

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.
[5/31/97; 10.29.9.5 NMAC - Rn, 10 NMAC 29.9.5, 4/30/01; A, 12/14/13]

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 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 lesson plans to the New Mexico law enforcement academy board for approval. The board shall approve or revise the proposed training program and lesson plans, at which time they shall become effective. The director shall publish the board approved training standards 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.
[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; A, 12/14/13]

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 [Reserved]

[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; Repealed, 12/14/13]

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]