



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



Subject: <b>DPS Commissioned Personnel Reinstatement</b>		Policy Number: <b>PRS: 01</b>
Revision Number: <b>9</b>	Effective Date: <b>11/28/2023</b>	Original Issue Date: <b>07/02/1994</b>

**1) PURPOSE**

a) The purpose of this policy is to establish minimum criteria that former commissioned Department of Public Safety employees must meet to be eligible for reinstatement to a commissioned position under the provisions of this policy. The policy also contains provisions on benefits, seniority, and promotion for those former employees who are reinstated.

**2) POLICY**

a) It is the policy of the Department of Public Safety to have a fair and consistent mechanism by which qualified, former commissioned employees may be reinstated.

**3) APPLICABILITY**

a) This policy applies to all former commissioned DPS employees seeking reinstatement to a commissioned position.

**4) REFERENCES**

- a) 29-2-4 NMSA 1978, New Mexico State Police
- b) 29-2-6 NMSA 1978, Qualification of Members
- c) 29-7-1 NMSA 1978, Law Enforcement Training Act
- d) 10.29.1 NMAC, Public Safety and Law Enforcement, Law Enforcement Academy, General Provisions
- e) 10.29.9 NMAC Public Safety and Law Enforcement, Law Enforcement Academy, Police Officer

**5) DEFINITIONS**

a) **Certification Requirements** – Any applicable requirements or certifications that must be met prior to being reinstated as a commissioned DPS employee. Such requirements are promulgated through the New Mexico Law Enforcement Academy Board, the Department of Public Safety, and State Personnel Board Rules.



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- b) **Chief** – Chief of the State Police and DPS Deputy Secretary of the Law Enforcement Program.
- c) **Commission** – A certificate or commission card granting rank and authority to act as a peace officer for the Department of Public Safety.
- d) **Deputy Secretary** – DPS Deputy Secretary of Statewide Law Enforcement Support Services.
- e) **DPS** – Department of Public Safety.
- f) **Reinstatement** – The act of reinstating a former DPS employee.

### 6) OPERATIONAL PROCEDURES

- a) It is the policy of the Department of Public Safety that any former commissioned DPS employees seeking reinstatement must meet the following minimum criteria before being considered for reinstatement by the Cabinet Secretary, Chief, or Deputy Secretary:
  - i) No applicant shall be eligible for reinstatement through the provisions of this policy if he/she:
    - (1) Was previously removed from office or terminated by the DPS or any of its Divisions.
    - (2) Resigned or retired pending termination proceedings.
    - (3) Resigned or retired pending disciplinary proceedings, not including termination.
    - (4) Resigned or retired pending any criminal or administrative investigation, which could have resulted in disciplinary action.
    - (5) Resigned or retired before allegations of misconduct were reported to the department or before the department could initiate an investigation, which the employee knew of, or should have known was forthcoming.
  - ii) In the event an employee is terminated for failure to meet any educational requirements established by state law, such employee will only become eligible for reinstatement when he/she can demonstrate compliance.
  - iii) Each applicant that was previously a fully commissioned officer and is seeking a commissioned position must comply with all legislative and regulatory New Mexico Peace Officer certification/qualification requirements at the time of application, including any additional requirements set forth by the Department of Public Safety.
    - (1) Applicants must possess a current and active Peace Officer certification from the New Mexico Law Enforcement Academy prior to



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submitting an application. Applicants who have been out of law enforcement for:

- (a) Less than two (2) years will not be required to attend a certification by waiver class.
  - (b) More than two (2) years, but less than eight (8) years, will be required to attend a certification by waiver class prior to reinstatement.
  - (c) Greater than eight (8) years, the applicant is considered decertified and must complete the New Mexico State Police Recruit School.
- (2) All applications for reinstatement must be made through the Recruiting Bureau. The Recruiting Bureau will be responsible for developing and disseminating any required forms, accepting applications, screening, processing, and tracking applicants, making recommendations to the Chief on eligibility of applicants, and record keeping for exempt positions.
  - (3) If the applicant has been employed by another police agency during separation, all certificates of training obtained with the other agency are to be submitted to DPS Training and Recruiting Bureau upon application for reinstatement.
  - (4) The applicant shall submit any other information as required by the Department of Public Safety.
- iv) The applicant must submit to a complete background investigation as determined by the Department of Public Safety, for the purpose of determining the moral character, general reputation, and fitness of the applicant. The Chief or Deputy Secretary, at his/her discretion, may authorize a partial background investigation depending on the candidate's length of separation from the department or his/her continuous service in a similar position since separating from the department.
  - v) The applicant must successfully complete psychological and physical examinations and agility tests that are required for the position applied for. All tests will be administered by individuals designated by the Department of Public Safety. The costs of said examinations and tests will be borne by the Department of Public Safety. The Chief or Deputy Secretary, at his/her discretion, may waive this requirement depending on the candidate's length of separation from the department or his/her



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continuous service in similar position since separating from the department.

- vi) The applicant must have satisfactorily performed the duties of his/her former position prior to his/her separation from the DPS. The Chief or Deputy Secretary, as applicable, has sole discretion on determining whether an applicant for reinstatement satisfactorily performed his/her duties prior to separation.
- vii) An applicant for reinstatement to any DPS position must pass all qualifications and requirements deemed necessary by the Department of Public Safety and/or the Recruiting Bureau prior to an applicant being offered a position as an employee.
  - (1) A commissioned applicant's preference on duty station shall be discussed with the Recruiting Bureau during the application process. The preferred duty location will be approved by the Chief's Staff and the District Commander affected by the preference prior to an assignment being made.
  - (2) An available start date will be discussed with all applicants prior to an assignment being made.
- viii) A commissioned employee who is reinstated to a commissioned position must adhere to the following criteria before being allowed to perform work related activities:
  - (1) An officer who is reinstated shall report to the Training Bureau on his/her first official work day. The Training Bureau will be responsible for the issuance of all equipment, to include a vest and firearms, necessary for an officer to perform his/her duties.
  - (2) The reinstated officer will be required to qualify with all department weapons before being allowed to go on duty. The location of this qualification will be determined through discussions and agreement by the Training Bureau and the Commander of the District where the reinstated officer has been assigned. The qualification will be overseen by the Training Bureau or by a District qualified range master.
  - (3) A reinstated officer shall be on an FTO program for a minimum of two (2) weeks taking into consideration the length of time separated from law enforcement related work activity. The District Commander will make an evaluation on whether that FTO program shall be extended or if the newly reinstated officer is ready for full duty.



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- ix) It is the policy of the Department of Public Safety that any former commissioned employee who is reinstated to a commissioned position must adhere to the following guidelines:
- (1) A one (1) year probationary period must be served following reinstatement for commissioned officers if there is a break in service from their employment with the State of New Mexico in addition to completing any balance remaining of the initial two (2) year probationary period (including any extension) required to be served after recruit school.
  - (2) Reinstated officers who have successfully completed the mandatory FTO program are eligible to test for any specialty units. Any previous years of patrol experience will be reviewed on a case-by-case basis and will be utilized in determining the eligibility status in testing for specialty assignments. This includes testing for specialty teams, investigations bureau, governors security detail and so forth.
  - (3) Salary and benefits will be established according to policy.
  - (4) A reinstated officer will be eligible for promotion to sergeant after three (3) satisfactory years of service with DPS. All years of service prior to reinstatement will be computed in determining seniority for promotional purposes.
- x) An applicant eligible for reinstatement under this policy may be reinstated by the Cabinet Secretary, Chief, or Deputy Secretary, as applicable, solely at his/her discretion. No applicant for reinstatement has any right, conferred by this policy, or otherwise, to reinstatement. The discretionary determination regarding reinstatement is not reviewable or subject to appeal, and is considered final.

### 7) ATTACHMENTS

a) NONE

### 8) APPROVAL

APPROVED BY:

New Mexico State Police Chief

DATE:

11/28/23