Subject: Discipline		Policy Number: ADM: 47
Revision Number: 02	Effective Date: 11/17/2025	Original Issue Date: 03/13/2008

1) PURPOSE

a) The purpose of this policy is to establish guidelines that will be utilized to hold state police commissioned employees to the highest professional standards. The primary purpose of discipline is to correct performance or behavior that is below acceptable standards, or contrary to the employer's legitimate interests, in a constructive manner that promotes employee responsibility.

2) POLICY

a) It is the policy of the Department of Public Safety to establish a fair and consistent method in which discipline is administered to employees.

3) APPLICABILITY

a) This policy is applicable to all commissioned employees of the state police.

4) REFERENCES

a) CALEA Chapter 26 – Disciplinary Procedure
b) NMAC Rule 10.5.100 Standard of Conduct
c) New Mexico State Personnel Board Rules and Regulations
d) Section 29-2-11 NMSA 1978

5) DEFINITIONS

a) **Administrative Inquiry** – An exploration of facts and evidence, conducted by any department supervisor, into allegations of misconduct. During an inquiry, the employee accused of misconduct may not be interrogated. This does not prohibit the supervisor(s) of the accused employee(s) from requiring a written response or official report.
b) **Counseling** – Action taken by a supervisor to correct an employee's behavior. Examples of corrective action include but are not limited to: verbal or written counseling, mandatory retraining, cautionary letters and corrective action plans.

c) **Employee** – A commissioned employee of the state police.
d) **District Personnel File** – A file maintained by a supervisor of their subordinates which includes documentation of employee performance. This file can contain counseling records, notes regarding performance or returned paperwork.
e) **First Line Supervisor** – A supervisor who has direct supervisory responsibilities over the affected employee.
f) NMAC – New Mexico Administrative Code
g) **Punitive Disciplinary Action** - Punitive disciplinary action taken against an employee in order to discourage certain behavior and to deter others from becoming involved in the same type of misconduct. Examples of punitive disciplinary action include, but are not limited to: a letter of reprimand, suspension and termination.
h) **Reprimands** - Authoritative reproof, censure or rebuke.
i) **Suspension** - The act of temporarily denying any employee the privilege of performing his duties; a forced leave of absence without pay
j) **Termination** - The act of permanently terminating the service of a member; a discharge or removal from office, for cause.

6) OPERATIONAL PROCEDURES

a) Role of Supervisors

i) First Line Supervisors

(1) First line supervisors have the best opportunity to observe the day to day performance of the employee. This knowledge makes the first line supervisor a crucial element in the training and disciplinary procedure.
(2) While conformance to professional standards is primarily the employee's responsibility, the first line supervisor is responsible for ensuring compliance with such standards. First line supervisors shall remain alert for employee problems and shall assess and immediately address any problems or changes that may affect an employee's job performance.
(3) First line supervisors shall attempt to resolve work deficiencies through coaching/verbal counseling, training and written counseling and should be proactive in identifying and remedying employee problems.
(4) First line supervisors may counsel employees for deficiencies or policy infractions which do not warrant disciplinary action.

ii) **District/Bureau/Section Commanders**

(1) District/Bureau/Section commanders will work with first line supervisors to ensure compliance with department policy and procedures. Administrative inquiries will be conducted with the approval or at the request of the District/Bureau/Section commander. These inquiries may be handled within the particular district/bureau/section or may be deemed to require further investigation. In the event more investigation is needed, an Internal Affairs Complaint form will be completed and all documentation received to this point will be forwarded to the Standards Bureau commander for disposition. If the inquiry is handled within the district, documentation resulting from the inquiry shall be forwarded to the Standards Bureau commander for use in the EIPS, in accordance with department policy *ADM:41 Early Intervention Personnel System*.

(2) District/Bureau/Section commanders will ensure that disciplinary action is prescribed in a progressive manner, and the nature and severity of the misconduct should dictate the level of disciplinary action imposed. More severe levels of disciplinary action shall be imposed when lesser actions are deemed inadequate or have not achieved the desired results.

(3) District/Bureau/Section commanders may conduct verbal or written counseling; send an employee to mandatory remedial training, issue cautionary letters and place employees on a corrective action plan. All documentation regarding this level of discipline will be shared with the first line supervisor and kept in the district personnel file. Copies of any corrective disciplinary action-related documentation shall be forwarded to the Standards Bureau commander for use in the EIPS in accordance with department policy *ADM:41 Early Intervention Personnel System*.

(4) Decisions regarding the need for an Internal Affairs investigation will be documented on an Internal Affairs Complaint Form and will be forwarded to the Standards Bureau commander for disposition.

(5) District/Bureau/Section commanders shall be responsible for gathering the documentation required to initiate an Internal Affairs investigation with help from the first line supervisor.

iii) **DPS Secretary and Chief of State Police**

(1) The DPS Secretary and the Chief of the State Police will have the ultimate discretion to decide on penalties subject to mitigating or aggravating circumstances. The penalties available to the DPS Secretary and the Chief of the State Police include counseling, training, cautionary letter, letter of reprimand, suspension, demotion and termination.

(2) Repeated violations of rules and regulations of this department, or any other course of action or conduct indicating an employee has little or no regard for the employees obligations as set forth in the employees job specifications or in these rules and regulations or any adverse and unreasonable course of conduct or action which impairs the operations or efficiency of the department may be cause for termination. Repeated violations must be supported by documented evidence. This shall apply regardless of the severity of the offenses, and regardless of whether these violations are of the same type.

iv) Violations described in Department policy *ADM: 34 Sexual and Racial Harassment* shall be handled in accordance with the procedures outlined in *ADM:34*.

b) **Counseling as a Function of Discipline**

i) Counseling may be a condition of disciplinary action at any level except termination. Verbal counseling should be considered the first level of corrective action and be utilized as deemed appropriate by a supervisor. Verbal and/or written counseling may be appropriate under the following criteria, including but not limited to;

(1) Minor complaints against the employee for conduct.

(2) Report writing.

(3) Tardiness or abuse of leave. d. Minor failure to follow department policy; e.g. appearance.

ii) The following procedure will be followed when using counseling as a function of discipline:

(1) Counseling should include identifying the employee's acts or omissions which violate policy or procedures, the specific policy or procedure which was violated and remedies for correcting the employee's behavior in order to prevent future violations. Employees should play an active role in counseling sessions.

(2) Documentation resulting from employee counseling shall be maintained by the first line supervisor and shall be kept in the employee personnel file. Letters of counseling or documentation of counseling shall be acknowledged by the supervisor and employee with a signature line and can be used to support further disciplinary action should repeated violations continue.

(3) All verbal counseling will be documented on either a planner/calendar or any other method used by the supervisor to document this types of actions.

(4) All written counseling shall be documented in a counseling letter or letter of admonishment, and the employee shall sign acknowledgement of such documentation.

(5) If a corrective action plan (CAP) is used, it will be documented on Attachment A Corrective Action Plan. When a CAP is used the following will be done by the first line supervisor:

(a) All plans will be for a minimum duration of 90 days.

(b) All plans must be reviewed with the employee in 30-day increments (at a minimum).

(c) Zone Majors will be notified when an employee is placed on a CAP. Supervisors will review the CAP with second and third level supervisors, as well as the Zone Majors, prior to meeting with the employee.

c) **Training as a Function of Discipline**

i) Training may be a condition of disciplinary action at any level except termination. Training should be utilized when it has been determined by a supervisor that the employee lacks the skills to perform the expected tasks as well as a willingness to improve. Training may be utilized under the following criteria including, but not limited to:

(1) Numerous fleet crashes where poor driving behavior is determined to be the cause of the crash(s).

(2) Report writing.

(3) Use of force.

(4) Cases where a specific training deficiency has been identified, or where a supervisor believes training will enhance the employee's ability to correct a behavior.

ii) When training is used as a part of a disciplinary process, a written training program shall be presented to the employee. The procedure for this is:
(1) Immediate supervisor's responsibilities:
(a) Identifies that training is needed in concert with a disciplinary action.
(b) Coordinates with the State Police Training & Recruiting Bureau and/or the Law Enforcement Academy Training Bureau to determine if training is available to address employee deficiencies.
(c) Supervisor prepares a written training plan to include:
(i) Type of deficiency noted.
(ii) Recommendation of type of training required.
(iii) Other methods attempted to alleviate deficiency to date, e.g. counseling, ride-a longs, additional training with Field Training Officer, etc.
(iv) Dates, times and location of recommended training.
(v) Method of evaluation.
(vi) Minimum requirements for successful completion of training.
(vii) Consequences for failing to satisfactorily respond to training, as appropriate.
(d) Forwards the written training plan to the district/bureau/section commander for review and authorization.
(e) Once the training plan is authorized, the supervisor makes final arrangements with the State Police Training & Recruiting Bureau and/or the DPS Law Enforcement Academy for the employee's attendance of training.
(f) Meets with the employee and reviews the training plan.
(g) Implements the training in a timely manner.

d) **Punitive Action in the Interest of Discipline**
i) Punitive action may be taken against employees when it is deemed necessary and appropriate.
ii) Punitive action may be assessed against a department employee under the following criteria, including but not limited to:
(1) Employee is unwilling to conform to established department standards.
(2) Employee continues to display the same behavior after supervisors have attempted progressive discipline.

(3) Employee commits a crime as established by state law.
(4) Employee continues to violate department policy.

iii) The procedure outlined in NMAC 10.5.100 Standard of Conduct shall be followed when a permanent state police commissioned employee is being considered for punitive action (suspension) for a period not to exceed thirty (30) days:

iv) The following procedure shall be followed when a permanent employee is being considered for punitive action (suspension) for a period exceeding thirty (30) days, is being demoted or being removed from office (terminated):
(1) The DPS Secretary shall provide a written notification of the grounds supporting the action to the officer which include a statement citing the reason for the termination, demotion or suspension over thirty days. The written notification should also include the effective date of the action and a statement of the status of fringe and retirement benefits after the action.
(2) The officer may appeal the Secretary's action to the commission within thirty days of the date of receipt of the Secretary's written notice.
(3) The appeal process shall be public and conducted in accordance with New Mexico State Police rules as promulgated in NMAC 10.5.500.
(4) In the event the commission finds that there is just cause for the removal, demotion or suspension of the officer for a period in excess of thirty days, the officer may appeal the decision of the commission to the District Court pursuant to the provisions of section 39-3-1.1 NMSA 1978.

v) Final letters of reprimand, suspension, demotion or termination shall be maintained in the employee's official personnel file at the Human Resources Office in Santa Fe, New Mexico, pursuant to state law. A copy shall also be maintained by the Standards Bureau at Headquarters.

vi) If employee misconduct results in termination, the following information shall be provided to the employee:
(1) A written statement citing the reason(s) for termination.
(2) The effective date of termination.
(3) A statement of the fringe and retirement benefits after dismissal.

e) **Employees on Probation**

All New Mexico state police officers on probationary status may be removed or suspended at the discretion of the chief. The employee, within five days of receipt of notice of intended action by the chief to remove or suspend may request, in writing, an opportunity to be heard by the chief.

7) ATTACHMENTS

a) **Corrective Action Plan**

8) APPROVAL

APPROVED BY: _____ **DATE:** 11/17/25

DPS Cabinet Secretary