are 10 feet high.) It is appropriate, if only one floor is available, to run up, run down, run up and pause. There is no restriction on how the officer negotiates the stairs.

(iv) Run down the stairs and out the door.

(v) Run 100 feet from the door to a 5-foot high platform; run up steps to the top of the 5-foot platform and jump down. A ladder or ramp are acceptable variations to getting on top of the platform.

(vi) Run 37.5 feet; turn and reverse; run 37.5 feet; turn and reverse; run 25 feet to a 6-foot high wall and scale it. The wall is constructed of cinder block, unpainted with a smooth top. If the applicant chooses, he or she may drag a rigid aid or object 10 feet from the side of the wall and use it as a platform to scale the wall. The rigid aid or object will have handles, a flat top, weigh 50 pounds and be 25 inches tall.

(vii) After scaling the wall, run 50 feet to a handcuff/arrest simulator; pull the arms down; touch the ends and hold for 60 seconds. The arrest simulator is 5 feet high with 60 pounds resistance in the right arm and 40 pounds in the left arm.

(d) Academy agility course #2 - Rescue exit standard: Score passing time (42 seconds) on agility course while wearing 10 pounds of extra weight.

(i) Officer is standing at starting point wearing a 10-pound weight belt around the waist to simulate a gun belt. On signal the officer will run 30 feet straight ahead and jump across a 4-foot wide barrier. The barrier is low to the ground, e.g., a ditch, highway divider, etc.

(ii) Run 12.5 feet and climb, jump or hurdle over a 3-foot high barrier. The barrier is to resemble a fence or low wall, no more than 4 inches wide and at least 8 feet long, made of metal or wood.

(iii) Run 12.5 feet to the back of a vehicle equivalent to a full-sized police vehicle and push it 30 feet on a flat surface in the direction of a clear area where a victim extraction will take place. The car is occupied by a dummy (victim) wearing a seatbelt and weighing 190 pounds plus or minus 10 pounds. The dummy must meet standards established by the New Mexico law enforcement academy.

(iv) Approach the victim's door; open the door; undo the seatbelt; pull the victim out of the vehicle and drag them 20 feet perpendicular to the direction of the vehicle.

(3) Emotional health and stress management; 2 hours.

(4) Nutrition; 1 hour.

[10.29.8.8 NMAC - N, 11/30/09]

10.29.8.9 STUDENT HANDBOOK, PROCEDURES, AND RULES: Due to the need to insure that students attending a regional law enforcement academy will comply with rules and regulations, the director of the New Mexico law enforcement regional academy is hereby instructed to prepare a handbook covering student rules and regulations, policies and procedures. [10.29.8.9 NMAC - N, 11/30/09]

10.29.8.10 TRANSITION PROGRAM APPLICATION FOR ADMISSION:

A. Compliance with the reporting requirements listed in 10.29.9.10 NMAC is required.

B. Phase one application requirements.

(1) An applicant for training or certification, or his department, must submit the following application forms for admission or certification and all necessary paperwork 60 days prior to the basic training program start date.

- (a) LEA-1A - application for admission to transition training program.
- (b) LEA-5 - fingerprint affidavit.
- (c) LEA-6 - applicant affidavit.
- (d) LEA-9 - release of information.
- (e) LEA-11 - employment history.
- (f) LEA-12 - affidavit of United States citizenship.
- (g) LEA-14 - entry physical fitness verification.
- (h) LEA-82 - agency employment action.
- (i) Notarized copy of current valid driver's license.
- (j) Notarized copy of military DD214 (if applicant has had military service)

must have character of service.

(k) Notarized copy of high school diploma, G.E.D. certificate or college diploma.

(2) Non-compliance with the 60 day application requirement will result denial of admission to the selected training.

(3) Applicants who falsify any information on their application for admission or certification will not be considered for admission or certification.

C. Phase two application requirements.

(1) An applicant for basic certification, or his department, must submit the following application forms for certification and all necessary paperwork no less than six months prior to the completion of the basic training program.

- (a) LEA-3 - medical examination.
- (b) LEA-4 - current psychological examination.

(2) Non-compliance with the six month submission requirement will result denial of eligibility to take the law enforcement certification examination.

(3) Applicants who falsify any information on their application for admission or certification will not be considered for admission or certification.

D. Phase three, certification by waiver training program requirement. An applicant for basic certification must complete the certification by waiver training program no less than six months after the completion of the basic transition training program.

[10.29.8.10 NMAC - N, 11/30/09]

10.29.8.11 **PSYCHOLOGICAL EXAMINATION:** Prior to certification as a law enforcement officer in the state of New Mexico, it shall be necessary for each applicant to be examined by a licensed/certified psychologist who shall certify to the individual's emotional and mental condition on a form prescribed by the director and entitled "mental examination certification". Compliance with the provisions set forth in 10.29.9.12 NMAC is required.
[10.29.8.11 NMAC - N, 11/30/09]

10.29.8.12 **FINGERPRINT CLEARANCE FOR ADMISSION/CERTIFICATION:** Prior to admission or certification as a law enforcement officer in the state of New Mexico, it shall be necessary for all New Mexico police officer applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation. Compliance with the provisions set forth in 10.29.9.13 NMAC is required.
[10.29.8.12 NMAC - N, 11/30/09]

10.29.8.13 **REQUALIFICATION FIREARMS TRAINING:** All New Mexico police officer applicants for certification must comply with the provisions set forth in 10.29.9.14 NMAC.
[10.29.8.13 NMAC - N, 11/30/09]

10.29.8.14 **MEDICAL REVIEW PROCEDURES:** In accordance with the provisions of the Law Enforcement Training Act, Section 29-7-6, an applicant for certification or training must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course. Compliance with the provisions set forth in 10.29.9.17 NMAC is required.
[10.29.8.14 NMAC - N, 11/30/09]

10.29.8.15 **LAW ENFORCEMENT OFFICER CERTIFICATION EXAMINATION; TIME LIMITATIONS:**

A. Students who successfully complete a New Mexico police officer transition training program, and certification by waiver training program, and are determined to have met all of the requirements for law enforcement certification, will be allowed to take the law enforcement officer certification exam. Only those students who have successfully completed all requirements under the minimum standards of training, as determined by the director of the department of public safety training and recruiting division, will be administered the law enforcement officer certification exam.

(1) Students will be allowed two opportunities in which to pass the law enforcement officer certification exam within 60 days from the date of completion of the training program. Students who fail the exam two times must attend and successfully complete the New Mexico law enforcement academy's basic police training program. Students will not be allowed to attend a regional/satellite program to obtain certification.

(2) Students who achieve a passing score on the law enforcement officer certification exam are eligible for certification upon submission of form LEA-15 by the employing New Mexico law enforcement agency.

B. Students who have successfully completed a New Mexico police officer transition training program, the certification by waiver program, and passed the law enforcement officer

certification exam, will be provided a letter from the director of the department of public safety training and recruiting division attesting to the student's eligibility for certification as a police officer in New Mexico.

C. When all paperwork is completed to the satisfaction of the director of the department of public safety training and recruiting division for any student requesting certification by successful completion of a New Mexico police officer transition training program, the request will be submitted to the New Mexico law enforcement academy board for final approval and award of certification under NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1994).

[10.29.8.15 NMAC - N, 11/30/09]

10.29.8.16 CERTIFICATION:

A. The New Mexico law enforcement academy board determines the maximum number of satellite academies which may be certified at any given time. Only approved satellite academy programs may conduct New Mexico police officer transition training programs.

B. The following procedures must be adhered to by all New Mexico police officer transition training programs for the training program to be approved for certification in accordance with NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1997).

[10.29.8.16 NMAC - N, 11/30/09]

10.29.8.17 PROGRAM IMPLEMENTATION:

A. The accredited academy will ensure that the facilities, instructors, program management, and curriculum meet or exceed the standards and expectations established by the board and the director.

B. All regional academies requesting approval for each transition basic training program must notify the department of public safety training and recruiting division and supply the following information for review and approval prior to any such program's implementation.

(1) Curriculum which must correspond with the current minimum standards of training for the requested program as set forth in 10.29.9.8 and 10.29.8.8 NMAC. Curriculum is subject to change at the discretion of the New Mexico law enforcement academy board.

(2) List of department of public safety training and recruiting division certified instructors and their assigned course(s). Instructors must be certified through the department of public safety training and recruiting division, or instruction conducted by a non-certified instructor must be monitored by the department of public safety training and recruiting division certified instructor. Technical or high risk areas must be instructed by certified department of public safety training and recruiting division instructors; for example, firearms training - qualification must be conducted by a certified department of public safety training and recruiting division firearms instructor.

(3) Schedule of classes for the entire training period.

(4) Roster of students' full names, dates of birth, and social security numbers.

C. For New Mexico police officer transition training program, comparable training facilities for the below listed proficiency areas must be available or contracted for by the requesting agency or instructor and inspected by the department of public safety training and recruiting division prior to approval.

(1) Comparable driving track facility.

(2) Comparable firearms range facility.

(3) Comparable obstacle/agility course facility.

D. Upon receipt of this information, a thorough evaluation will be made and notification sent to the regional academy advising the decision of the department of public safety training and recruiting division. In the event that the program is not approved, notification and recommendations will be sent advising the agency or institution of the program deficiencies. Once these deficiencies have been corrected, the program will again be examined and notification will be sent as to final disposition.

E. Once approval is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as established by the New Mexico law enforcement academy board. Any deviation from the previously approved program must be submitted to the department of public safety training and recruiting division for review and approval pending final certification of the program conducted.

F. 60 days prior to the regional academy start date, all fitness assessment scores, and the phase one student application packet shall be received by the department of public safety training and recruiting division.

G. Class size will be determined by each regional academy, however, an appropriate instructor to student ratio must be maintained. This is especially important in the critical skill areas of physical fitness, firearms, defensive tactics, emergency vehicle operations, and situational training exercises. The certification of students completing an academy program is important. A low certification percentage, as determined by the board, will be grounds for non-renewal of academy accreditation.

H. The board will establish minimum guidelines for instructor and student conduct.

I. The board will determine which academies are authorized to conduct transition law enforcement training. The type of student allowed to attend a satellite academy transition training program must meet the criteria listed on form LEA-1A.

[10.29.8.17 NMAC - N, 11/30/09]

10.29.8.18 PROGRAM COMPLETION: Upon completion of the satellite program, the agency/institution must provide the following information to the department of public safety training and recruiting division prior to administration of the law enforcement officer certification examination (LEOCE).

A. Phase two application forms for certification and all necessary paperwork shall be submitted no less than six months prior to the projected completion of the basic training program.

B. Final (revised) student roster: full name, date of birth, social security number, and mailing address of each student.

C. Final (revised) class schedule: dates, time, and length of instruction. Each block of the minimum standards of training will be included.

D. Final (revised) listing of instructors: instructors must be certified through the department of public safety training and recruiting division certified instructor. Technical or high risk areas must be instructed by a certified department of public safety training and recruiting division instructor for the specific areas instructed; example, firearms training - qualification must be conducted by a certified department of public safety training and recruiting division firearms instructor.

E. Block test scores must be provided for each instructional area, as well as scoring for the skill proficiency areas, i.e., firearms, defensive tactics, patrol fitness (1.5 mile run and

obstacle course), and driving program. A roster of student names and test scores attested to by the satellite program director is sufficient to meet the department of public safety training and recruiting division testing requirements. Department of public safety training and recruiting division testing requirements and minimum scores for the various block and skill proficiency areas are the only acceptable testing criteria.

F. Final attendance roster for students of the training program.
[10.29.8.18 NMAC - N, 11/30/09]

10.29.8.19 PROGRAM MONITORING AND EVALUATION:

A. Department of public safety training and recruiting division director, or his designee, has the authority to visit the satellite training program at any time to monitor and evaluate the training conducted to ensure that the program meets the established minimum standards of training.

B. The department of public safety training and recruiting division director, or his designee, will investigate any reported information concerning the operation of the satellite academy and delivery of training programs. At any time that information on program deficiency is verified, the director can request decertification of the satellite program.

(1) The decertification procedures will require a written report on program deficiencies to the director of the satellite program allowing for correction of noted deficiencies.

(2) If the corrections are not made to the department of public safety training and recruiting division director's satisfaction, decertification will be recommended to the New Mexico law enforcement academy board.

(3) All efforts will be made by the director of the department of public safety training and recruiting division and the satellite program director to resolve program deficiencies prior to initiation of any decertification proceedings.

(4) The satellite program director may appear before the New Mexico law enforcement academy board to appeal, or defend against, program certification recommendations.

[10.29.8.19 NMAC - N, 11/30/09]

10.29.8.20 CERTIFICATION OF PRIOR NON-ACCREDITED BASIC TRAINING:

Students who have successfully completed a non-accredited police officer basic training academy not previously recognized by the New Mexico law enforcement academy, will be allowed to request recognition and approval of this training in partial fulfillment of the training requirements as established under the New Mexico police officer transition training program until 1/01/12. Each applicant must meet the following conditions and the listed documentation must be submitted.

A. Reserve academy daily class student attendance rosters.

B. Class schedule: dates, time, length of instruction, and a copy of each lesson plan.

C. On a form approved by the director, a listing will be submitted to the director of each completed block and sub-topic of training and the corresponding state approved standard of training that has been fulfilled, noting any deficiencies.

D. Listing of instructors: instructors must be certified through the department of public safety training and recruiting division certified instructor. Technical or high risk areas must be instructed by a certified department of public safety training and recruiting division instructor for the specific areas instructed; example, firearms training - qualification must be

conducted by a certified department of public safety training and recruiting division firearms instructor.

E. Block test scores must be provided for each instructional area, as well as scoring for the skill proficiency areas, i.e., firearms, defensive tactics, patrol fitness (1.5 mile run and obstacle course), and driving program. A roster of student names and test scores attested to by the satellite program director is sufficient to meet the department of public safety training and recruiting division testing requirements. Department of public safety training and recruiting division testing requirements and minimum scores for the various block and skill proficiency areas are the only acceptable testing criteria.

F. Certificate of completion and total hours of training successfully completed.

G. Final roster for students of the training program.

H. Proof of advance training courses completed may be submitted for fulfillment of related deficient basic training hours. It will be the sole discretion of the director to approve any such training hours submitted.

I. Department of public safety training and recruiting division director, or his designee, will evaluate the basic and advance training completed and determine the training hours that will be recognized for basic law enforcement certification and the deficient hours that must be completed to meet the established minimum standards of training. Upon completion of the established minimum standards of training, a formal basic training transcript will be created and the individual will be eligible for attendance of the certification by waiver program.

J. An applicant for certification by waiver, or his department, must submit the application forms identified in phase one and phase two of 10.29.8.10 and LEA-15 for admission to the certification by waiver course.

[10.29.8.20 NMAC - N, 11/30/09]

HISTORY OF 10.29.8 NMAC: [RESERVED]

PART 9

POLICE OFFICER

10.29.9 NMAC

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 9 POLICE OFFICER

10.29.9.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505

[5-31-97; 10.29.9.1 NMAC - Rn, 10 NMAC 29.9.1, 4/30/01]

10.29.9.2 SCOPE: All police officers and law enforcement agencies in the state of New Mexico.

[5-31-97; 10.29.9.2 NMAC - Rn, 10 NMAC 29.9.2, 4/30/01]

10.29.9.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7-4 (B) (C) (F) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-5 (E) (F) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-6 (A) (4) (6) (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.1 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-7.2 (Repl. Pamp. 1994), NMSA 1978, Section 29-7-10 (Repl. Pamp. 1994)

[5-31-97; 10.29.9.3 NMAC - Rn, 10 NMAC 29.9.3, 4/30/01]

10.29.9.4 DURATION: Permanent.

[5-31-97; 10.29.9.4 NMAC - Rn, 10 NMAC 29.9.4, 4/30/01]

10.29.9.5 EFFECTIVE DATE: May 31, 1997 unless a different date is cited at the end of a section or paragraph.

[5-31-97; 10.29.9.5 NMAC - Rn, 10 NMAC 29.9.5, 4/30/01]

10.29.9.6 OBJECTIVE: The objectives of Part 9 are to establish minimum standards of training for police officer certification, authorize the adoption of a student handbook of student rules and regulations by the director, enumerate reporting requirements for law enforcement agencies in the state of New Mexico, establish criteria for applications to attend the New Mexico law enforcement academy, identify criteria for psychological evaluations required under law and fingerprint clearance, establish entry level and requalification firearms training requirements, establish criteria and procedures for temporary or emergency certification and renewal of certification after absence.

[1-1-98; 10.29.9.6 NMAC - Rn, 10 NMAC 29.9.6, 4/30/01]

10.29.9.7 DEFINITIONS: [Reserved]

10.29.9.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING

A. Block 1: Introduction to the academy; 12 total block hours - This unit of instruction prepares the recruit officer for the academy experience, focusing on the responsibilities the recruit must undertake to successfully complete the academy. The subjects include:

- (1) academy mission; 1 hour
- (2) overall academy objectives; .5 hour
- (3) rules and regulations of the academy; 2 hours

- (4) learning skills; 2 hours
- (5) role and function of the New Mexico law enforcement academy; .5 hour
- (6) sexual harassment; 2 hours
- (7) cultural diversity; 4 hours

B. Block 2: Introduction to law enforcement in New Mexico; 45 total block hours - This unit of instruction identifies the core background, principles and expectations of being a law enforcement officer. The subjects include:

- (1) history and principles of law enforcement; 2 hours
- (2) police and the public and community oriented policing; 14 hours
- (3) ethics and moral issues; 5 hours
- (4) the New Mexico criminal justice system; 2 hours
- (5) criminal/civil liability - standards of performance; 6 hours
- (6) Spanish language; 16 hours

C. Block 3: Physical and emotional readiness; 78 total block hours - This unit of instruction will instruct the student in health and physical fitness concepts, flexibility, strength, body composition and cardiovascular endurance. The student will be expected to successfully complete both entrance and exit standards of fitness and exit standards of job-related agility. The subjects and standards include:

- (1) Physical fitness/wellness; 1 hour

(a) Academy entry standard: This standard is based on cooper clinic studies, data and recommendations. Each academy entry student will be pre-assessed on five (5) fitness/wellness evaluations:

- (i) 1.5 mile run (altitude adjusted);
- (ii) 1 minute sit-up;
- (iii) 1 minute push-up;
- (iv) sit and reach; and
- (v) 300 meter run.

Entry evaluations 1 through 5 will be measured relative to age and sex norms. Each academy entry candidate must score in the 40th percentile or better, in each of the five (5) designated fitness/wellness evaluations, to be eligible for entry into state-certified law enforcement basic training academies.

(b) Academy exit goal: For each academy student the goal, through participation in the physical fitness program, is to be able to score in the 60th percentile in each of the above five (5) fitness/wellness evaluations.

- (2) Physical performance requirements; 72 hours

(a) Fitness program: Each student will participate in a weekly fitness program for a minimum of one hour per session, three sessions per week.

(b) Academy fitness exit standard: Complete the 1.5 mile run and 300 meter run at the 60th percentile.

(c) Alternative to the academy fitness exit standard, 1.5 mile run: A basic or certification by waiver student may request the exit cycle ergometer test as an alternative test to the 1.5 mile run exit standard under the following conditions.

(i) The basic academy student must submit a written request to the director within thirty (30) days of the basic academy graduation date.

(ii) The certification by waiver student must submit a written request to the director thirty (30) days prior to the start date of the certification by waiver academy.

(iii) The student request will include a medical referral from a medical doctor with an active medical license who is licensed under the Medical Practice Act to practice medicine in New Mexico. The medical referral will identify the medical reason for the cycle ergometer alternative test.

(iv) The basic academy student request will also include written confirmation from the academy director that all other basic academy training requirements have been successfully completed or will be completed by the graduation date.

(v) Upon receipt of the director's written approval, the student will contact the approved medical facility and schedule for the cycle ergometer alternative test.

(vi) Payment for the cycle ergometer test will be the responsibility of the student or sponsoring agency.

(vii) Upon completion of the cycle ergometer test, the student will submit the written results to the director. The basic student must complete the cycle ergometer test and submit the results to the director prior to their academy graduation date to be eligible for certification with their academy class. The certification by waiver student must complete the cycle ergometer test and submit the results to the director prior to the certification by waiver academy start date to be eligible to attend the academy.

(viii) The basic academy student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will be ineligible for certification with their class. The basic academy student must successfully complete the cycle ergometer test within six (6) months of their academy graduation date. After expiration of this six month (6) period, the unsuccessful student will be eligible to attend the next scheduled basic academy.

(ix) The certification by waiver student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will result in the student being denied admission into the certification by waiver academy. The student will be eligible for reapplication to the next scheduled certification by waiver academy.

(x) Approved medical facility and alternative test: The university of New Mexico hospital, or equivalent exercise physiology laboratory is the only approved facilities for cycle ergometer testing. The alternative test is limited exclusively to VO₂max test using indirect calorimetry with the cycle ergometer. The student must successfully achieve the comparable 1.5 mile run exit standard for the cycle ergometer test, with altitude, age and gender adjustment.

(d) Academy agility course #1 - Pursuit and control exit standard: Score passing time (3 minutes, 5 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is seated in a vehicle with seatbelt in use. As the timed exercise begins, the officer will undo the seatbelt and open the vehicle door.

(ii) Run 30 feet and open a building door.

(iii) Cross the threshold (4 feet) and run up two flights of stairs and pause for 60 seconds. (A rise and run of 7 inches by 11 inches is standard; 8 inches by 10 inches or 6 inches by 12 inches are acceptable variations. Standard floor landings are 10 feet high.) It is appropriate, if only one floor is available, to run up, run down, run up and pause. There is no restriction on how the officer negotiates the stairs.

(iv) Run down the stairs and out the door.

(v) Run 100 feet from the door to a 5-foot high platform; run up steps to the top of the 5-foot platform and jump down. A ladder or ramp are acceptable variations to getting on top of the platform.

(vi) Run 37.5 feet; turn and reverse; run 37.5 feet; turn and reverse; run 25 feet to a 6-foot high wall and scale it. The wall is constructed of cinder block, unpainted with a smooth top. If the applicant chooses, he or she may drag a rigid aid or object 10 feet from the side of the wall and use it as a platform to scale the wall. The rigid aid or object will have handles, a flat top, weigh 50 pounds and be 25 inches tall.

(vii) After scaling the wall, run 50 feet to a handcuff/arrest simulator; pull the arms down; touch the ends and hold for 60 seconds. The arrest simulator is 5 feet high with 60 pounds resistance in the right arm and 40 pounds in the left arm.

(e) Academy agility course #2 - Rescue exit standard: Score passing time (42 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is standing at starting point wearing a 10-pound weight belt around the waist to simulate a gun belt. On signal the officer will run 30 feet straight ahead and jump across a 4-foot wide barrier. The barrier is low to the ground, e.g., a ditch, highway divider, etc.

(ii) Run 12.5 feet and climb, jump or hurdle over a 3-foot high barrier. The barrier is to resemble a fence or low wall, no more than 4 inches wide and at least 8 feet long, made of metal or wood.

(iii) Run 12.5 feet to the back of a vehicle equivalent to a full-sized police vehicle and push it 30 feet on a flat surface in the direction of a clear area where a victim extraction will take place. The car is occupied by a dummy (victim) wearing a seatbelt and weighing 190 pounds plus or minus 10 pounds. The dummy must meet standards established by the New Mexico law enforcement academy.

(iv) Approach the victim's door; open the door; undo the seatbelt; pull the victim out of the vehicle and drag them 20 feet perpendicular to the direction of the vehicle.

(3) emotional health, officer suicide and stress management; 4 hours

(4) nutrition; 1 hour

D. Block 4: Laws and procedures; 50 total block hours - This unit of instruction informs the student about law and its application to the function of a law enforcement officer. The subjects include:

(1) authority and jurisdiction; 6 hours

(2) constitution law; 2 hours

(3) criminal law; 10 hours

(4) criminal procedures and laws of arrest; 7 hours

(5) search and seizure; 15 hours

(6) civil laws; 2 hours

(7) liquor laws; 1 hour

(8) Indian country law; 1 hour

(9) juvenile law and justice; 2 hours

(10) handling juveniles and their problems; 2 hours

(11) crime motivated by hate; 2 hours

E. Block 5: Patrol procedures and operations; 107.5 total block hours - This unit of instruction will cover the various types of incidents that a law enforcement officer can be expected

to be involved in while on patrol, and the practices and procedures necessary to perform the patrol function. The subjects include:

- (1) role of patrol in policing the community; 1 hours
- (2) patrol procedures; 16 hours
- (3) patrol activities and incidents; 8 hours
- (4) vehicle stop techniques; 12 hours
- (5) roadblocks and barricades; 2 hours
- (6) crimes in progress; 4 hours
- (7) crowd control and civil disorder; 1 hour
- (8) crime prevention and fear reduction; 1.5 hours
- (9) special problems - gangs and terrorism; 10 hours
- (10) critical incident management; 16 hours
- (11) radio procedures; 1 hour
- (12) patrol response simulations practicum; 13 hours
- (13) nighttime vehicle stops practicum; 5 hours
- (14) nighttime building searches practicum; 5 hours
- (15) missing person and amber alert; 4 hours
- (16) hazardous materials; 8 hours

F. Block 6: Principles of criminal investigation; 76 total block hours - This unit of instruction shall prepare the officer to effectively secure a crime scene, conduct an investigation, collect evidence, and prepare reports so suspects may be prosecuted. The subjects include:

- (1) the officer as first responder; 6 hours
- (2) interviewing and interrogation techniques and skills; 8 hours
- (3) identifying, collecting and processing evidence; 16 hours
- (4) identification of suspects; 2 hours
- (5) crimes against people; 4 hours
- (6) crimes against property; 4 hours
- (7) injury and death cases; 3 hours
- (8) sex crimes; 6 hours
- (9) controlled substances; 8 hours
- (10) informants and intelligence; 2 hours
- (11) surveillance; 2 hours
- (12) civil complaints and service calls; 2 hours
- (13) technology crimes and investigation; 4 hours
- (14) crime scene investigation practicum; 9 hours

G. Block 7: Motor vehicle law enforcement; 36.5 total block hours - This unit of instruction will furnish the officer with information relating to the laws of motor vehicles and the criteria for conducting traffic enforcement operations. The subjects include:

- (1) vehicle code and enforcement; 2 hours
- (2) title, registration and vehicle identification; 1 hour
- (3) driver licensing; 2 hours
- (4) occupant safety; 1.5 hours
- (5) traffic enforcement strategies; 1 hour
- (6) driving while intoxicated enforcement/impaired operator; 24 hours
- (7) commercial motor vehicle enforcement; 2 hours
- (8) off-highway Motor Vehicle Act; 3 hours

H. Block 8: Motor vehicle collision investigation and related issues; 26 total block hours - This unit of instruction will provide the student with a basic level of competency to conduct a traffic accident investigation, to have an awareness of the risk posed by hazardous materials, and the officer's role in a hazardous materials incident. The subjects include:

- (1) collision investigation; 24 hours
- (2) traffic accident report forms; 2 hours

I. Block 9: Human relations; 10 total block hours - This unit of instruction will provide the student with tools and techniques to gain greater understanding of persons unlike themselves, so they can be more effective in their duties. The subjects include: perceptions of human behavior; 10 hours.

J. Block 10: Crisis management; 40 total block hours - This unit of instruction will prepare the officer to effectively manage high-risk incidents to a safe and successful conclusion. The subjects include:

- (1) behavior management and crisis intervention; 12 hours
- (2) dispute intervention/conflict management; 8 hours
- (3) handling the mentally ill and other special populations; 12 hours
- (4) suicide, barricaded person, hostage situations and suicide by police; 8 hours

K. Block 11: Domestic issues; 20 total block hours - This unit of instruction will focus on the cycle of violence, the rights of victims and the responsibilities of law enforcement, and the assistance available to victims. The subjects include;

- (1) domestic violence and police response; 8 hours
- (2) victims assistance laws; 2 hours
- (3) ensuring child safety upon arrest; 2 hours
- (4) domestic violence simulation practicum; 8 hours

L. Block 12: Defensive tactics/handling arrested persons; 88 total block hours - This unit of instruction will provide the student with techniques to arrest and control subjects and also how to defend themselves from physical attack. The student will learn the relationship between subject actions and the proper levels of force that can be applied. The subjects include:

- (1) use of force legal issues; 7 hours
- (2) use of force continuum/judgment issues; 7 hours
- (3) medical implications; 1 hour
- (4) oleoresin capsicum spray; 3 hours
- (5) mechanics of arrest, restraint and control; 68 hours
- (6) transporting prisoners; 2 hours

M. Block 13: Report writing; 14.5 total block hours - This unit of instruction will provide the student with the competencies to effectively communicate in written form the necessary information that is required in a police report and other official communications. The subjects include:

- (1) notetaking and report writing; 14.5 hours
- (2) [Reserved]

N. Block 14: Case presentation; 19 total block hours - This unit of instruction will give the student the skills for proper preparation and testimony in court, and also how to prepare and question witnesses and make objections and arguments in misdemeanor cases. The subjects include:

- (1) courtroom testimony and demeanor; 5 hours
- (2) police officer as prosecutor and legal practice exercise; 14 hours

O. Block 15: Basic firearms course; 80 total block hours - This unit of instruction will familiarize the student with the operation and maintenance of a firearm, firearms safety, safety equipment and fundamentals of marksmanship. The student will successfully complete the New Mexico firearms standardized qualifications courses, and will display proper decision-making in shooting simulations. The subjects include:

- (1) basic firearms course; 69.5 hours
- (2) body armor; 1 hour
- (3) deadly force decision-making practicum; 9.5 hours

P. Block 16: Operation of a patrol vehicle; 56 total block hours - This unit of instruction will prepare the officer for proficiently operating a patrol vehicle, the various factors that affect the operation of a patrol vehicle, procedures for emergency driving, and the legal issues related to emergency vehicle operations. The student will demonstrate their competencies on the sub-skills (lane change, slalom, perception/reaction, lolly-pop, and backing) driving courses with a precision closed course, and a precision open course. Passing time for open precision course is 1:05 minutes with no errors, passing time for overall clean course is 2:25 minutes and a minimum of 2 night time orientation runs on the overall course. The subject's include:

- (1) introduction to emergency vehicle operations; 3 hours
- (2) Safe Pursuit Act; 8 hours theory, 8 eight hours pursuit scenarios, in compliance with 29-20-3 NMSA
- (3) emergency responses; 2 hours
- (4) vehicle dynamics; 2 hours
- (5) driving courses; 33 hours practical application

Q. Block 17: First aid and cardio pulmonary resuscitation; 16 total block hours - This unit of instruction will provide the student with skills to perform emergency care techniques to the sick and injured. The subjects include:

- (1) first aid; 4 hours
- (2) cardio pulmonary resuscitation; 9 hours
- (3) blood borne pathogens; 3 hours

R. Block 18: Academy administration; 49.5 total block hours - This unit is for administration of the basic academy training program. This includes examinations and reviews, assessments, inspections, discretionary training time and graduations.

S. Variances to required subject hours - The 824-hour standard curriculum is designed for a class size of 30-60 students. Upon request from a satellite academy commander holding a class of less than 30 students, the director may determine if a reduction of practicum hours will still meet the objectives listed for the block and then may authorize an academy to engage in fewer practicum hours. For classes of greater than 60 students, the director may require an academy to engage in more practicum hours than the standard to meet the objectives listed for the block.

[5-29-86, 2-18-87, 2-19-87, 3-16-87, 5-31-97, 1-1-98, 3-1-98, 12-20-99; 10.29.9.8 NMAC - Rn & A, 10 NMAC 29.9.8, 4/30/01; A, 7/1/02; A, 12-14-04; A, 2-14-07; A, 12/15/11]

10.29.9.9 STUDENT HANDBOOK, PROCEDURES, AND REGULATIONS - Due to the need to insure that students attending the New Mexico law enforcement academy comply with rules and regulations, the director of the New Mexico law enforcement academy is hereby instructed to prepare a handbook covering student rules and regulations, policies and procedures. Such handbook shall be updated as necessary and when applicable, changes shall be reported to the New Mexico law enforcement academy board at their next regularly scheduled meeting.

[5-30-85; 10.29.9.9 NMAC - Rn, 10 NMAC 29.9.9, 4/30/01]

10.29.9.10 POLICE OFFICER REGISTRY REPORTING AND APPLICATIONS FOR ADMISSION/CERTIFICATION

A. Reporting Requirements

(1) Employment, termination, or conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude of all peace officers in the State of New Mexico must be reported to the department of public safety training and recruiting division within 30 days of such action.

(2) Required reporting forms shall be established by the director of the department of public safety training and recruiting division.

(3) All law enforcement agencies who do not comply with the requirement of submitting to the department of public safety training and recruiting division status reports on their employees will not be eligible for training funds or attendance at basic and/or in-service/advanced training classes until the registry is made current. Repeated failures to maintain the registry shall result in a period of suspension of training eligibility to be set by the director of the department of public safety training and recruiting division.

(4) In order to protect the lives and safety of the officer involved, any law enforcement agency employing undercover officers may indicate, in writing, a desire to protect the officer's identity. If such indication is made, the officer's name shall not appear in the general office registry. His name and other information requested shall however be furnished to the department of public safety training and recruiting division.

B. Application Requirements

(1) An applicant for training or for certification, or his department, must submit the initial application for admission/certification and all necessary paperwork within 30 days of the initial hire date for said applicant.

(2) Non-compliance with the 30 day application requirement will result in assignment to class after completion of all other requirements herein on a space available basis only -- no special consideration will be given the applicant and the applicant must have his commission suspended if he exceeds one year from initial hire date.

(3) No applicant shall be admitted to the department of public safety training and recruiting division after one year of initial hire date unless the applicant and his Chief, Sheriff, or agency head certify:

(a) that he was suspended from duty as a law enforcement officer and his commission revoked within one year of his initial hire date; and

(b) that the department will reinstate the officer based upon his successful completion of the basic training course and certification by the New Mexico law enforcement academy board.

(4) The department of public safety training and recruiting division shall be notified of any change in the medical or psychological condition of an applicant prior to his admission or certification.

(5) Applicants who falsify any information on their application for admission or certification will not be considered for admission or certification.

[4-10-89, 1-1-98; 10.29.9.10 NMAC - Rn, 10 NMAC 29.9.10, 4/30/01]

10.29.9.11 [Reserved]

[2-28-82, 4-10-89, 1-1-98; R 4-1-99; 10.29.9.11 NMAC - Rn, 10 NMAC 29.9.11, 4/30/01]

10.29.9.12 PSYCHOLOGICAL EXAMINATION

A. Procedure

(1) Prior to admission to training and/or certification as a law enforcement officer in the state of New Mexico, it shall be necessary for each applicant to be examined by a licensed/certified psychologist who shall certify to the individual's emotional and mental condition on a form prescribed by the director and entitled "mental examination certification".

(2) Private firms who administer psychological examinations for law enforcement officers shall be acceptable if, however, a qualified representative as stated in Paragraph 1 of Subsection A of 10.29.9.12 NMAC completes the appropriate form as prescribed by the director.

(3) The applicant shall also prepare and submit a form prescribed by the director and entitled "psychological statement of applicant".

(4) False or incorrect statements in either form are grounds for revocation of any certificate granted.

(5) Evaluations cannot be more than one year old for admission/certification purposes.

(6) The psychological evaluation/written report will be required to be attached to the LEA-4 form. The written evaluation shall be returned to the department head at the time of certification and shall not be maintained in student training files.

(7) The applicant shall not hold the privilege of obtaining the evaluation; evaluations are the property of the referring agency and shall be held in the strictest of confidence. A self-sponsored applicant may hold the privilege of obtaining the evaluation however, the original report must still be sent directly to the academy upon completion by the psychologist.

(8) If any information concerning psychological screening/evaluation provided to the director or the person evaluating the applicant's suitability is found to be false or not truthful, the applicant will be either refused enrollment or if certified, decertified in accordance with 10.29.1.10 NMAC through 10.29.1.17 NMAC.

(9) Applicant failure of psychological examination must be reported to the New Mexico law enforcement academy within 30 days.

B. Screening process

(1) Purpose: The intent of these guidelines is to set minimally acceptable standards for pre-employment psychological testing of persons seeking certification as peace officers in New Mexico.

(2) Examiner standard: Pre-employment psychological testing shall be conducted by a licensed/certified psychologist. In the event the psychologist does not have appropriate training in this area, he/she should seek supervision as per the guidelines of the American psychological association ethical standards and code of conduct.

(3) Overview of process: At a minimum, the pre-employment psychological testing process shall consist of the following:

- (a) psychological testing
- (b) face-to-face interview
- (c) written narrative report
- (d) completed New Mexico LEA-4 form
- (e) informed consent/release of information form

(4) Psychological testing: The pre-employment psychological testing shall include, at a minimum, testing across the following areas:

- (a) a measure of reading ability such as the WRAT, the Nelson-Denny reading test, or other comprehensive measure which yields a grade-level score;
- (b) a measure of psychopathology, such as the MMPI-2, the PAI or the Millon-3;
- (c) a measure of normal personality functioning, such as the 16PF, the LEADER or the Inwald personality inventory;

(5) Interview: The interview shall be conducted in person by the licensed/certified psychologist in a face-to-face setting with the candidate. At a minimum, the interview will cover the following areas:

- (a) a brief mental status exam;
- (b) gather or review a social history, to include relevant information regarding early development, schooling, military service, job history and potential problems issues, such as drug and alcohol use, driving, fighting, domestic violence, and past critical life events;
- (c) explore areas of judgment and reliability, such as impulse control, communication, appropriate use of force, social skills, common sense, and credit history;
- (d) any other aspects of personal development (i.e. medical history) that the examiner deems important.

(6) Written report: The report shall incorporate all information gathered in the interview and testing. Any clinically significant elevations in test scores shall be discussed and their impact upon job performance explored. The examiner should address the ability of the candidate to perform the essential job functions, some of which may be unique to the sponsoring agency. If the candidate is not recommended, the report should enumerate which essential job functions he/she is incapable of performing.

(7) All psychologists performing pre-employment testing must conform to the guidelines of the American psychological association regarding storage of records.

C. Rejection of applicant and subsequent psychological evaluation within twelve months

(1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may only be obtained as provided for in Paragraph (1) of Subsection D of this section, and this subsequent psychological evaluation must first be approved by the director through the appeal process as outlined and provided for in Paragraph (1) of Subsection D of this section. This evaluation must be requested within thirty (30) days of the rejection.

(2) A psychological evaluation obtained without the approval of the director within twelve (12) months of the rejection will not be accepted.

(3) Any rejected applicant who does not appeal the rejection may reapply to a New Mexico law enforcement agency twelve months from the signature date of the rejection.

D. Appeal process

(1) In the event an applicant receives a rejection, the applicant or agency may request that the rejection be reviewed within 30 days of signature date. This request shall be submitted to the New Mexico law enforcement academy director in writing and state the reason that an appeal is warranted.

(a) Reviewing authority will be a New Mexico licensed psychologist(s) designated by the director.

(b) Results of this review will be communicated in writing to the New Mexico law enforcement academy.

(2) If the reviewer concurs with the rejection, the applicant will be eligible to reapply to a New Mexico law enforcement agency twelve months from the signature date of the original evaluation.

(3) If, in the judgment of the reviewer, a second psychological opinion is warranted.

(a) The second opinion will be rendered by a New Mexico licensed psychologist chosen by the New Mexico law enforcement academy director or his/her designee.

(b) Psychologist will review all test data and other information that was available to the initial psychologist (i.e., background investigation and polygraph results).

(c) The second evaluation, at minimum, will follow the guidelines for pre-employment evaluations as outlined by the New Mexico law enforcement academy. The psychologist may review the original test data and will use, at a minimum, one additional testing instrument for the second evaluation.

(d) Psychologist may request other information from the applicant, the agency, or the New Mexico law enforcement academy prior to conducting the evaluation.

(e) The cost of this evaluation will be borne by the agency or the applicant.

(f) If the results of the second evaluation are negative, the applicant may reapply to a New Mexico law enforcement agency twelve months from the signature date of the second opinion.

(g) If the results of the second evaluation are positive, the applicant's name will be removed from the list of failed applicants.

[12/4/83...12/15/93; 10.29.9.12 NMAC - Rn & A, 10 NMAC 29.9.12, 4/30/01; A, 10/31/07]

10.29.9.13 FINGERPRINT CLEARANCE FOR ADMISSION/CERTIFICATION - Due to the fact that the department of public safety training and recruiting division is not recognized by federal regulations as a duly authorized law enforcement agency and therefore cannot be issued an "ORI" to send or receive fingerprint clearances through the federal bureau of investigation, the previous procedures established by the law enforcement academy are repealed and are replaced by the following procedures:

A. All New Mexico police officer applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation. No officer applying for police officer certification is allowed to receive an original appointment on a permanent basis in New Mexico if the officer has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under dishonorable conditions from any of the armed forces of the United States, NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994).

B. One set (2 cards) of police officer applicant fingerprint cards will be thoroughly completed by the hiring police agency and forwarded to the department of public safety technical and emergency support division. The department of public safety technical and emergency support division will use one fingerprint card for a records check with their agency and will forward the card back to the hiring agency and will forward the second completed card to the federal bureau of investigation identification section for a records check. The department of public safety technical

and emergency support division will not log in the fingerprint cards received from the various law enforcement agencies and will not accept inquiries on the status of the fingerprint clearance either for department of public safety technical and emergency support division or the federal bureau of investigation. Department of public safety technical and emergency support division will forward applicant fingerprint requests to the federal bureau of investigation within three days upon receipt of the cards. Incomplete fingerprint cards or cards not properly completed will be returned by the department of public safety technical and emergency support division to the requesting agency.

C. All fingerprint clearances will be forwarded from department of public safety technical and emergency support division and the federal bureau of investigation back to the initiating agency. If the "ORI" label on the fingerprint card is different than that of the hiring agency, the hiring agency requesting the clearance must print their agency's address below the address located on the fingerprint card.

D. Upon receipt of clearance from both the department of public safety technical and emergency support division and the federal bureau of investigation, "No Record", the hiring agency will be required to complete NMLEA Form #A-9, certified by the department head's signature, and forward this form to the department of public safety training and recruiting division stating that the officer is in compliance with NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994).

E. Upon receipt of information from the department of public safety technical and emergency support division and the federal bureau of investigation that the applicant for certification has a criminal conviction for a felony crime or crime involving moral turpitude it will be the agency's responsibility to terminate the officer. If there is not adequate information, i.e., no disposition, listed on the "rap sheet" it is the agency's responsibility to determine the disposition of the case prior to requesting certification of the officer and certifying that the officer has no record of arrest under the provisions of the Law Enforcement Training Act. In situations in which the agency is unable to determine the disposition of an arrest/conviction, the agency should consult the attorney general's office for assistance. For guidance in determining whether misdemeanor convictions are crimes specifically involving moral turpitude, departments should request the assistance of the attorney general's office.

F. No police officer may be certified through the department of public safety training and recruiting division who has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under dishonorable conditions from any of the armed forces of the United States, NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994). Any department head certifying that an officer has "No Arrest" for the above and information to the contrary is received by the department of public safety training and recruiting division or the attorney general's office, decertification procedures will be immediately initiated and the law enforcement agency chief/sheriff or department head notified as well as the attorney general's office and the New Mexico law enforcement academy board.

[9-4-81...4-10-89; 10.29.9.13 NMAC - Rn, 10 NMAC 29.9.13, 4/30/01; A, 12/15/11]

10.29.9.14 ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING

A. Entry level handgun standards - The entry level officer category includes any officer who is newly hired that has not previously received academy level training. This will result in the standardization of training in firearms and reduce the liability to departments by ensuring all

officers are informed of the most recent legal and technical aspects of using deadly force. Prior to carrying a handgun on or off duty, all entry level non-certified officers shall receive a minimum of 16 hours of instruction in the following areas:

- (1) SAFETY (1 hour)
 - (a) on/off duty
 - (b) range
- (2) Legal aspects (2 hours)
 - (a) state statutes
 - (b) use of force policy
 - (c) departmental policy
 - (d) civil liability considerations
- (3) Mental conditioning (1 hour)
 - (a) awareness training
 - (b) [Reserved]
- (4) Weapons care and cleaning (1 hour)
 - (a) nomenclature
 - (b) weapons operation
 - (c) disassembly/cleaning
- (5) Marksmanship fundamentals (1 hour)
 - (a) stance
 - (b) grip
 - (c) sight alignment
 - (d) sight picture
 - (e) breath control
 - (f) trigger control
 - (g) follow through
- (6) Weapon manipulation (2 hours - lecture)
 - (a) presentation
 - (b) reloading techniques
 - (c) aimed pairs
 - (d) failure drills
 - (e) malfunction clearance techniques
 - (f) use of cover
 - (g) shooting positions
 - (h) night shooting techniques
- (7) Range training and testing (8 hours)
 - (a) written test
 - (b) practical (non-shooting skills training)
 - (c) live fire manipulation drills (minimum 130 rounds)
 - (d) decisional shooting (minimum 20 rounds)
 - (i) three scenarios: good guy/bad guy; shoot/don't shoot; multiple assailants
 - (ii) [Reserved]
 - (e) qualification (minimum 100 rounds)
 - (i) 50 rounds day qualification (see specific course)
 - (ii) 50 rounds night qualification (see specific course)

B. Entry level shotgun/rifle standards - Prior to carrying a shotgun and/or rifle on or off duty, all entry level non-certified officers shall receive (in addition to the above) a minimum of eight hours of instruction in the following areas:

- (1) SAFETY (30 minutes)
 - (a) on/off duty
 - (b) range
- (2) LEGAL ASPECTS (30 minutes)
 - (a) use of force policy
 - (b) departmental policy
- (3) WEAPONS CARE AND CLEANING (1 hour)
 - (a) nomenclature
 - (b) weapons operation
 - (c) disassembly/cleaning
- (4) WEAPON MANIPULATION (2 hours)
 - (a) low/high read
 - (b) sling positions
 - (c) reloading techniques
 - (d) malfunction clearance techniques
 - (e) shooting positions
- (5) RANGE TRAINING AND TESTING (4 hours)
 - (a) written test
 - (b) practical (non-shooting skills training)
 - (c) live fire manipulation drills (minimum 50 rounds)
 - (d) qualification course

C. Minimum standards description - Specific handgun courses of fire designed for daylight and nighttime conditions, will be used for qualification. This will ensure that all officers are tested to the same standard once a year only. It is recommended that the agency vary courses of fire for other agency required qualifications.

D. Instructor standards - All firearms training will be conducted by approved instructors or New Mexico State Certified Firearms Instructors.

E. Requalification - All law enforcement officers must participate in requalification firearms training in accordance with the target/scoring methodology described in Subsection G of 10.29.9.14 NMAC of this rule.

F. Reporting

(1) Training must be conducted and reported to the Training and Recruiting Division within thirty days of a non-certified police officer being hired. The reporting form shall be provided by the Training and Recruiting Division. No uncertified police officer will be allowed to carry a weapon while on duty until the entry level training has been completed and reported to the Training and Recruiting Division.

(2) Requalification scores of every law enforcement officer in the State of New Mexico shall be reported yearly to the Training and Recruiting Division by the employing agency for the daytime, nighttime, and other applicable courses of fire.

G. Target/scoring methodology

(1) Silhouette dimensions will be not larger than 20" wide by 35" tall overall. Any target similar in design with the scoring boxes is acceptable for qualification. The target will represent the silhouette of a human with the following scoring zones: A "coke bottle" shaped

scoring area - this area is worth two points. A template of the scoring area can be obtained from the academy and drawn onto the agency target.

(2) Any rounds impacting outside the scoring area, even if they are on the silhouette, are not worth any points.

(3) A total possible score of 100 points can be achieved with this scoring system. A minimum score of 80%, or 80 points, is required for qualification. At least 40 rounds must impact within the scoring area and all rounds must be accounted for either as a hit or a miss. No soft scoring.

H. Ammunition - All firearms training will be with duty ammunition, that is substantially similar to the duty ammunition. Only factory made new ammunition should be carried on duty.

I. Equipment - Officers will qualify with their duty equipment authorized by the department. Training officers will ensure practical and live fire testing will be done in clothing consistent with the officer's normal duty uniform. As a minimum, body armor should be worn.

J. Backup weapons - It is recommended that officers be allowed to carry backup weapons, if consistent with their departmental policies. If backup weapons are carried, the weapons should be inspected and approved by the departmental armorer/range master, and the officer should demonstrate proficiency with the weapon by qualification on an appropriate course of fire.

K. QUALIFICATION COURSE: DAY (50 Round Course) - Range is "hot". Shooters will not be told when to reload, except when firing the reloading drill portion of the course. No "alibis" will be given for shooter errors.

YARD LINE	DESCRIPTION	ROUNDS	TIME
25	Shooter draws to a prone position and fires two rounds	2	10 sec
25	Shooter draws to a kneeling position and fires two rounds (repeat)	4	5 sec
15	Shooter draws to a standing position and fires two rounds	2	4 sec
15	Shooter draws to a kneeling position and fires two rounds (repeat)	4	5 sec
7	From a weak-hand low-ready, shooter fires two rounds, weak hand only (repeat)	4	3 sec
7	Shooter draws to a standing position and fires two rounds, reloads and fires two more rounds--may be tactical or speed (repeat)	8	10 sec
7	Shooter draws to a standing position	6	2 sec

	and fires two rounds (repeat twice)		
7	Shooter draws to a standing position and fires a failure drill (repeat)	6	5 sec
5	Shooter draws to a standing position and fires two rounds (repeat twice)	6	2 sec
5	Shooter draws to a standing position and fires two rounds, reloads and fires two more rounds--may be tactical or speed	4	10 sec
1	Shooter draws to a weapon retention or disengagement position and fires two rounds (repeat)	4	2 sec

L. QUALIFICATION COURSE: NIGHT (50 Round Course) - Range is "hot".
 Shooter will not be told when to reload, except when firing the reloading drill portion of the course. No "alibis" will be given for shooter errors. Low light conditions would include parking lights from vehicles, naturally existing light, or other light that is just enough to identify a threat.

YARD LINE	DESCRIPTION	ROUNDS	TIME
5 (low light)	Shooter draws from the holster and fires a three round failure drill. (repeat)	6	5 sec
5 (low light)	Shooter draws to a low ready position and fires two rounds. (repeat twice)	6	2 sec
7 (flashlight or low light)	Shooter draws from the holster and fires two rounds. (repeat twice)	6	4 sec
7 (flashlight or low light)	Shooter draws to a low ready position and fires two rounds. (repeat twice)	6	3 sec
7 (flashlight or low light)	Shooter draws to a low ready position and fires a three round failure drill. (repeat)	6	5 sec
10 (Headlights &	Shooter draws from the holster and fires two rounds, reloads and	8	10 sec

Overheads)	fires two more rounds. (repeat)		
10 (Headlights & Overheads)	Shooter draws to the low ready position and fires two rounds, reloads and fires two more rounds. (repeat)	8	8 sec
10 (Headlights & Overheads)	Shooter draws to a low ready position and fires two rounds. Flashlight optional.	2	3 sec
10 (Headlights & Overheads)	Shooter draws from the holster and fires two rounds. Flashlight optional.	2	4 sec

[1-1-95, 5-31-97; 10.29.9.14 NMAC - Rn, 10 NMAC 29.9.14, 4/30/01; A, 1/1/02; A, 6/14/02]

10.29.9.15 TEMPORARY AND/OR EMERGENCY CERTIFICATION

A. Procedure

(1) The director may, in his discretion, grant a temporary certification in order to avoid hardships or prevent conflicts within a department arising solely from technical non compliance with academy board rules.

(2) Said temporary certificate shall be granted only for good cause, proved to the satisfaction of the director, and shall be granted only to persons who have met the minimum standards of training prescribed by the board as well as all other state requirements.

(3) Grounds for granting such temporary certification shall include, but not be limited to the following: a person qualifying for certification by waiver during a period between board meetings.

(4) A temporary certification must be approved and made permanent no later than the next scheduled board meeting.

(5) In the event said certification is not approved and made permanent by the board, the certification shall expire and be of no further force or effect whatsoever.

B. [Reserved]

[12-14-80, 11-24-89; 10.29.9.15 NMAC - Rn, 10 NMAC 29.9.15, 4/30/01]

10.29.9.16 RENEWAL OF CERTIFICATION AFTER ABSENCE

A. Break in law enforcement employment

(1) In the event a certified officer in the state of New Mexico leaves his position for any reason and is not employed as a full-time law enforcement officer for a period of more than two (2) years, but less than eight (8) years, such officer will be considered to be decertified, and will be required to meet all current certification requirements of the New Mexico law enforcement academy and successfully complete the certification by waiver of previous training program conducted by the New Mexico law enforcement academy.

(2) In the event a certified officer in the state of New Mexico leaves his position for any reason and is not employed as a full-time law enforcement officer for a period in excess of eight

(8) years, such officer will be considered to be decertified and will be required to meet all current certification requirements and successfully complete the basic police officer training program.

(3) Those persons who hold a valid New Mexico police officer certification and are employed in an administrative capacity as a full-time police educator or trainer shall not be deemed to have left their position in law enforcement and shall not be required to reapply for certification as specified herein.

(4) The director of the New Mexico law enforcement academy shall have the authority to determine those positions as administrators or trainers that meet the requirements of Paragraph 3 of Subsection A of 10.29.9.16 NMAC above.

B. Minimum allowable employment - An officer must show proof of having worked a minimum of six (6) consecutive months during a break in service of two (2) or less years as a full-time law enforcement officer for a recognized law enforcement agency of this or another state to retain their certification.

C. Military service impact on in-service and firearms credits - If a certified law enforcement officer or dispatcher, in good standing with the law enforcement academy, is called to active military duty, all biennial in-service and firearms qualifications requirements shall be suspended during the period of active military duty. The employing agency shall notify the law enforcement academy of the active military duty call-up and the date on which the call-up occurred. The suspension of the requirements for in-service and firearms training shall terminate 90 days after the officer/dispatcher leaves active military duty. Upon return from active military duty, the employing agency shall retrain or refresh the certified officer/dispatcher. The employing agency shall notify the law enforcement academy of the officer's/dispatcher's return and of the officer's retraining. Any necessary retraining shall occur within 90 days of return to commission. In the event that a certified law enforcement officer's or dispatcher's period of separation due to active military service exceeds two years, the individual must complete a certification by waiver training program with the exception of having to complete any of the entrance or testing requirements. If the officer/dispatcher believes that military training which the officer/dispatcher received during the military call-up may qualify for in-service training or firearms qualifications requirements, the agency or officer/dispatcher may petition the law enforcement academy for permission to accept such military training in lieu of in-service training or firearms qualifications requirements. Such petitioning must be submitted in form as prescribed by the director and must include proof of such military training. The law enforcement academy's decision to accept credit for such training shall be at the sole discretion of the director.

[3-15-80...11-24-89; A, 6-29-00; 10.29.9.16 NMAC - Rn, 10 NMAC 29.9.16, 4/30/01; A, 3/29/02; A, 12/15/11]

10.29.9.17 MEDICAL REVIEW PROCEDURES

A. AUTHORITY - In accordance with the provisions of the Law Enforcement Training Act, Section 29-7-6, an applicant for certification and/or training must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course

B. INTRODUCTION - In establishing medical selection guidelines, the New Mexico law enforcement academy board recognizes the principle that nothing the academy does should interfere with the employers hiring process. However the academy reserves the right to determine if

the candidate may pose a direct threat to his/her safety and/or that of others in attending and participating in all aspects of the training program.

C. INFORMATION TO PHYSICIAN AND AGENCY: EXAMINATION INSTRUCTIONS - Under the medical selection guidelines the role of the physician is to identify the existence of any potentially excludable conditions. The physician and employer shall review these findings and the employer will make a decision as to whether the conditional offer of employment should be withdrawn, or to initiate discussions with the candidate concerning reasonable accommodations. The employer then determines whether any particular proposed accommodation is acceptable and reasonable. Once the determination is made that the candidate with reasonable accommodation can perform the essential tasks of policing, and assuming that a position is available, the conditional offer of employment should be honored and the candidate scheduled for admission into the academy. (See LEA MEDICAL FORMS, 16 pages.)

D. THE ACADEMY - In those instances where a candidate comes to the academy, with or without accommodation, and the director determines that the physical/medical condition of the individual poses a direct threat to his/her safety and/or that of others, admission to the academy can be denied for good reason, providing no reasonable accommodation can be found. The rejected candidate may appeal to the medical review board to seek redress. In that instance, the director, who is a member of the medical review board, shall excuse him/herself from the appeal.

E. MEDICAL REVIEW BOARD ESTABLISHED - There is established a subcommittee of the New Mexico law enforcement academy board known as the medical review board. The membership of the medical review board is appointed by the chairperson and shall include:

- (1) Chair: Member of the New Mexico law enforcement academy board selected to serve as the Chair of the medical review board.
- (2) Police Chief
- (3) Sheriff
- (4) Advocate of the disabled community
- (5) Two physicians (well experienced in medical employment examinations)
- (6) Director of academy

F. APPEAL PROCESS - When a candidate who considered him/herself protected under the Americans with Disabilities Act, is rejected by the employer, he/she may pursue recourse through the courts. However, if the candidate is rejected by an examining physician under the medical selection guidelines due to a medical condition of particular severity, e.g., back problems, diabetes, cardiovascular disease, etc., and he/she feels that he/she can perform the essential tasks, he/she can appeal to the medical review board. At the candidate's initiation and expense, the candidate may present evidence/testimony/demonstrations of his/her ability to perform the essential tasks without posing a direct risk to his/her health and safety and that of others. The medical review board cannot determine whether accommodations are reasonable or unreasonable since those are matters which are exclusive to the applicant and the employer. The medical review board will review the information presented by the applicant and make a recommendation to the academy board as to whether he/she can be admitted to the academy. After consideration of the medical review board recommendation, the academy board will make a final determination.

G. MEDICAL SELECTION GUIDELINES (POTENTIALLY EXCLUDABLE CONDITIONS”) ENTRY LEVEL LAW ENFORCEMENT OFFICER

- (1) EYES AND VISION

(a) Visual Acuity - Distant Vision; Uncorrected Distant Vision should be better than, or equal to, 20/100 (Snellen) binocular, and correctable to better than, or equal to, 20/30 (Snellen) binocular; Distant Vision correctable to better than, or equal to, 20/30 (Snellen) binocular. Preferred means of correction are soft contact lenses and/or shatterproof frames and lenses with headband.

(b) Visual Acuity - Near Vision; Near Vision correctable to better than, or equal to, 20/40 (Snellen) binocular.

(c) Visual Acuity - Color Vision; Correct reading of at least nine (9) or more of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Recourse testing is available by means of the Farnsworth - Munsell 100-Hue Test.

(d) Visual Acuity - Depth Perception; Depth perception should be sufficient to demonstrate normal stereo depth perception with or without correction to the standard: 100 ARC seconds.

(e) Visual Acuity - Peripheral Vision; Peripheral vision should be normal and not negatively impact candidate's ability to perform essential tasks.

(f) Glaucoma - If the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(g) Strabismus - If the candidate meets visual acuity guidelines following surgery, then the condition is non-disqualifying.

(h) Cataracts, Current - If the candidate meets visual acuity guidelines following treatment, the condition is non-disqualifying.

(i) Proliferative Retinopathy - If the candidate meets visual acuity guidelines following treatment, the condition is non-disqualifying.

(j) Nystagmus or Other Extra-Ocular Movement - If the candidate meets visual acuity guidelines, then the condition is non-disqualifying.

(k) Monocular Vision

(l) Blindness, Including Night-Blindness

(m) Retinal Detachment - If the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(n) Chronic Keratitis - If the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(o) Optic Neuritis - If the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(2) EARS AND HEARING

(a) Hearing Acuity - The *average* hearing level (HL) at the test frequencies, 500, 1000, and 2000 Hz will not exceed 25dB in either ear, and no single hearing level will exceed 30 dB at any of these test frequencies in either ear. Hearing loss at 3000 Hz will not exceed 40 dB HL in either ear. Recourse Testing of speech discrimination ability using phonetically balanced word lists in the presence of noise is available.

(b) Acute Otitis Media, Otitis Externa, and Mastoiditis - If the candidate meets hearing acuity guidelines and the condition is under treatment, then the condition is non-disqualifying.

(c) Any Inner/Middle/Outer Ear Disorder Affecting Equilibrium - If the candidate has historically had episodes of vertigo, he or she may require further evaluation.

(3) NOSE, THROAT, AND MOUTH - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely

impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

- (a) Loss of Sense of Smell
- (b) Aphonia, Speech Loss or Speech Defects
- (c) Deformities Interfering with the Proper Fitting of a Gas Mask

(4) PERIPHERAL VASCULAR SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Hypertension - Resting blood pressure should be less than, or equal to, 140 mmHg systolic and 90mmHg distolic on three successive readings. (If the candidate has controlled hypertension and is on medication with side effect profiles which do not interfere with performance of essential tasks then the condition may not be disqualifying.)

(b) Varicose Veins - If the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(c) Venous Insufficiency - If the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(d) Peripheral Vascular Diseases - If the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(e) Thrombophlebitis - If the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(5) HEART AND CARDIOVASCULAR SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Congenital Heart Disease - If the candidate's functional work capacity is unimpaired, then the condition is non-disqualifying.

(b) Valvular Heart Disease - If the candidate's functional work capacity is unimpaired, then the condition is non-disqualifying.

(c) Coronary Artery Disease

(d) ECG Abnormalities (*if associated with organic heart disease*) Including, but not limited to:

- (i) WPW Syndrome
- (ii) ST Depression
- (iii) Right or Left Bundle Branch Blocks
- (iv) 3 Degree A-V Block
- (v) Mobitz Type II A-V Blocks
- (vi) Sinoatrial Block or Sick Sinus Syndrome
- (vii) Ventricular Extrasystoles (*Frequent - 20/Minute with Exercise,*

10/Minute Without Exercise)

- (viii) Ventricular Tachycardia
- (ix) Atrial Fibrillation or Flutter
- (x) Symptomatic Supraventricular Tachycardia
- (e) Angina
- (f) Congestive Heart Failure
- (g) Cardiomyopathy

(h) Active Pericarditis, Endocarditis, and Myocarditis

(6) RESPIRATORY SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

- (a) Active Pulmonary Tuberculosis
- (b) Chronic Bronchitis
- (c) Active Asthma - If satisfactorily treated, the condition is not disqualifying.
- (d) Chronic Obstructive Pulmonary Disease
- (e) Bronchiectasis and Pneumothorax
- (f) Pneumonectomy
- (g) Acute/Chronic Mycotic Diseases - Including, but not limited to, coccidiomycosis and histoplasmosis.

(7) GASTROINTESTINAL SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

- (a) Colitis - Including, but not limited to, Crohn's disease, ulcerative colitis, irritable bowel syndrome (symptomatic or needing medication), bacterial colitis. If satisfactorily treated, the condition is not disqualifying.
- (b) Esophageal Disorders - Including, but not limited to, esophageal stricture, lower esophageal ring and esophageal spasm. If the candidate's condition is controlled, then the condition is non-disqualifying
- (c) Hemorrhoids - If the candidate's condition is controlled, then the condition is non-disqualifying.
- (d) Pancreatitis
- (e) Gall Bladder Disorders
- (f) Active Peptic Ulcer Disease
- (g) Symptomatic Inguinal, Umbilical, Ventral, Femoral, or Incisional Hernias
- (h) Malignant Disease of the Liver, Gall Bladder, Pancreas, Esophagus, Stomach, Small or Large Bowel, Rectum or Anus
- (i) Gastrointestinal Bleeding - If condition is satisfactorily treated, then it is not disqualifying.
- (j) Active or Chronic Hepatitis
- (k) Cirrhosis of the Liver

(8) GENITOURINARY SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation. People with communicable diseases must be evaluated relevant to their ability to train for and perform essential tasks without posing a direct threat to the health and safety of themselves and others.

- (a) Pregnancy - Qualification of the candidate is dependent upon the stage of the pregnancy.
- (b) Nephrectomy - If a candidate possesses this condition with normal renal functions, then the condition is non-disqualifying.
- (c) Acute Nephritis

- (d) Nephrotic Syndrome
 - (e) Acute Renal/Urinary Calculi
 - (f) Renal Transplant
 - (g) Renal Failure
 - (h) Hydrocele and Varicocele (symptomatic)
 - (i) Malignant Diseases of Bladder, Kidney, Ureter, Cervix, Ovaries, Breasts, Prostate, etc.
 - (j) Active Venereal Diseases
 - (k) Urinary Tract Infection
 - (l) Polycystic Kidney Disease
 - (m) Pelvic Inflammatory Disorders
 - (n) Cervicitis
 - (o) Endometriosis
 - (p) Bartholin Gland Abscess
 - (q) Vaginitis
 - (r) Inflammatory Disorders - Including, but not limited to, prostatitis, orchitis, and epididymitis.
 - (s) Presence of Illicit Drugs
- (9) ENDOCRINE AND METABOLIC SYSTEMS - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.
- (a) Untreated Thyroid Disease
 - (b) Diabetes Mellitus
 - (c) Adrenal Dysfunction - Including, but not limited to, Addison's Disease and Cushing's Disease.
 - (d) Hypoglycemia
 - (e) Pituitary Dysfunction
 - (f) Thyroid Tumor
- (10) SKIN AND COLLAGEN DISEASES - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.
- (a) Serious Dermatological Disorders
 - (b) Lupus Erythematosus
 - (c) Contact Allergies (of a serious or relevant nature)
- (11) MUSCULOSKELETAL SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.
- (a) Disorders that Limit Motor Performance
 - (b) Cervical Spine or Lumbosacral Fusion
 - (c) Degenerative Cervical or Lumbar Disc Disease (if symptomatic)
 - (d) Extremity Amputation
 - (e) Osteomyelitis
 - (f) Loss in Motor Ability from Tendon or Nerve Injury/Surgery

(g) Arthritis - If a candidate possesses this condition with no functional impairment, then the condition is non-disqualifying.

(h) Joint Conditions - Any condition which negatively impacts the ability of the candidate to perform essential tasks should be noted for further evaluation.

(i) Coordinated Balance

(j) Herniated Disc (symptomatic)

(k) Spinal Deviations

(l) Fracture Deformities (symptomatic)

(12) HEMATOPOIETIC AND LYMPHATIC SYSTEMS - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Anemia (all)

(b) Polycythemia

(c) Sickle Cell Trait - Sickle Cell Trait is a non-disqualifying condition.

(d) Sickle Cell Disease

(e) Hematopoietic Disorders (including malignancies)

(f) Hemophilia

(13) NERVOUS SYSTEM - The conditions which follow are not meant to be exclusive. If the examining physician feels (an)other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation

(a) Epilepsy

(b) Cerebral Palsy

(c) Movement Disorders

(d) Cerebral Aneurysms

(e) Syncope

(f) Progressive Neurological Diseases - Including, but not limited to, multiple sclerosis and Huntington's chorea.

(g) Peripheral Nerve Disorder - Including, but not limited to, polyneuritis, mononeuritis and neurofibromatosis.

(h) Narcolepsy

(i) Cerebral Vascular Accident

(j) Central Nervous System Infections

[3-1-98; 10.29.9.17 NMAC - Rn, 10 NMAC 29.9.17, 4/30/01]

10.29.9.18 LAW ENFORCEMENT OFFICER CERTIFICATION EXAMINATION; TIME LIMITATIONS

A. Students who successfully complete a New Mexico law enforcement academy basic police training program will be allowed to take the law enforcement officer certification exam. Only those students who have successfully completed all requirements under the minimum standards of training, as determined by the director of the department of public safety training and recruiting division, will be administered the law enforcement officer certification exam.

(1) Students will be allowed two (2) opportunities in which to pass the law enforcement officer certification exam within one year from the date of completion of the academy program. Students who fail the exam two (2) times must attend the academic portion of the

certification by waiver of previous training program prior to taking the exam a third (3rd) time. Students who fail the test three (3) times will be required to re-enroll and successfully complete the New Mexico law enforcement academy's basic police training program. Students will not be allowed to attend a regional/satellite program.

(2) Students who achieve a passing score on the law enforcement officer certification exam will be allowed one year from the date of the test in which to be eligible for certification. Certification can be granted only when the eligible student is hired by a recognized New Mexico law enforcement agency in a law enforcement position.

(3) If a student secures a law enforcement position after one year from the date of successful completion of the law enforcement officer certification exam, the student will be required to attend the certification by waiver of previous training program (short course) conducted by the department of public safety training and recruiting division.

(4) Students will be allowed three (3) years from the date of successful completion of the law enforcement officer certification exam to secure a law enforcement position. After three (3) years, they will be required to attend and successfully complete another basic police officer training program certified by the New Mexico law enforcement academy board.

B. Students who have successfully completed a New Mexico law enforcement academy basic police training program and passed the law enforcement officer certification exam will be provided a letter from the director of the department of public safety training and recruiting division attesting to the student's eligibility for certification as a police officer in New Mexico.

C. An application for certification and required supporting documentation must be submitted to the department of public safety training and recruiting division within fourteen days of the student's employment as a police officer as required under New Mexico law enforcement academy board rule 10.29.9.10 NMAC. Any officer (or department) not submitting the required documents is in violation of NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1994), and will be required to forfeit his position.

D. When all paperwork is completed to the satisfaction of the director of the department of public safety training and recruiting division for any student requesting certification by successful completion of a New Mexico law enforcement academy basic police training program, or any other previous comparable training, the request will be submitted to the New Mexico law enforcement academy board for final approval and award of certification under NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1994).

[4-1-99; 10.29.9.18 NMAC - Rn, 10 NMAC 29.9.18, 4/30/01]

10.29.9.19 CONTINUATION OF CERTIFICATION AFTER SEPARATION

A. Eligibility - In the event a New Mexico certified law enforcement officer, with five years or more of commissioned law enforcement employment, leaves his position in good standing; he will be eligible to continue his New Mexico certification status provided he complies with the procedures outlined below.

B. Procedure -

(1) Every eligible law enforcement officer separating from commissioned law enforcement service may continue their New Mexico certification by successfully completing each year and approved twenty hour In-Service training program offered by the Academy. This program will comply with the provisions of 10.29.7 NMAC In-Service Training Requirements and 10.29.9.14 NMAC Entry Level and Requalification Firearms Training.

(2) The Officer must successfully complete the first approved training program within two years of separation and then once each year during the calendar year in subsequent years.

(3) The requirements of 10.29.9.16 Renewal of Certification After Absence will apply to those officers not in compliance with the provisions of this section.
[10.29.9.19 NMAC - N, 10/31/2002]

HISTORY OF 10.29.9 NMAC:

Pre-NMAC History. The material in this part was derived from that previously filed with the State Records Center and Archives under NMLEA Rule #28, 1981 Police Officer Minimum Standards Of Training, filed 10-7-81; NMLEA Rule #28, Police Officer Minimum Standards Of Training, filed 12-16-81; NMLEA Rule #28, Police Officer Minimum Standards Of Training, filed 1-19-83; NMLEA Rule #28, Police Officer Minimum Standards Of Training, filed 8-25-83; NMLEA Rule #28, Police Officer Minimum Standards Of Training, filed 1-24-84; NMLEA #28, Police Officer Minimum Standards Of Training, filed 4-29-86; NMLEA #28, Police Officer Minimum Standards Of Training, filed 1-19-87; NMLEA #28, Police Officer Minimum Standards Of Training, filed 2-16-87; NMLEA Rule #D1, Police Officer Minimum Standards Of Training, filed 3-10-89; NMLEA #D1, Police Officer Minimum Standards Of Training, filed 12-31-92; NMLEA #D1, Amendment #1, filed 3-15-93; NMLEA Rule #4, Specialized Course Rules And Regulations, filed 4-29-76; NMLEA Rule #5, Approved Police Officer's Basic Training Program Rules And Regulations, filed 4-29-76; NMLEA Rule #10, Rules And Regulations And Student Handbook, filed 9-15-77; NMLEA Rule #2, Student Handbook And Regulations: Rules, Regulations And Procedural Handbook, filed 2-14-80; NMLEA Rule #2, Student Handbook And Regulations: Rules, Regulations And Procedural Handbook, filed 4-21-81; NMLEA Rule #2, Amendment No. 1, filed 1-28-82; NMLEA Rule #2, Amendment No. 2, filed 3-8-82; NMLEA Rule #2, Amendment No. 3, filed 2-17-83; NMLEA Rule #2, Student Handbook And Regulations: Rules, Regulations And Procedural Handbook, filed 8-25-83; NMLEA Rule #2, Student Handbook And Regulations: Rules, Regulations And Procedural Handbook, filed 1-24-84; NMLEA Rule #2, Student Handbook And Regulations: Rules, Regulations And Procedural Handbook, filed 5-18-84; NMLEA Rule #2, Student Handbook, Procedures And Regulations, filed 4-30-85; NMLEA Rule #D2, Student Handbook, Procedures And Regulations, filed 3-10-89; NMLEA Rule #34, Police Officer Certification Registry, filed 1-28-82; NMLEA Rule #35, Applications For Basic Training (Certification) 14 Day Requirement, filed 5-19-83; NMLEA Rule #D3, Police Officer Registry Reporting And Applications For Admission/Certification, filed 3-10-89; NMLEA Rule #33, Letter Of Intent For Basic Training Students, filed 1-28-82; NMLEA Rule #D4, Letter Of Intent For Basic Training Students, filed 3-10-89; NMLEA Rule #36, Psychological Examination, filed 11-4-83; NMLEA Rule #36, Psychological Examination, filed 11-10-86; NMLEA Rule #D5, Psychological Examination, filed 3-10-89; NMLEA Rule #D5, Psychological Examination, filed 10-12-89; NMLEA Rule #D5, Psychological Examination, filed 11-15-93; NMLEA Rule #32, Fingerprint Clearance For Admittance, filed 8-4-81; NMLEA Rule #32, Amendment No. 1, filed 5-19-83; NMLEA Rule #32, Fingerprint Clearance For Admittance, filed 2-18-86; NMLEA Rule #D6, Fingerprint Clearance For Admittance; filed 3-10-89; DPS/T&RD #40, Entry Level And Requalification Firearms Training, filed 12-9-87; NMLEA Rule #D7, Entry Level And Requalification Firearms Training, filed 3-10-89; NMLEA Rule #D7, Entry Level And Requalification Firearms Training, filed 2-8-95; NMLEA Rule #D7, Amendment 1, filed 2-16-95; NMLEA Rule #11, Temporary And/Or Emergency Certification, filed 2-14-80, NMLEA Rule #D8,

New Mexico Department of Public Safety Training Center
4491 Cerrillos Road, Santa Fe, New Mexico 87507
(505) 827-9251—(877) 237-7532 (NM Only) —Fax: (505) 827-3449— <http://nmlea.dps.state.nm.us/>

Temporary And/Or Emergency Certification, filed 3-10-89; NMLEA Rule #14, Renewal Of Certification After Absence, filed 2-14-80; NMLEA Rule #14, Renewal Of Certification After Absence, filed 8-14-85; NMLEA Rule #14, Renewal Of Certification After Absence, filed 8-29-86; NMLEA Rule #D9, Renewal Of Certification After Absence, filed 3-10-89; NMLEA Rule #D9, Renewal Of Certification After Absence, filed 10-25-89.

History of Repealed Material: [RESERVED]

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 29 LAW ENFORCEMENT ACADEMY
PART 10 PUBLIC SAFETY TELECOMMUNICATOR MINIMUM STANDARDS OF TRAINING

10.29.10.1 ISSUING AGENCY: New Mexico Law Enforcement Academy - Training and Recruiting Division, Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico 87505
[10-1-97; 10.29.10.1 NMAC - Rn, 10 NMAC 29.10.1, 7/1/01]

10.29.10.2 SCOPE: All applicants for certification as a public safety telecommunicator under the Public Safety Telecommunicator Training Act. The provisions of the Public Safety Telecommunicator Training Act do not apply to the emergency medical dispatchers certified or licensed by the New Mexico department of health pursuant to the EMS Act, Section 24-10B-4.F., NMSA 1978 when only dispatching emergency medical services
[10-1-97; 10.29.10.2 NMAC - Rn, 10 NMAC 29.10.2, 7/1/01; A, 01/01/04]

10.29.10.3 STATUTORY AUTHORITY: NMSA 1978, Section 29-7A-1 to 29-7A-7 (Repl. Pamp. 1994)
[10-1-97; 10.29.10.3 NMAC - Rn, 10 NMAC 29.10.3, 7/1/01]

10.29.10.4 DURATION: Permanent.
[10-1-97; 10.29.10.4 NMAC - Rn, 10 NMAC 29.10.4, 7/1/01]

10.29.10.5 EFFECTIVE DATE: October 1, 1997
[10-1-97; 10.29.10.5 NMAC - Rn, 10 NMAC 29.10.5, 7/1/01]

10.29.10.6 OBJECTIVE: The purpose of Part 10 is to establish the minimum standards for police radio dispatchers training programs.
[10-1-97; 10.29.10.6 NMAC - Rn, 10 NMAC 29.10.6, 7/1/01]

10.29.10.7 DEFINITIONS: [Reserved]

10.29.10.8 MINIMUM STANDARDS: PUBLIC SAFETY TELECOMMUNICATORS, EMERGENCY COMMUNICATORS AND TELECOMMUNICATOR TRAINING: The public safety telecommunicator (PST) certification course is a total of 132 hours of training in 12 units of instruction. There will be a total of 12 pre-academy distance learning applied training hours prior to the attendance of the PST academy, for a total of 120 contact training hours during the course.

A. Unit 1: Introduction to New Mexico telecommunications; 2.5 total unit hours - This unit of instruction will identify the core State requirements for public safety telecommunicator certification in New Mexico and provide the background or principles of being a professional telecommunicator in New Mexico.

- (1) New Mexico NMAC requirements for public safety telecommunicator; 1 hours
- (2) history of Emergency Communications; .5 hours
- (3) professionalization of public safety telecommunicators; .5 hours
- (4) survive & Thrive in the public safety telecommunications profession; .5 hours

B. Unit 2: Call Receiving; 14 total unit hours - This unit of instruction will provide the student with an understanding of the elements of effective interpersonal communication and effective call handling communications.

- (1) emergency link; .5 hours
- (2) courtesy purposefully; .5 hours
- (3) handling Emotions; .5 hours
- (4) call taking basics; 4 hours
- (5) how to assess calls; 2 hours
- (6) introduction to call types; 1 hour
- (7) writing a narrative and common abbreviations; 1 hour
- (8) speed writing skills development; 3 hours
- (9) updating a call; .5 hours
- (10) canceling a call; .5 hours
- (11) confidentiality; .5 hours
- (12) making promises to callers; .5 hours

- (13) keeping the callers on the line; .5 hours
- (14) 911 hang up; .5 hours
- (15) tdd/tty communications with the hearing impaired; 2 hours
- (16) safety and situational awareness in call taking; 1 hour
- (17) worst case scenarios; 1 hour
- (18) computer aided dispatch overview; 1 hour

C. Unit 3: Enhanced 911 Systems; 2 total unit hours

This unit of instruction will provide an overview of the enhanced 911 (E911) system history to date and terminology used in the public safety profession, wireless/VoIP 911, public marketing and education.

- (1) enhanced 911 history and terminology; 1 total hour
- (2) wireless/VoIP; .5 total hours
- (3) public marketing and education; .5 total hours

D. Unit 4: Principles of the law as a Public Safety Telecommunicator; 15.5 total unit hours

This unit of instruction will provide a basic understanding of the criminal justice systems at the municipal, county, state and federal levels and the telecommunicators role and responsibilities in the criminal justice system. This unit will also provide an overview of criminal offenses.

- (1) federal, state, municipal and county law enforcement agencies overview; 1.5 hours
- (2) the roll of the telecommunicator in the criminal justice system; .5 hours
- (3) what is a crime; .5 hours
- (4) violent crimes; 5 hours
- (5) property crimes; 3.5 hours
- (6) crime and punishment defined; 1 hour
- (7) miscellaneous crimes; 1 hour
- (8) traffic related crimes; 1 hour
- (9) units 1 through 4 academic testing and post test review; 1.5 hours

E. Unit 4A: Critical Incident Management (CIM) and Interdisciplinary Incident Command System (ICS); 19 total unit hours - This unit will cover CIM awareness and interdisciplinary ICS levels 100, 200 and 700, to include practical application in participating in CIM scenarios utilizing model simulator boards and critical incident stress debriefings.

- (1) CIM awareness; 4 hours
- (2) ICS 100, 200 and 700; 8 hours
- (3) hazardous materials awareness; 2 hours
- (4) CIM and ICS scenarios utilizing model simulator boards; 4 hours
- (5) critical incident stress debriefing; 1 hour

F. Unit 4B: High Performance Team Police Radio Communications; 22.5 total unit hours - This unit of instruction will expand the students knowledge of police communications as it narrows down the information gathered to specific law enforcement operations, and basic national crime information center (NCIC) operations to include the code of federal regulations 28 (CFR 28) and practical competencies of the 19 NCIC forms and there data requirements.

- (1) determining who to send; .5 hours
- (2) on view calls; .5 hours
- (3) police beats; .5 hours
- (4) dispatching the call and officer safety; 4 hours
- (5) police communications methods and techniques; 1 hour
- (6) law enforcement information and NCIC systems; 16 hours (8 hours in scenarios)

G. Unit 5: High Performance Team Fire Communications; 8.5 total unit hours - This unit of instruction will provide an overview of fire, fire suppression theories, safety and dispatching, fire apparatus and common fire operations terminology.

- (1) fire facts; .5 hours
- (2) structural fire suppression; 2 hours
- (3) wildfire suppression, jurisdictions and zones; 2 hours
- (4) fire fighter safety; .5 hours
- (5) fire call taking; 1.5 hours
- (6) fire radio; 1 hour
- (7) fire apparatus and terminology; 1 hour

H. Unit 6: High Performance Team Medical Communications; 9 total unit hours - This unit of instruction will provide an overview of emergency medical dispatch, medical and trauma signs and symptoms, safety and dispatching to include EMS apparatus and common terminology.

- (1) emergency medical services (EMS) overview; 1 hour
- (2) EMS personnel safety; .5 hours
- (3) medical and trauma signs and symptoms overview; 2 hours
- (4) EMS call taking; 2.5 hours
- (5) EMS radio; 1 hour
- (6) EMS apparatus and terminology; .5 hours
- (7) units 4A through 6 academic testing and post test review; 1.5 hours

I. Unit 7: Emergency Radio, Life Line to Responders; 4.5 total unit hours - This unit of instruction will provide information on the use of broadcast radio as a link to front line responders, including FCC requirements.

- (1) radio basics; 1 hour
- (2) enhanced development of radio techniques; .5 hours
- (3) time saving techniques; .5 hours
- (4) multiple casualty incidents; .5 hours
- (5) radio dispatch voice; 1.5 hours
- (6) FCC requirements and violations; .5 hours

J. Unit 8: Accountability, Responsibility and Liability for Telecommunicators; 5 total unit hours – This unit of instruction will provide an overview of civil litigation/liability, telecommunicator accountability and responsibilities, the need for continuous quality assurance and evaluations, the requirements to comply with organizational policies and the known areas of high risk as a telecommunicator.

- (1) facts and reality of law suits; .5 hours
- (2) accountability and responsibility; 1 hour
- (3) the need for quality assurance evaluations; 1.5 hours
- (4) the need for local organizational policies and procedure and their compliance; 1 hour

K. Unit 9: Crisis Intervention – Dangerous Opportunity; 7 total units hours – This unit of instruction will provide a telecommunicator with a core understanding on interacting with individuals with mental impairments or who may be or are in crisis. This unit of instruction while not statutorily required at this time will also comply with the lecture topics contained in 29-7c-7 NMSA 1978.

- (1) people in crisis to include; mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in crisis, traumatic brain injury and excited delirium; 3.5 hours
- (2) understand crisis situations; 1 hour
- (3) identifying a crisis; .5 hours
- (4) maintaining balance; .5 hours
- (5) crisis bill of rights; .5 hours
- (6) rules for crisis listening; 1 hour

L. Unit 10: 911 Stress Management for Wellness; 3.5 total unit hours – This unit of instruction will focus on the mental, emotional and physical wellness or readiness of the telecommunicator.

- (1) toxic stress in emergency communications; .5 hours
- (2) critical incident stress; .5 hours
- (3) victimization and stress; .5 hours
- (4) physical wellness; .5 hours
- (5) units 7 through 10 academic testing and post test review; 1.5 hours

M. Unit 11: Practical Application of core abilities; 8 total unit hours – This unit of instruction will provide an opportunity for a telecommunicator to participate in realistic scenarios using dispatch simulators to handle call taking, radio traffic and computer aided dispatch programs or manual call logs and NCIC traffic. Scripted scenarios encompassing the listed telecommunicator's customer base will be utilized throughout the PST academy to apply theoretical knowledge in realistic scenarios. The telecommunicator will receive progressive practical training in and demonstrate the ability to correctly and effectively handle law enforcement, EMS, fire/rescue, emergency managers, elected officials, public works/utilities, animal control and other stake holders, in radio traffic and phone calls while maintaining appropriate documentation and professionalism.

N. Unit 12: PST Academy administrative time; 5 total unit hours – This unit of instruction will include introductions, student handbook overview, academy expectations overview, administering the public safety telecommunicator certification examination and graduation ceremonies.

O. Unit 13: Emergency Medical Dispatch (EMD); 32 total optional unit hours – This unit of instruction will be offered as an optional post academy unit of instruction for those agencies desiring or requiring their telecommunicators being EMD certified.

(1) this course will cover; EMD scope of responsibility, levels of EMD, training guidelines for EMD, challenging EMD situations, EMD radio traffic, medical and trauma emergencies, including New Mexico Emergency Medical Services Bureau (NM EMS Bureau) certification/licensure.

(2) the EMD course curriculum, instructor curriculum certifications/licensure and end user certifications/licensure standards will be identified and maintained by the NM EMS Bureau.

P. Unit 14: National Crime Information Center (NCIC); 32 total optional unit hours; This unit of instruction will be offered as an optional post academy unit of instruction for those agencies that have not offered the comprehensive NCIC training to their employees, or their employee's require an update on NCIC. This course will include both NCIC training and certification.

[5-24-81...3-16-95; 10-1-97; 10.29.10.8 NMAC - Rn & A, 10 NMAC 29.9.10.8, 7/1/01; A, 01/01/04; A, x/x/12]

10.29.10.9 STUDENT HANDBOOK, PROCEDURES, AND REGULATIONS: Due to the need to insure that students attending the New Mexico law enforcement academy comply with rules and regulations, the director of the New Mexico law enforcement academy is hereby instructed to prepare a handbook covering student rules and regulations, policies and procedures. Such handbook shall be updated as necessary and when applicable, changes shall be reported to the New Mexico law enforcement academy board at their next regularly scheduled meeting. [6-1-99; 10.29.10.9 NMAC - Rn, 10 NMAC 29.10.9, 7/1/01; 10.29.10.9 NMAC - N, 01/01/04]

10.29.10.10 PUBLIC SAFETY TELECOMMUNICATOR REGISTRY REPORTING AND APPLICATIONS FOR ADMISSION/CERTIFICATION

A. Reporting requirements

(1) Employment, termination, or upon receipt of notice of conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude of all telecommunicator in the state of New Mexico must be reported to the department of public safety training and recruiting division within 30 days of such action.

(2) Required reporting forms shall be established by the director of the department of public safety training and recruiting division.

(3) All public safety agencies who do not comply with the requirement of submitting to the department of public safety training and recruiting division status reports on their employees will not be eligible for training funds or attendance at basic and/or in-service/advanced training classes until the registry is made current. Repeated failures to maintain the registry shall result in a period of suspension of training eligibility to be set by the director of the department of public safety training and recruiting division.

B. Application requirements

(1) An applicant for training or for certification, or his / her department, must submit the initial application for admission/certification and all necessary paperwork within 30 days of the initial hire date for said applicant.

(2) Non-compliance with the 30 day application requirement will result in assignment to class after completion of all other requirements herein on a space available basis only -- no special consideration will be given the applicant and the applicant must have his / her appointment suspended if he / she exceeds one year from initial hire date.

(3) No applicant shall be admitted to the department of public safety training and recruiting division after one year of initial hire date unless the applicant and his chief, sheriff, or agency head certify:

(a) that he / she was suspended from duty as a telecommunicator; and

(b) that the department will reinstate the telecommunicator based upon his / her successful completion of the basic training course and certification by the New Mexico law enforcement academy board.

(4) The department of public safety training and recruiting division shall be notified of any change in the medical or psychological condition of an applicant prior to his / her admission or certification.

(5) Applicants who falsify any information on their application for admission or certification will not be considered for admission or certification.

[10.29.10.10 NMAC - N, 01/01/04]

10.29.10.11 FINGERPRINT CLEARANCE FOR ADMISSION/CERTIFICATION - Due to the fact that the department of public safety training and recruiting division is not recognized by federal regulations as a duly

authorized law enforcement agency and therefore cannot be issued an "ORI" to send or receive fingerprint clearances through the federal bureau of investigation, the previous procedures established by the law enforcement academy are repealed and are replaced by the following procedures:

A. All New Mexico public safety telecommunicator applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation. No telecommunicator applying for telecommunicator certification is allowed to receive an original appointment on a permanent basis in New Mexico if the telecommunicator has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under dishonorable conditions from any of the armed forces of the United States, NMSA 1978, Section 29-7C-3.

B. One set (2 cards) of telecommunicator applicant fingerprint cards will be thoroughly completed by the hiring public safety agency and forwarded to the department of public safety technical and emergency support division. The department of public safety technical and emergency support division will use one fingerprint card for a records check with their agency and will forward the card back to the hiring agency and will forward the second completed card to the federal bureau of investigation identification section for a records check. The department of public safety technical and emergency support division will not log in the fingerprint cards received from the various law enforcement agencies and will not accept inquiries on the status of the fingerprint clearance either for department of public safety technical and emergency support division or the federal bureau of investigation. Department of public safety technical and emergency support division will forward applicant fingerprint requests to the federal bureau of investigation within three days upon receipt of the cards. Incomplete fingerprint cards or cards not properly completed will be returned by the department of public safety technical and emergency support division to the requesting agency.

C. All fingerprint clearances will be forwarded from department of public safety technical and emergency support division and the federal bureau of investigation back to the initiating agency. If the "ORI" label on the fingerprint card is different than that of the hiring agency, the hiring agency requesting the clearance must print their agency's address below the address located on the fingerprint card.

D. Upon receipt of clearance from both the department of public safety technical and emergency support division and the federal bureau of investigation, "no record", the hiring agency will be required to complete NMLEA Form LEA-5, certified by the department head's signature, and forward this form to the department of public safety training and recruiting division stating that the telecommunicator is in compliance with NMSA 1978, Section 29-7C-3.

E. Upon receipt of information from the department of public safety technical and emergency support division and the federal bureau of investigation that the applicant for certification has a criminal conviction for a felony crime or crime involving moral turpitude it will be the agency's responsibility to terminate the telecommunicator. If there is not adequate information, i.e., no disposition, listed on the "rap sheet" it is the agency's responsibility to determine the disposition of the case prior to requesting certification of the telecommunicator and certifying that the telecommunicator has no record of arrest under the provisions of the Public Safety Telecommunicator Training Act. In situations in which the agency is unable to determine the disposition of an arrest/conviction, the agency should consult the attorney general's office for assistance. For guidance in determining whether misdemeanor convictions are crimes specifically involving moral turpitude, departments should request the assistance of the attorney general's office.

F. No telecommunicator may be certified through the department of public safety training and recruiting division who has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under any other than an honorable discharge from any of the armed forces of the United States. Any department head certifying that an officer has "no arrest" for the above and information to the contrary is received by the department of public safety training and recruiting division or the attorney general's office, decertification procedures will be immediately initiated and the public safety agency's chief/sheriff or department head notified as well as the attorney general's office and the New Mexico law enforcement academy board.

[10.29.10.11 NMAC - N, 01/01/04]

10.29.10.12 TEMPORARY AND/OR EMERGENCY CERTIFICATION

A. Procedure

(1) The director may, in his / her discretion, grant a temporary certification in order to avoid hardships or prevent conflicts within a department arising solely from technical non compliance with academy board rules.

(2) Said temporary certificate shall be granted only for good cause, proved to the satisfaction of the director, and shall be granted only to persons who have met the minimum standards of training prescribed by the board as well as all other state requirements.

(3) Grounds for granting such temporary certification shall include, but not be limited to the following: a person qualifying for certification by waiver during a period between board meetings.

(4) A temporary certification must be approved and made permanent no later than the next scheduled board meeting.

(5) In the event said certification is not approved and made permanent by the board, the certification shall expire and be of no further force or effect whatsoever.

B. [Reserved]

[10.29.10.12 NMAC - N, 01/01/04]

10.29.10.13 RENEWAL OF CERTIFICATION AFTER ABSENCE

A. Break in telecommunicator employment

(1) In the event a certified telecommunicator in the state of New Mexico leaves his position for any reason and is not employed as a telecommunicator for a period of more than two (2) years, but less than four (4) years, such telecommunicator will be considered to be decertified, and will be required to meet all current certification requirements of the New Mexico law enforcement academy and successfully complete the certification by waiver of previous training program conducted by the New Mexico law enforcement academy.

(2) In the event a certified telecommunicator in the state of New Mexico leaves his / her position for any reason and is not employed as a telecommuicator for a period in excess of four (4) years, such telecommunicator will be considered to be decertified and will be required to meet all current certification requirements and successfully complete the basic public safety telecommunicator training program.

(3) Those persons who hold a valid New Mexico public safety telecommunicator certification and are employed in an administrative capacity as a telecommunicator educator or trainer shall not be deemed to have left their position in law enforcement and shall not be required to reapply for certification as specified herein.

(4) The director of the New Mexico law enforcement academy shall have the authority to determine those positions as administrators or trainers that meet the requirements of Paragraph 3 of Subsection A of 10.29.10.12 NMAC above.

B. Minimum allowable employment for a break in service - An telecommunicator must show proof of having worked a minimum of six (6) consecutive months during a break in service of two (2) or less years as a telecommunicator for a recognized public safety agency of this or another state to retain their certification.

[10.29.10.13 NMAC - N, 01/01/04]

10.29.10.14 PUBLIC SAFETY TELECOMMUNICATOR CERTIFICATION EXAMINATION; TIME LIMITATIONS

A. Students who successfully complete a New Mexico law enforcement academy public safety telecommunicator training program will be allowed to take the public safety telecommunicator certification examination. Only those students who have successfully completed all requirements under the minimum standards of training, as determined by the director of the department of public safety training and recruiting division, will be administered the public safety telecommunicator certification examination.

B. Students will be allowed two (2) opportunities in which to pass the public safety telecommunicator certification examination within one year from the date of completion of a New Mexico law enforcement academy public safety telecommunicator training program. Students who fail the test two (2) times will be required to re-enroll and successfully complete the New Mexico law enforcement academy's public safety telecommunicator training program. Students will not be allowed to attend a regional/satellite program.

C. Students who achieve a passing score on the public safety telecommunicator certification examination will be allowed one year from the date of the test in which to be eligible for certification. Certification can be granted only when the eligible student is hired by a recognized New Mexico law enforcement agency in a telecommunicator position.

D. If a student secures a public safety telecommunicator position between one and three years from the date of successful completion of the public safety telecommunicator certification examination, the student will

be required to apply for certification by waiver of previous training. This determination is conducted by the department of public safety training and recruiting division staff, and approved by the director.

E. If a student secures a public safety telecommunicator position after three (3) years from the completion of the public safety telecommunicator certification examination, they will be required to attend and successfully complete another public safety telecommunicator training program certified by the New Mexico law enforcement academy board.

F. Students who have successfully completed a New Mexico law enforcement academy public safety telecommunicator training program and passed the public safety telecommunicator certification examination will be provided a letter from the director of the department of public safety training and recruiting division attesting to the student's eligibility for certification as a public safety telecommunicator in New Mexico.

G. When all paperwork is completed to the satisfaction of the director of the department of public safety training and recruiting division for any student requesting certification by successful completion of a New Mexico law enforcement academy public safety telecommunicator program, or any other previous comparable training, the request will be submitted to the New Mexico law enforcement academy board for final approval and award of certification under NMSA 1978, Section 29-7-1 et. al., (Repl. Pamp. 1997).

[10.29.10.14 NMAC - Rn & A, 10.29.10.9 NMAC, 01/01/04]

10.29.10.15 CONTINUATION OF CERTIFICATION AFTER SEPARATION

A. Eligibility: In the event a New Mexico certified telecommunicator, with five years or more of certified telecommunicator employment, leaves his / her position in good standing; he / she will be eligible to continue his New Mexico certification status provided he/ she complies with the procedures outlined below.

B. Procedure:

(1) Every eligible telecommunicator separating from commissioned law enforcement service may continue their New Mexico certification by successfully completing each year and approved ten hour in-service training program offered by the academy. This program will comply with the provisions of 10.29.7 NMAC In-Service Training Requirements.

(2) The telecommunicator must successfully complete the first approved training program within two years of separation and then once each year during the calendar year in subsequent years.

(3) The requirements of 10.29.10.13 Renewal of Certification After Absence will apply to those telecommunicators not in compliance with the provisions of this section.

[10.29.10.15 NMAC - N, 01/01/04]

HISTORY OF 10.29.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMLEA Rule #29, 1981 Police Radio Dispatcher Minimum Standards Of Training, filed 4-24-81; NMLEA Rule #29, Police Radio Dispatcher Minimum Standards Of Training, filed 1-28-82; NMLEA Rule #29, Police Radio Dispatcher Minimum Standards Of Training, filed 8-14-85; Rule #29, Police Radio Dispatcher Minimum Standards Of Training, filed 9-30-85; NMLEA Rule #29, Police Radio Dispatcher Minimum Standards Of Training, filed 4-29-86; NMLEA Rule #E1, Police Radio Dispatcher Minimum Standards Of Training, filed 3-10-89; NMLEA Rule #E1, Police Radio Dispatcher Minimum Standards Of Training, filed 6-20-90; NMLEA Rule #E1, Minimum Standards: Police Radio Dispatcher, Emergency Communicators And Dispatcher Training, filed 2-16-95.

History of Repealed Material: [RESERVED]