

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. Training Program and lesson plans:

The director of the New Mexico Law Enforcement Academy shall develop minimum standards of training for police officer certification (training program) including but not limited to law enforcement education, physical fitness and firearms proficiency. The director will also prepare lesson plans to effectuate the training standards for optimized educational teaching effectiveness. The director shall update the training program and /or the lesson plans from time to time as the director or board deem appropriate to reflect changes in statutory or case law, operational or educational efficiencies, or best practices in education or law enforcement.

B. Board Approval Publishing:

The director shall present all training programs and/or lesson plans to the New Mexico Law Enforcement Academy Board for approval. The board shall approve or revise the proposed training program and/or lesson plans, at which time they shall become effective. The director shall publish the board approved training program and lesson plans on the New Mexico law enforcement academy website within seven days after board approval.

C. Requirements of Additional Training by Individual Law Enforcement Agencies:

Individual's law enforcement agencies in New Mexico may require additional training for their members in order to prepare their officers for matters unique to their agency.

Block 1: Introduction to the academy; [8] ~~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; [29] 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; [76] 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 [and the university of Texas at El Paso, department of kinesiology, exercise physiology lab, are] is the only approved facilities for cycle ergometer testing. The alternative test is limited exclusively to $\dot{V}O_2$ max 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; [2] 4 hours~~

~~(4) nutrition; 1 hour~~

~~**D. Block 4: Laws and procedures; [44] 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;** [99.5] 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 hour~~
- ~~_____ (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; [5 hours] 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;** [33.5] 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; [4] 2 hours~~

~~_____ (8) off highway Motor Vehicle Act; 3 hours~~

~~_____ **H. Block 8: Motor vehicle collision investigation and related issues;** [34] 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) hazardous materials; 8 hours]~~

~~_____ [(3)] (2) traffic accident report forms; 2 hours~~

~~_____ **I. Block 9: Human relations;** [29] 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:~~

~~_____ [(1)] perceptions of human behavior; 10 hours.~~

~~_____ [(2) cultural diversity; 3 hours~~

~~_____ (3) spanish language; 16 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;** [22] 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) [juvenile law and justice; 2 hours] domestic violence and police response; 8 hours~~

~~_____ (2) [handling juveniles and their problems; 2 hours] victims assistance laws; 2 hours~~

~~_____ (3) [domestic violence and police response; 8 hours] ensuring child safety upon arrest; 2 hours~~

~~_____ (4) [victims assistance laws; 2 hours] domestic violence simulation practicum; 8 hours~~

~~_____ [(5) 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;** [40] 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 [800] 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 ~~[any other than an honorable discharge from any of the armed forces of the United States]~~ 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 and fires two rounds (repeat twice)	6	2-sec
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
4	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 & Overheads)	Shooter draws from the holster and fires two rounds, reloads and fires two more rounds. (repeat)	8	10-sec
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, coccidioidomycosis 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, 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]