

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 790 ERRDS, DEPARTMENT OF PUBLIC SAFETY

1.18.790.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives.
[1.18.790.1 NMAC - Rp, 1.18.790.1 NMAC, 5/14/2007]

1.18.790.2 SCOPE: department of public safety
[1.18.790.2 NMAC - Rp, 1.18.790.2 NMAC, 5/14/2007]

1.18.790.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.790.3 NMAC - Rp, 1.18.790.3 NMAC, 5/14/2007]

1.18.790.4 DURATION: Permanent
[1.18.790.4 NMAC - Rp, 1.18.790.4 NMAC, 5/14/2007]

1.18.790.5 EFFECTIVE DATE: May 14, 2007 unless a later date is cited at the end of the section.
[1.18.790.5 NMAC - Rp, 1.18.790.5 NMAC, 5/14/2007]

1.18.790.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for the carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.790.6 NMAC - Rp, 1.18.790.6 NMAC, 5/14/2007]

1.18.790.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the state archives of the commission of public records.
- D. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- E. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.
- F. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- G. "Program"** means group of functions or processes that categorize the record series.
- H. "Public record"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).
- I. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.
- J. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- K. "Records retention and disposition schedule"** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

L. "Resource group" means group of individuals certified for specialized search and rescue missions.

M. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
[1.18.790.7 NMAC - Rp, 1.18.790.7 NMAC, 5/14/2007]

1.18.790.8 ABBREVIATIONS AND ACRONYMS:

A. "DNA" stands for deoxyribonucleic acid

B. "DOB" stands for date of birth.

C. "NMAC" stands for New Mexico administrative code.

D. "NMSA" stands for New Mexico statutes annotated.

E. "SSN" stands for social security number.

[1.18.790.8 NMAC - N, 5/14/2007]

1.18.790.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC, and for officers personnel records, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.7 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for each file but all materials in a file may be confidential. Refer to note. Where portions of file may be confidential, refer to legal counsel for agency.

H. Access to confidential documents or confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. Records, papers or documents may be reformatted thorough microphotography. Such reformatted records shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5 and 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.790.9 NMAC - Rp, 1.18.790.8 NMAC, 5/14/2007]

1.18.790.10 - 1.18.790.17 [RESERVED]

1.18.790.18 DIRECTIVE FILES:

A. Program: administration

B. Maintenance system: chronological by calendar year, then numerical by directive number

C. Description: records concerning formal orders to all affiliated personnel. Record may include date of order, subject, effective date, informal content, directive number, etc.

D. Retention: 10 years after date issued, revoked or superseded, transfer to archives for review and final disposition

[1.18.790.18 NMAC - Rp, 1.18.790.71 NMAC, 5/14/2007]

1.18.790.19 STATE POLICE OFFICER PERSONNEL FILE:

- A. **Program:** administration
- B. **Maintenance system:** alphabetical by surname
- C. **Description:** records concerning the employment history of state police officers. File may include application (i.e., name, SSN, address, home telephone, DOB, business telephone, list of minimum qualifications, applicant signature, date, personal history statement, residence, employment history, social status, education and training, subversive affiliations, relatives, references, controlled substance section, financial status section, arrest information, military service, waiver, release authorization for release of records for a background investigation, etc.), personnel action forms, benefit forms, authorization forms, tax authorization forms, deduction worksheets, commendations, disciplinary actions, certificates, etc.
- D. **Retention:** 55 years after officer separated from department
- E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.
[1.18.790.19 NMAC - N, 5/14/2007]

1.18.790.20 - 1.18.790.26 [RESERVED]

1.18.790.27 SKILLS AND TRAINING MANAGER DATABASE:

- A. **Program:** training and recruiting
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database that creates, scores tests and tracks the employment and certification history for law enforcement officers and telecommunicators. Data may include applicant's name, address, DOB, SSN, employment verification, medical report information, transcript information, test scores, evaluations etc.
- D. **Data retention:**
 - (1) **Student data:** 10 years after separation from law enforcement
 - (2) **Training data:** 10 years after date of training
- E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.
- F. **Input:** all documents used as input for the *skills and training manager database* are filed in the *student files, statewide training files, advance course training files, certification by waiver class files, course accreditation roster, academy course accreditation file, civilian instructor certification record files, non-certified files, registry files, course accreditation file certification by waiver course files s and critical incident response training files*. Those documents include the following *employment verification (LEA-2), medical report (LEA-3), police radio telecommunicator mental, physical, emotional certification (LEA-7), applicant certificate of United States citizenship (LEA-12), police officer training paperwork (LEA-BPOT), police radio telecommunicator training paperwork (LEA-PST), firearms training - re-qualification report (LEA-82A)* etc.
- G. **Output:** Because the *skills and training manager database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *course certification reports, individual officer profiles, quarterly registry reports, attendance reports, course rosters, course evaluations, student tests, course attendance, completion reports*, etc.
[1.18.790.27 NMAC - N, 5/14/2007]

1.18.790.28 STUDENT FILES:

- A. **Program:** training and recruiting
- B. **Maintenance system:** chronological by course date, then alphabetical by student's surname
- C. **Description:** records of application for admissions to the department's law enforcement academy for basic, telecommunicator and certification by waiver training. Portions of these files may be input for the *skills and training manager database*. File may include application (i.e., name of applicant, address, SSN, etc.), employment verification, medical report, transcripts, affidavit of United State citizenship, copy of high school diploma, copies of certifications, copy of driver's license, background check, certification by waiver, etc.
- D. **Retention:**
 - (1) **Accepted:** 10 years after date of certification
 - (2) **Denied:** three years after date of rejection

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.

[1.18.790.28 NMAC - Rp, 1.18.790.44, 48, & 59 NMAC, 5/14/2007]

1.18.790.29 STATEWIDE TRAINING FILES:

A. Program: training and recruiting

B. Maintenance system: chronological by calendar year, then alphabetical by student's surname

C. Description: records concerning law enforcement and telecommunicator academic and certification history. Portions of these files may be input for the *skills and training manager database*. File may include transcripts, attendance reports, certificates of completion, instructors' certifications, advance critical response applications (i.e., name, address, DOB, SSN, etc.), student certifications, correspondence, etc.

D. Retention: 10 years after employee separated from law enforcement

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.

[1.18.790.29 NMAC - Rp, 1.18.790.40, 41, 44, 46, 59, 94 & 100 NMAC, 5/14/2007]

1.18.790.30 CIVILIAN INSTRUCTOR CERTIFICATION RECORD FILES:

A. Program: training and recruiting

B. Maintenance system: chronological by calendar year, then alphabetical by instructor's surname

C. Description: records concerning certification of law enforcement instructors for the state of New Mexico. File may include instructor application (i.e., name, address, SSN, DOB, etc.), copies of training certificates, copy of instructor certification, etc.

D. Retention: three years after expiration of last certification

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.

[1.18.790.30 NMAC - Rp, 1.18.790.46 & 59 NMAC, 5/14/2007]

1.18.790.31 NON-CERTIFIED FILES:

A. Program: training and recruiting

B. Maintenance system: chronological by calendar year, then alphabetical by student's surname

C. Description: records of law enforcement and civilians that attended basic or advanced training but failed to complete or pass the required course work. File may include application (i.e., name, SSN, DOB, address number, etc.), transcripts, medical reports, background checks, etc.

D. Retention: three years after date of course closure

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.

[1.18.790.31 NMAC - N, 5/14/2007]

1.18.790.32 COURSE ACCREDITATION ROSTER:

A. Program: training and recruiting

B. Maintenance system: chronological by date of course, then alphabetically by course name

C. Description: records documenting student attendance of accredited courses offered by the department's law enforcement academy and regional facilities. Portions of this file are input from the *skills and training manager database*. File may include course roster (i.e., student's name, DOB, SSN, course score, record of attendance, etc).

D. Retention: 10 years after date of accreditation of course

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.32 NMAC - Rp, 1.18.790.58 NMAC, 5/14/2007]

1.18.790.33 COURSE ACCREDITATION FILES:

A. Program: training and recruiting

- B. Maintenance system:** chronological by date of course, then alphabetical by course name
 - C. Description:** records concerning all approved requests for accreditation of specialized courses offered to law enforcement and telecommunicators by the department's law enforcement academy and regional facilities. File may include course rosters (i.e., instructors name, address, telephone number, etc.), instructors resume (i.e., name, address, certification history, etc.), course curriculum, course syllabus, instructor and course evaluation instruments, copies of certificates, etc.
 - D. Retention:** 10 years after date of course accreditation
 - E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
- [1.18.790.33 NMAC - Rp, 1.18.790.45 & 47 NMAC, 5/14/2007]

1.18.790.34 CERTIFICATION BY WAIVER COURSE FILES:

- A. Program:** training and recruiting
 - B. Maintenance system:** chronological by date of course, then numerical by course number
 - C. Description:** records concerning course curriculum and general information of alternative course offered to law enforcement and other personnel eligible to waive basic training due to prior training and service. File may include course curriculum, course roster, applications (i.e., student name, address, SSN, DOB, etc.), physical fitness, class scores, report, employment verification, etc.
 - D. Retention:** 10 years after date of course
 - E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
- [1.18.790.34 NMAC - Rp, 1.18.790.42 NMAC, 5/14/2007]

1.18.790.35 ADVANCED COURSE FILES:

- A. Program:** training and recruiting
 - B. Maintenance system:** chronological by date of course, then numerical by course number
 - C. Description:** records concerning accredited advanced courses that are provided by the law enforcement academy and regional facilities for law enforcement personnel. File may include course application (i.e., student name, address, DOB, SSN, etc.), course evaluations, course curriculum, course master test and grades, instructor credentials (i.e., name, address, DOB, SSN, certifications, etc.), etc.
 - D. Retention:** 10 years after date of course
 - E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
- [1.18.790.35 NMAC - Rp, 1.18.790.55, 57, 58, 59, 60 NMAC, 5/14/2007]

1.18.790.36 CRITICAL INCIDENT RESPONSE TRAINING COURSE FILES:

- A. Program:** training and recruiting
 - B. Maintenance system:** chronological by date of course, then alphabetical by course location
 - C. Description:** records concerning accredited critical response courses that are provided by the law enforcement academy and regional facilities for law enforcement personnel. File may include course roster, course evaluations, course application (i.e., students name, address, DOB, etc.), student transcripts, etc.
 - D. Retention:** 10 years from date of course
 - E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
- [1.18.790.36 NMAC - Rp, 1.18.790.58, 59, 60 & 62 NMAC, 5/14/2007]

1.18.790.37 ADVANCED AND CRITICAL INCIDENT RESPONSE TRAINING BILLING DATABASE:

- A. Program:** training and recruiting
- B. Maintenance system:** numerical by primary key
- C. Description:** database that tracks payments for critical incident response course training for civilians. Data may include student name, address, DOB, SSN, name of agency responsible for payment, etc.
- D. Data retention:** until annual audit report is released and cleared for year in which payment was received
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

F. Input: all documents used as input for the *advanced and critical response training database* are filed in the *advanced and critical response training files*. That document is the *advanced certification application* [LEA-88].

G. Output: Because the *advanced and critical response training database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand [1.18.790.37 NMAC - N, 5/14/2007]
[Original financial documents are filed with administrative services division.]

1.18.790.38 REGISTRY FILES:

A. Program: training and recruiting
B. Maintenance system: chronological by calendar year, then alphabetical by organization
C. Description: records concerning telecommunication's and law enforcement officer's certification history by organization. Hardcover output from the *skills and training manager database*. File may include registry listing (i.e., name of organization, officer's name, telecommunicator's name, address, SSN, DOB, date certified, certification number, date hired, date commissioned, etc.), firearm qualification forms, firearm reports, correspondence, etc.

D. Retention: until superseded by new registry

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.38 NMAC - Rp, 1.18.790.52, 53 & 54 NMAC, 5/14/2007]

1.18.790.39 STATE POLICE PROMOTIONAL FILES:

A. Program: training and recruiting
B. Maintenance system: chronological by calendar year
C. Description: records concerning the testing, evaluation and promotion of officers to the rank of sergeant or lieutenant. Files may include test preparation materials, list of qualified applicants, test, test scores, evaluation, final ranking list, list of candidates, final determination list, etc.

D. Retention: three years from date final determination list expires
[1.18.790.39 NMAC - N, 09/29/2008]

1.18.790.40 - 1.18.790.42 [RESERVED]

1.18.790.43 REJECTED STATE POLICE PRELIMINARY APPLICATION FORM FILES:

A. Program: law enforcement
B. Maintenance system: chronological by calendar year, then alphabetical by name
C. Description: records concerning rejected applicants for employment as an officer with the state police. File may include application (i.e., name, SSN, address, home telephone, DOB, business telephone, list of minimum qualifications, applicant signature, date, personal history statement, residence, employment history, social status, education and training, subversive affiliations, relatives, references, controlled substance section, financial status section, arrest information, military service, waiver, release authorization for release of records for a background investigation, etc.), criminal history report, physical agility and written tests, polygraph examination results, psychological profile sheet, medical history, etc.

D. Retention: three years after date of rejection

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 20 USC, Section 9573 Confidentiality.

[1.18.790.43 NMAC - Rp, 1.18.790.90, 91, 92, 96, 97, 98 & 102 NMAC, 5/14/2007]

1.18.790.44 DAILY ACTIVITY FORMS:

A. Program: law enforcement
B. Maintenance system: chronological by federal fiscal year, then numerical by district number, then alphabetical by officer's surname

C. Description: record of state law enforcement officers daily activities. Portions of this file may be input into the *department of public safety database*. Form may include officer name, date, unit number, speedometer start, total miles, SSN, officer number, district number, work periods, activity code, time arrived, time finished, location, nature of contacts, time, officer signature, station and title, etc.

- D. **Retention:** active files
- E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.44 NMAC - Rp, 1.18.790.120 NMAC, 5/14/2007]

[Retention note: DPS will retain these documents onsite for 20 years from date form created.]

1.18.790.45 NEW MEXICO TOWING AUTHORIZATION FORMS:

- A. **Program:** law enforcement
- B. **Maintenance system:** chronological by date vehicle towed, then numerical by district
- C. **Description:** records concerning authorization for state police to have a vehicle towed that was involved in an accident or other offenses. Form may include registered vehicle owners name, address, inventory of contents of vehicle prior to towing and while in the custody of New Mexico state police, date, time, wrecker name, telephone number, address, location of vehicle, reason for towing, owner or agent release, etc.
- D. **Retention:** one year after close of calendar year in which vehicle towed
- E. **Confidentiality:** Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.45 NMAC - Rp, 1.18.790.121 NMAC, 5/14/2007]

1.18.790.46 WRECKER TOWING LOGS:

- A. **Program:** law enforcement
- B. **Maintenance system:** chronological by calendar year, then numerical by district
- C. **Description:** log of wrecker companies dispatched to the scene of an accident or vehicle offense. Log may include drivers name, description of offense, company name, hold (yes or no), time, date, location, reason, officer name, vehicle license, etc.

- D. **Retention:** one year after close of calendar year in which log created

[1.18.790.46 NMAC - Rp, 1.18.790.127 NMAC, 5/14/2007]

1.18.790.47 DRIVING UNDER THE INFLUENCE CITATION FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** chronological by calendar year, then numerical by district number, then alphabetical by defendant's surname
- C. **Description:** records concerning individuals cited for driving while intoxicated. File may include copy of citation, alcohol analyzer results, copy of notice of revocation, alcohol influence report form, arrest booking report, correspondence, etc.

- D. **Retention:** two years after close of calendar year in which citation issued

- E. **Confidentiality:** Portions of this record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.47 NMAC - Rp, 1.18.790.122 NMAC, 5/14/2007]

1.18.790.48 BREATHALYZER LOG BOOKS:

- A. **Program:** law enforcement
- B. **Maintenance system:** chronological by calendar year, then numerical by serial number
- C. **Description:** records concerning the usage, testing and maintenance of breathalyzer units. Log may include unit serial number, officer name, suspect name, DOB, SSN, alcohol level readings, maintenance dates, unit testing dates and results, etc.

- D. **Retention:** 10 years after most current date of entry at completion of log book

- E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records), Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.48 NMAC - N, 5/14/2007]

1.18.790.49 STATE OF NEW MEXICO CITATIONS (AGENCY COPY):

- A. **Program:** law enforcement

B. Maintenance system: chronological by calendar year, then numerical by district, then alphabetical by officer's surname

C. Description: citations issued for violations of traffic laws and non-traffic misdemeanors. Citation may include agency code, offender's name, address, drivers license number, DOB, SSN, license plate number, offense, statute and ordinance, location, officer's signature, essential facts, penalty assessment, remit amount and signature of offender, etc.

D. Retention:

(1) **Traffic citations:** ninety days after dated issued

(2) **Administrative citations:** ninety days after dated issued

E. Confidentiality: Portions of this record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.49 NMAC - Rp, 1.18.790.9, 105, 123 & 210 NMAC, 5/14/2007]

1.18.790.50 COMPUTER AIDED DISPATCH DATABASE:

A. Program: law enforcement

B. Maintenance system: numerical by primary key

C. Description: database which tracks and dispatches emergency information to law enforcement officers regarding a service calls. Data may include name, address, DOB, SSN, descriptions, general information regarding emergency call, etc.

D. Data retention: five years after date of call for service

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

F. Input: Information entered at time of service call.

G. Output: Because the *computer aided dispatch database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entities. Those reports include the following *public radio logs, calls per county report*, etc.

[1.18.790.50 NMAC - N, 5/14/2007]

1.18.790.51 PUBLIC RADIO LOGS:

A. Program: law enforcement

B. Maintenance system: chronological by date created, then numerical by district,

C. Description: records of dispatched calls created for public and media viewing. Hardcover output from the *computer aided dispatch database*. Logs may include suspect name, brief description of incident, etc.

D. Retention: five years after date of call for service

[1.18.790.51 NMAC - Rp, 1.18.790.125 NMAC, 5/14/2007]

1.18.790.52 DISTRICT ARREST LOGS:

A. Program: law enforcement

B. Maintenance system: chronological by calendar year, then numerical by district

C. Description: log of arrests and booking information. Portions of this log may be input into the *New Mexico criminal justice information system*. Log may include name of suspect, DOB, address, vehicle-towed (yes or no), offense(s), bond, court jurisdiction, officer name and unit number.

D. Retention: five years after date of arrest

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.52 NMAC - Rp, 1.18.790.128 NMAC, 5/14/2007]

1.18.790.53 DEPARTMENT OF PUBLIC SAFETY DATABASE:

A. Program: law enforcement

B. Maintenance system: numerical by primary key

C. Description: database that maintains data on state police daily activities and vehicular accident information. Data may include officer's name, driver's name, address, SSN, DOB, driving history, brief summary of accident, etc.

- D. Data retention:**
 - (1) **Accident report data:**
 - (a) **Fatal accident data:** 25 years after date of accident
 - (b) **Non-fatal accident data:** five years after date of accident
 - (2) **State police activity data:** six years after close of federal fiscal year in which form was created
- E. Confidentiality:** Portions of this record may be confidential per 5 USC, Section 552a (i.e., social security number) and Section 66-7-508 NMSA 1978 Confidentiality of records.
- F. Input:** all documents used as input for the *department of public safety database* are filed in the *daily activity form* and the *accident report forms*.
- G. Output:** Because the *department of public safety database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are either forwarded to the requesting entity. Those reports include the following *quarterly dailies reports, fatality reports*, etc.
[1.18.790.53 NMAC - Rp, 1.18.790.156 & 189 NMAC, 5/14/2007]

1.18.790.54 VEHICLE FLEET DATABASE:

- A. Program:** law enforcement
- B. Maintenance system:** numerical by primary key
- C. Description:** database that maintains data on law enforcement vehicle history and maintenance.
- D. Retention:** three years after date vehicle is removed from fleet
- E. Input:** all documents used as input for the *vehicle fleet database* are filed in the *vehicle safety files*.
- F. Output:** Because the *vehicle fleet safety database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand.
[1.18.790.54 NMAC - N, 5/14/2007]

1.18.790.55 VEHICLE FLEET SAFETY FILES:

- A. Program:** law enforcement
- B. Maintenance system:** chronological by calendar year, then numerical by vehicle number
- C. Description:** records concerning the automobile maintenance and accidents involving department of public safety vehicles. File may include accident report, photographs, teletypes, repair estimates and maintenance forms, correspondence.
- D. Retention:** three years after date vehicle is removed from fleet
[1.18.790.55 NMAC - Rp, 1.18.790.115 NMAC, 5/14/2007]

1.18.790.56 FLIGHT SAFETY LOG:

- A. Program:** law enforcement
- B. Maintenance system:** chronological by date of flight
- C. Description:** log concerning aircraft flight plan and passenger list. Log may include date of flight, pilots name, passenger names, purpose of flight, flight hours, etc.
- D. Retention:** one year after date of flight
[1.18.790.56 NMAC - N, 5/14/2007]

1.18.790.57 FLIGHT SAFETY FILES:

- A. Program:** law enforcement
- B. Maintenance system:** chronological by date of flight
- C. Description:** records concerning aircraft maintained by the department. File may include statistical reports, maintenance records, etc.
- D. Retention:** three years after date aircraft is removed from fleet
[1.18.790.57 NMAC - Rp, 1.18.790.117 NMAC, 5/14/2007]

1.18.790.58 CITATION BOOK ISSUANCE LOG:

- A. Program:** law enforcement
- B. Maintenance system:** chronological by date issued, then numerical by citation book, then numerical by district number

C. Description: records concerning a log that tracks the issuance of citation books to officers. Log may include district, officer name, address, phone number, date of issuance and number of citation issued per book.

D. Retention: until annual audit report is released and cleared
[1.18.790.58 NMAC - Rp, 1.18.790.212 NMAC, 5/14/2007]

1.18.790.59 - 1.18.790.61 [RESERVED]

1.18.790.62 CONTINGENCY FUND FILES:

- A. Program:** narcotics
- B. Maintenance system:** chronological by date of receipt, then alphabetical by agent's surname
- C. Description:** records of monies issued to an agent involved in undercover investigations. File may include contingency fund form (i.e., name of agent, agent signature, supervisor signature, date, purchases, informant number, account balance, etc.), receipts, contingency reports, etc.
- D. Retention:** 20 years after date of contingency report
- E. Confidentiality:** Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
[1.18.790.62 NMAC - Rp, 1.18.790.107 & 108 NMAC, 5/14/2007]

1.18.790.63 AGENT INTELLIGENCE REPORT FILES:

- A. Program:** narcotics
- B. Maintenance system:** numerical by case number
- C. Description:** records concerning the surveillance and investigations of drug operations and suspects. File may include reports (i.e., subjects name, address, DOB, SSN, brief description, physical traits, money spent on each purchase, etc.), criminal history, agents notes, copy of crime lab analysis reports, etc.
- D. Retention:** three years after final activity
- E. Confidentiality:** Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
[1.18.790.63 NMAC - Rp, 1.18.790.112 NMAC, 5/14/2007]

1.18.790.64 - 1.18.790.67 [RESERVED]

1.18.790.68 HEADQUARTERS EVIDENCE DATABASE:

- A. Program:** evidence
- B. Maintenance system:** numerical by primary key
- C. Description:** database that tracks evidence received by the department's headquarters. Data may include offender's name, victims name, SSN, DOB, case number, type of evidence seized, date, time, chain of custody information, etc.
- D. Retention:** three years after disposition of case; release or destruction of evidence
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
- F. Input:** all documents used as input for the *headquarters evidence database* are filed in the *evidence inventory files*. That document is the *chain of custody*.
- G. Output:** Because the *headquarters evidence database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are either forwarded to the requesting entity. Those reports include the following *inventory reports, inventory audit reports*, etc.
[1.18.790.68 NMAC - Rp, 1.18.790.11, 109 & 136, 159 NMAC, 5/14/2007]

1.18.790.69 DISTRICT EVIDENCE LOG BOOK:

- A. Program:** evidence
- B. Maintenance system:** chronological by date seized, then numerical by case number

C. Description: log tracking of evidence seized by commissioned officers. Log may include name of suspect, criminal case number, commissioned officer name, station, inventory number, date of purchase or confiscation, evidence seized or purchased and quantity, contingency funds used, receipt number, location where stored, case status, date destroyed, etc.

D. Retention: one year after date of final disposition of evidence listed in log

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.69 NMAC - Rp, 1.18.790.111 & 131 NMAC, 5/14/2007]

1.18.790.70 HEADQUARTERS EVIDENCE FILES:

A. Program: evidence

B. Maintenance system: numerical by case number

C. Description: records concerning information on evidence received at the department's headquarters. Portions of this file may be input into the *headquarters evidence database*. File may include record of seizure, chain of custody, correspondence from legal department with case number and court order, receipts for autos and monies involving the evidence, release form, certificate of destruction, etc.

D. Retention: three years after disposition of case; release or destruction of evidence

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.70 NMAC - Rp, 1.18.790.12, 110, 132, 133, 135, 137, 138, 139 & 160 NMAC, 5/14/2007]

1.18.790.71 HEADQUARTERS EVIDENCE VAULT ENTRY LOGS:

A. Program: evidence

B. Maintenance system: chronological by date, then by hour

C. Description: log monitoring evidence room activity. Log may include date, hour, supervisor's name, officer's name, reason for being in the evidence room, etc.

D. Retention: three years after close of calendar year in which log created

[1.18.790.71 NMAC - Rp, 1.18.790.134 NMAC, 5/14/2007]

1.18.790.72 - 1.18.790.80 [RESERVED]

1.18.790.81 CONCEALED HANDGUN AND INSTRUCTOR APPROVAL DATABASE:

A. Program: concealed weapons

B. Maintenance system: numerical by primary key

C. Description: database that maintains information on approvals issued to citizens to obtain a license to carry a concealed weapon. The system also tracks the approval of firearms safety training instructors. Data may include name of applicant, address, SSN, comments, DOB, criminal history information, driving history, training and qualifying scores. Data may also include name of instructor applying for approval and qualifying credentials, criminal history information, driving history, etc.

D. Data retention:

(1) **Concealed handgun data:**

(a) **Approved:** two years after date of expiration of license if not renewed

(b) **Denied:** one year after date of denial

(2) **Firearms safety training instructor data:**

(a) **Approved:** three years after approval

(b) **Denied:** one year after date of denial

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number) and Section 29-10-4 NMSA 1978 (i.e., arrest records).

F. Input: all documents used as input for the *concealed weapons database* are filed in the *concealed handgun licenses - firearms safety training instructor approval form files*. Those documents include the following the *concealed handgun licenses - firearms safety training instructor approval form*.

G. Output: Because the *concealed weapons database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the

requesting entity. Those reports include the following *pending applications report, abandon application report, status by county report, refresher training due report*, etc.
[1.18.790.81 NMAC - N, 5/14/2007]

1.18.790.82 - 1.18.790.85 [RESERVED]

1.18.790.86 CONCEALED HANDGUN FILES:

- A. Program:** special investigations
 - B. Maintenance system:** chronological by calendar year, then by alphabetical by applicant's surname
 - C. Description:** records concerning applications made by New Mexico citizens to carry a concealed weapon and the approval of firearms safety training instructors. File may include application, (i.e., name of applicant, SSN, DOB, etc.), copy of birth certificate, fingerprint card, copy of passport, photo, criminal history printout, driving inquiry printout, proof of training and qualifying scores, list weapons licensed, release forms, copy of instructor certifications, etc.
 - D. Retention:**
 - (1) **Concealed handgun files:**
 - (a) **Approved:** two years after date of expiration of license if not renewed
 - (b) **Denied:** one year after date of denial
 - (2) **Firearms safety training instructor files:**
 - (a) **Approved:** three years after approval
 - (b) **Denied:** one year after date of denial
 - E. Confidentiality:** Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records).
- [1.18.790.86 NMAC - N, 5/14/2007]

1.18.790.87 - 1.18.790.90 [RESERVED]

1.18.790.91 GENERAL PREMISE INSPECTION FILES:

- A. Program:** special investigations
 - B. Maintenance system:** numerical by case number
 - C. Description:** records of inspections and investigations for warrants served. File may include inspection report (i.e., suspect name, business name, license number, license type, location, residential address, county code, etc.), correspondence, copy of chain of evidence (i.e., evidence type and location, etc.), copy of citations, search warrants, etc.
 - D. Retention:** three years after date of inspection
 - E. Confidentiality:** Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records), and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
- [1.18.790.91 NMAC - Rp, 1.18.790.15 & 16 NMAC, 5/14/2007]

1.18.790.92 CRIMINAL INVESTIGATIVE FILES:

- A. Program:** special investigations
 - B. Maintenance system:** numerical by case number
 - C. Description:** records concerning investigations of criminal activity. File may include investigation report (i.e., subject name, SSN, address, DOB, personal identifiers, etc.), criminal history, photos, correspondence, etc.
 - D. Retention:** active files
 - E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
- [1.18.790.92 NMAC - Rp, 1.18.790.31 & 32 NMAC, 5/14/2007]
[Retention note: DPS will retain these documents onsite for 99 years from date investigation.]

1.18.790.93 - 1.18.790.100 [RESERVED]

1.18.790.101 INTERNAL AFFAIRS DATABASE:

- A. Program:** internal affairs
- B. Maintenance system:** numerical by primary key
- C. Description:** database that tracks investigations on department personnel. Data may include employee name, DOB, SSN, date of incident, complainant's name, address, allegations, findings, discipline assessed, etc.
- D. Data retention:** 10 years after date employee leaves agency
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").
- F. Input:** all documents used as input for the *internal affairs database* are filed in the *internal affairs investigative files*, *internal affairs preliminary inquiry files* and *case update report files*. Those documents include status reports, discovery reports, etc.
- G. Output:** Because the *internal affairs database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting organization. Those reports include the following *case status report*, *complaints by type reports*, etc. [1.18.790.101 NMAC - Rp, 1.18.790.84 NMAC, 5/14/2007]

1.18.790.102 INTERNAL AFFAIRS PRELIMINARY AND INVESTIGATIVE FILES:

- A. Program:** internal affairs
- B. Maintenance system:** numerical by case number
- C. Description:** records concerning preliminary and administrative investigations on alleged employee misconduct. Portions of this file may be input into the *internal affairs database*. File may include letter of complaint, inquiry form (i.e., complaint's name, employee name, address, SSN of employee, complainant's name, address, and allegations, etc.), daily activities, transcribed interview statements, taped interviews, correspondence, biweekly investigative reports, findings, discipline assessed, etc.
- D. Retention:** 10 years after date employee leaves agency
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime"). [1.18.790.102 NMAC - Rp, 1.18.790.82, 83, 88 & 220 NMAC, 5/14/2007]

1.18.790.103 INTERNAL AFFAIRS MONTHLY CASE UPDATE REPORT:

- A. Program:** internal affairs
- B. Maintenance system:** chronological by report date
- C. Description:** records concerning status of active cases involving employees. Hardcover output record from the *internal affairs database*. Report may include case number, employee name, address, SSN, DOB, incident and assignment dates, allegations, findings and discipline.
- D. Retention:** one year after close of calendar year in which report was created
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime"). [1.18.790.103 NMAC - Rp, 1.18.790.89 NMAC, 5/14/2007]

1.18.790.104 - 1.18.790.110 [RESERVED]

1.18.790.111 HAZARDOUS MATERIALS LOGS:

- A. Program:** hazardous materials
- B. Maintenance system:** chronological by date of incident
- C. Description:** records concerning the description and tracking of hazardous material incidents or scenes. Log may include date, time, type of hazardous material, case number, narrative, location and type of hazardous material, etc.

D. Retention: 10 years after close of calendar year in which created
[1.18.790.111 NMAC - Rp, 1.18.790.130 & 171 NMAC, 5/14/2007]

1.18.790.112 HAZARDOUS MATERIALS INCIDENT REPORTS:

A. Program: hazardous materials
B. Maintenance system: chronological by date of incident
C. Description: reports concerning abandoned hazardous materials incidents and response. Reports may include date and time of incident, type of material, location, type of response, response officer, reported by, name of company or individual contacted for removal, etc.

D. Retention: 10 years after close of calendar year in which created, then transfer to archives for review and final disposition
[1.18.790.112 NMAC - Rp, 1.18.790.119 NMAC, 5/14/2007]

1.18.790.113 - 1.18.790.120 [RESERVED]

1.18.790.121 RESOURCE GROUP AND FIELD COORDINATOR DATABASE:

A. Program: search and rescue
B. Maintenance system: numerical by primary key
C. Description: database that maintains and tracks information on resource groups and field coordinators (volunteers) certified to lead a volunteer search and rescue mission. Data may include name of group, address, specialties, special call out, pager number, work and home phone numbers, special communications, training information, demographics, work history, contact numbers, start and end date, etc.

D. Retention: three years after date of resource group and field coordinator's application
E. Input: all documents used as input for the *resource and field coordinator database* are filed in the *resource and coordinator directory*

F. Output: Because the *resource and field coordinator database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports would include the following *quarterly resource roster, resource group report, etc.*

[1.18.790.121 NMAC - Rp, 1.18.790.177 & 183 NMAC, 5/14/2007]

1.18.790.122 INCIDENT MISSION REPORT FILES:

A. Program: search and rescue
B. Maintenance system: chronological by calendar year, then numerical by district number, then by mission number
C. Description: records concerning search and rescue missions coordinated by the department. File may include mission action form (i.e., date of incident, subject's names, address, DOB, etc.), search and rescue report, questionnaire report, volunteer sign-in sheet, communication logs, etc.

D. Retention: five years after date of incident
E. Confidentiality: Portions of record may contain confidential information under 29-15-11, NMSA 1978 (i.e. missing person information).

[1.18.790.122 NMAC - Rp, 1.18.790.113, 129, 180 & 181 NMAC, 5/14/2007]

1.18.790.123 FIELD COORDINATOR FILES:

A. Program: search and rescue
B. Maintenance system: chronological by calendar year, then alphabetically by coordinator's surname
C. Description: records concerning volunteers certified to coordinate a search and rescue operation. File may include application (i.e., name, address, DOB, SSN, employment history, training history, etc.), copies of certifications, correspondence, etc.

D. Retention:
(1) **Approved:** three years after date of approval
(2) **Rejected:** one year after date of application
E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.123 NMAC - Rp, 1.18.790.176 & 184 NMAC, 5/14/2007]

1.18.790.124 VOLUNTEER RESOURCE FILES:

- A. **Program:** search and rescue
- B. **Maintenance system:** chronological by calendar year, then alphabetically by resource group name
- C. **Description:** records concerning applications of citizens certified in specialized fields volunteering services to the state of New Mexico for search and rescue missions. File may include application (i.e., name, SSN, address, list of specialty training, employment history, etc.), copies of certifications, copy of driver's license, etc.

D. Retention:

- (1) **Approved:** three years after date of application
- (2) **Rejected:** one year after date of application

E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.124 NMAC - Rp, 1.18.790.175 & 178 NMAC, 5/14/2007]

1.18.790.125 RESOURCE ON CALL ROSTER:

- A. **Program:** search and rescue
- B. **Maintenance system:** chrononumeric by date created, then by district number
- C. **Description:** roster of available field coordinators for search and rescue missions listed by district. Hardcover output from the *resource group and field coordinator database*. Roster may include name of field coordinator, resource group names, address, phone number, pager number, resource specialty, etc.

D. Retention: until superseded by new roster

[1.18.790.125 NMAC - Rp, 1.18.790.185 NMAC, 5/14/2007]

1.18.790.126 RESOURCE AND COORDINATOR DIRECTORY:

- A. **Program:** search and rescue
- B. **Maintenance system:** alphabetically by specialty, then by group name
- C. **Description:** directory and records of all resource groups approved by the state of New Mexico, that are available for search and rescue missions. Portions of these files may be output from the *resource and field coordinator database*. Directory may include name of resource group, specialty, names of volunteers, address, phone numbers, pager numbers, mapping systems used, special communications, etc.

D. Retention: until superseded by new directory

[1.18.790.126 NMAC - N, 5/14/2007]

1.18.790.127 - 1.18.790.130 [RESERVED]

1.18.790.131 STATE POLICE EQUIPMENT INVENTORY DATABASE:

- A. **Program:** special operations
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database that tracks weapons and equipment issued to and returned from the state police officers. Data may include officer's surname, address, SSN, weapon and equipment description, weapon serial number, quantity, location, etc.

D. Data retention:

- (1) **Lost equipment data:** until equipment is located and returned
- (2) **All other equipment data:** three years after officer leaves the department

E. **Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

F. **Input:** all documents used as input for the *state police weapons inventory database* are filed in the *state police equipment forms file (returned and retired)* (sp-6).

G. **Output:** Because the *state police weapons inventory database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *officer equipment inventory report, weapon search report, body armor replacement report*, etc.

[1.18.790.131 NMAC - N, 5/14/2007]

1.18.790.132 STATE POLICE EQUIPMENT FORMS (SP-6):

- A. Program:** special operations
- B. Maintenance system:** numerical by district number, then alphabetical by employee's surname
- C. Description:** records concerning weapons and equipment assigned to district employees.

Portions of these files may be input for the *state police equipment inventory database*. Form may include name, address, SSN, weapons issued, equipment issued, serial numbers, date issued, date returned, etc.

- D. Retention:** one year after employee leaves the department
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

[1.18.790.132 NMAC - Rp, 1.18.790.124 & 218 NMAC, 5/14/2007]

1.18.790.133 - 1.18.790.140 [RESERVED]

1.18.790.141 [RESERVED]

[1.18.790.141 NMAC - Rp, 1.18.790.167 NMAC, 5/14/2007; Repealed, 7/23/2007]

1.18.790.142 [RESERVED]

[1.18.790.142 NMAC - N, 5/14/2007; Repealed, 7/23/2007]

1.18.790.143 [RESERVED]

[1.18.790.143 NMAC - Rp, 1.18.790.168 NMAC, 5/14/200; Repealed, 7/23/2007]

1.18.790.144 [RESERVED]

[1.18.790.144 NMAC - Rp, 1.18.790.169 NMAC, 5/14/2007; Repealed, 7/23/2007]

1.18.790.145 - 1.18.790.150 [RESERVED]

1.18.790.151 NEW MEXICO CRIMINAL JUSTICE INFORMATION SYSTEM:

- A. Program:** law enforcement
- B. Maintenance system:** numerical by primary key
- C. Description:** system containing the following databases:

(1) **Arrest database:** database that tracks information on arrests, booking information and fingerprint matching of suspect information. Data may include name, DOB, SSN, charges, bond, court jurisdiction, officer name and unit number, etc.

(2) **Investigative and agent intelligence reports database:** database tracks information on narcotic operations and special investigations resulting from an incident or offense report. Data may include subjects name, address, DOB, SSN, brief description, physical traits, money spent on each purchase, criminal history, agents notes, summary of crime lab analysis reports, etc.

(3) **Missing person database:** database tracks information on persons reported missing in New Mexico. Data may include case number, caller identification number, summary of report, name of officer assigned to case, date, time, caller information, missing category, national crime information center classification, missing person information, vehicle information, etc.

(4) **Sex offender registry database:** database tracks the registration and whereabouts of individual sex offenders that reside in New Mexico. Data may include registration date, offender name, DOB, SSN, sex, race, height, weight, eyes, state identification number, federal bureau of investigation number, current address, county, telephone number, photo, employment information, personal identifiers (i.e., scars, marks, tattoos, etc.), and offense information (i.e., sex offense description, statute, date convicted and conviction location), etc.

(5) **Incident report database:** database tracks all state police incident and offense reports. Data may include a summary of the incident or offense report, suspect and victim information, demographics (i.e., name, DOB, SSN, height, weight, etc.), vehicle information (i.e., license number, vehicle identification number, owner information, etc.), stolen property information, narrative of incident, arrest information, image of finger prints, disposition, etc.

D. Data retention:

(1) **Arrest data:** 99 years after the DOB of the offender or at time approved petition to expunge record

(2) **Investigative and agent intelligence data:** three years after final activity

- (3) **Missing person data:** ten years after case closed
- (4) **Sex offender registry data:** 99 years after the DOB of the sex offender
- (5) **Offense report data:** active files

E. Confidentiality: Portions of record may be confidential per Section 29-15-11 NMSA 1978 (i.e., missing person information), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

F. Input: all documents used as input for the *New Mexico criminal justice information system* are filed in the *incident and offense report files, New Mexico state police sex offender registration form files, missing persons clearinghouse report forms, etc.*

G. Output: Because the *criminal justice information system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *quality assurance reports, rap sheets, comp ratio statistical reports, etc.*

[1.18.790.151 NMAC - Rp, 1.18.790.20, 30, 152, 162, 164, 186 & 187 NMAC, 5/14/2007]

[Retention note: On offense report data DPS will retain that data onsite for 99 years from date of offense.]

1.18.790.152 NEW MEXICO AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS):

A. Program: law enforcement

B. Maintenance system: numerical by primary key

C. Description: system that captures, stores and provides fingerprint identification. Data may include fingerprint images, name, SSN, address, DOB, criminal history data, personal identifiers, etc.

D. Data retention: 99 years after date fingerprints captured by system

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

F. Input: fingerprint cards used for input for the *New Mexico automated fingerprint identification system* are filed in the *state identification jacket files*.

G. Output: Because the *automated fingerprint identification system* is a data-based system, ad hoc reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *statistical user reports, etc.*

[1.18.790.152 NMAC - N, 5/14/2007]

1.18.790.153 STATE IDENTIFICATION JACKET FILES:

A. Program: law enforcement

B. Maintenance system: numerical by state identification number

C. Description: records concerning an offender's complete arrest record information. File may include fingerprint cards, suspect information, demographics (i.e., name, DOB, SSN, height, weight, etc.), disposition report forms, criminal history, photographs, dissemination log, etc.

D. Retention: 99 years after DOB of the offender

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.153 NMAC - Rp, 1.18.790.150, 153 & 155 NMAC, 5/14/2007]

1.18.790.154 OFFENSE REPORT FILES:

A. Program: records bureau

B. Maintenance system: chronological by offense date, then numerical by offense report number

C. Description: records concerning summary reports of incidents responded by the state police which an offense was committed and an arrest was made. These records also concerning summary reports of incidents responded to by the state police which did not result in an arrest. File may include offense report form with suspect and victim information, demographics (i.e., name, DOB, SSN, height, weight, offense code, etc.), vehicle information (i.e., license number, vehicle identification number, owner information, etc.), stolen property, narrative of incident, arrest information, copy of finger print cards, disposition form, supplemental report, etc.

D. Retention: active files

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.154 NMAC - Rp, 1.18.790.151, 154 & 221 NMAC, 5/14/2007].

[Retention note: DPS will retain these documents onsite for 99 years from date of offense.]

1.18.790.155 ACCIDENT REPORT FORMS:

A. Program: law enforcement

B. Maintenance system:

(1) **Fatal accidents:** alphabetically by county, then chronological by date of accident

(2) **Non-fatal accidents:** alphabetically by county, then chronological by date of accident

C. Description: records concerning the vehicular accidents investigated by New Mexico state police. Portions of these files may be input for the *department of public safety database*. File may include date and time of accident, location, district, mile marker, driver and vehicle information, seat belt information, road conditions, accident diagram, citation information, weather conditions, passenger information, accident classification, etc.

D. Retention:

(1) **Fatal accidents:** 25 years after date of accident

(2) **Non-fatal accidents:** five years after date of accident

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.155 NMAC - Rp, 1.18.790.157 NMAC, 5/14/2007]

1.18.790.156 UNCLAIMED STORED VEHICLE REPORT FILES:

A. Program: law enforcement academy

B. Maintenance system: chronological by calendar year, then alphabetical by towing company

C. Description: records concerning the storage of unclaimed vehicles including the identification and notification to the vehicles registered owner. File may include a report form (i.e., name of registered owner, year and make of vehicle, vehicle identification number, license plate number, year of license, body type, address and state of owner, date towed in, name of towing company, requesting agency, reason for tow, etc.), motor vehicle division inquiry, copy of notification sent, correspondence, etc.

D. Retention: five years after date report created

[1.18.790.156 NMAC - Rp, 1.18.790.161 NMAC, 5/14/2007]

1.18.790.157 SEX OFFENDER REGISTRATION FILES:

A. Program: law enforcement

B. Maintenance system: chronological by unique state identification number

C. Description: records concerning the registration of individual sex offenders that reside in New Mexico. Portions of these files may be input for the *New Mexico criminal justice information system*. File may include registration form, (i.e., date, offender name, DOB, SSN, sex, race, height, weight, eyes, state identification number, federal bureau of investigation number, current address, county, and telephone number, etc.), employment information, photos, personal identifiers, (i.e., scars, marks, tattoos, etc.), and offense information (i.e., sex offense description, statute, date convicted and conviction location), etc.

D. Retention: 99 years after the DOB of the sex offender

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number) and 42 USC Section 140.14616 (National Crimes Prevention and Privacy Compact).

[1.18.790.157 NMAC - Rp, 1.18.790.163 NMAC, 5/14/2007]

1.18.790.158 MISSING PERSONS CLEARINGHOUSE FORMS:

A. Program: law enforcement

B. Maintenance system: chronological by calendar year, then alphabetical by surname

C. Description: records concerning the demographics and specific personal information on missing persons. Portions of these files may be input for the *New Mexico criminal justice information system*. Form may

include case number, caller identification number, report taken by, date, time, caller information, missing category, national crime information center classification, missing person information, vehicle information, etc.

D. Retention: ten years after case is closed

E. Confidentiality: Portions of record may be confidential per Section 29-15-11 NMSA 1978 (i.e., missing person information).

[1.18.790.158 NMAC - Rp, 1.18.790.165 NMAC, 5/14/2007]

1.18.790.159 NATIONAL CRIME INFORMATION CENTER AUDIT REPORT FILES:

A. Program: law enforcement

B. Maintenance system: alphabetical by agency name

C. Description: records concerning triennial compliance audits conducted by the national crime information center operators. File may include audit report (i.e., agency name, agency address, agency head, terminal agency coordinator, listing of records audited, question section, audit findings, etc.), serious error listings for period of audit, correspondence, etc.

D. Retention: six years after close of calendar year in which audit was completed

[1.18.790.159 NMAC - Rp, 1.18.790.166 NMAC, 5/14/2007]

1.18.790.160 TELETYPE (ADMINISTRATIVE MESSAGES):

A. Program: law enforcement

B. Maintenance system: chronological by date received

C. Description: communications between law enforcement organizations. Teletype may include who it is from, whom it is being sent to, date and time sent, operator, text of message, etc.

D. Retention: 13 months after date received or sent

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.160 NMAC - Rp, 1.18.790.199 NMAC, 5/14/2007]

1.18.790.161 - 1.18.790.170 [RESERVED]

1.18.790.171 BAR CODED EVIDENCE ANALYSIS STATISTICS AND TRACKING DATABASE:

A. Program: forensics

B. Maintenance system: numerical by primary key

C. Description: system which tracks laboratory evidence, analysis and statistics. Data may include suspect and victim information, demographics (i.e., DOB, SSN, height, weight, etc.), listing of evidence received for analysis, crime lab report data, name of analyst, etc.

D. Data retention: active files

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records), Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime") and Section 29-16-8 NMSA 1978 Confidentiality (i.e., disclosure and dissemination of DNA records).

F. Input: all documents used as input for the *bar coded evidence analysis statistics and tracking database* are filed in the file *forensic lab files*. Those documents include the following *incident reports, crime lab reports, etc.*

G. Output: because the *bar coded evidence analysis statistics and tracking database* is a data-base system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *quarterly backlog reports, various statistical reports, etc.*

[1.18.790.171 NMAC - Rp, 1.18.790.196 NMAC, 5/14/2007]

[Retention note: DPS will retain these documents onsite for 99 years from date of analysis.]

1.18.790.172 FORENSIC LAB FILES:

A. Program: forensics

B. Maintenance system: chronological by calendar year, then numerical by lab issued case number

C. Description: records concerning the analysis of evidence. Portions of this file may be input to the *bar coded evidence analysis statistics and tracking database*. File may include lab notes, evidence receipts, officer's report, crime lab reports, copies of photographs, subpoenas, etc.

D. Retention: active files

E. Confidentiality: Portions of record may be confidential per Section 29-10-4 NMSA 1978 (i.e., arrest records), Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime") and Section 29-16-8 NMSA 1978 Confidentiality (i.e., disclosure and dissemination of DNA records).

[1.18.790.172 NMAC - Rp, 1.18.790.195, 197 & 198 NMAC, 5/14/2007]

[Retention note: DPS will retain these documents onsite for 99 years from date of analysis.]

1.18.790.173 FORENSIC INSTRUMENT MAINTENANCE LOGS:

A. Program: forensics

B. Maintenance system: chronological by date, then alphabetical by analysis unit

C. Description: records of maintenance of instruments used for evidence analysis. Log may include instrument name, serial number, type of maintenance, lab cases tested, random testing dates, record or calibration maintenance dates, routine maintenance, etc.

D. Retention: 10 years after date of audit for accreditation

[1.18.790.173 NMAC - N, 5/14/2007]

1.18.790.174 - 1.18.790.180 [RESERVED]

1.18.790.181 SANTA FE HEADQUARTERS PERMITTING SYSTEM:

A. Program: motor transportation

B. Maintenance system: numerical by primary key

C. Description: system used to record information on oversized and overweight carriers and to issue permits. Data may include carriers name, address, driver's license number, SSN, federal identification number, proof of insurance, route of travel, description of load, etc.

D. Data retention:

(1) **Excessive size and weight permit data:** three years after date of permit expiration

(2) **Trip permit data:** until annual audit report is released and cleared

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).

F. Input: all documents used as input for the *Santa Fe headquarters permitting system* are filed in the *excessive size and weight permit files* and *permit cash report files*. Those documents include the following *oversize and overweight permit application, proof of insurance, etc.*

G. Output: because the *Santa Fe headquarters permitting system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *permit cash report, permit count report, etc.*

[1.18.790.181 NMAC - Rp, 1.18.790.222 NMAC, 5/14/2007]

1.18.790.182 CITIZEN COMPLAINT FILES:

A. Program: motor transportation

B. Maintenance system: chronological by date of complaint

C. Description: records concerning complaints from citizens and private companies about port of entry officers or employees. File may include letter of complaint (i.e., date of complaint, name of person filing complaint, officer's surname, employee's name, address, allegations, etc.), findings and discipline, correspondence, disposition of complaint, etc.

D. Retention: five years after final disposition of complaint

E. Confidentiality: Portions of record may be confidential per Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[1.18.790.182 NMAC - Rp, 1.18.790.215 NMAC, 5/14/2007]

1.18.790.183 DRIVER AND VEHICLE INSPECTION REPORT FILES:

A. Program: motor transportation

B. Maintenance system: chronological by calendar year, then alphabetical by carrier name
C. Description: records concerning driver and vehicle inspections conducted by port of entry inspectors. File may include driver and vehicle inspection form (i.e., driver name and license number, name of company, address, vehicle make, name of company, address, vehicle make, vehicle identification number, trip tax charges, proof of registration, license number, tax identification card, etc.), inspection results, violations, copy of proof of insurance, etc.

D. Retention: three years after close of state fiscal year in which created
[1.18.790.183 NMAC - Rp, 1.18.790.230 NMAC, 5/14/2007]

1.18.790.184 ESCORT CERTIFICATION FILES:

A. Program: motor transportation
B. Maintenance system: chronological by calendar year, then alphabetical by carrier name
C. Description: records concerning documentation of annual inspection and certification of all port of entry escort vehicles. File may include escort vehicle inspection form (i.e., carrier name, address, driver's license number, SSN, federal identification number, etc.), proof of insurance, general memoranda from port of entry officer, certification of inspection, etc.

D. Retention: two years after date of certification
E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
[1.18.790.184 NMAC - Rp, 1.18.790.216 NMAC, 5/14/2007]

1.18.790.185 OVER SIZE AND OVER WEIGHT PERMIT FILES:

A. Program: motor transportation
B. Maintenance system: chronological by calendar year, then alphabetical by carrier name
C. Description: records concerning permits issued for vehicles that are transporting loads that are over the size and weight limitations. File may include proof of insurance, over size and over weight permit applications (i.e., carriers name, address, driver's license number, SSN, federal identification number, route of travel, description of load, etc.), internal revenue service highway use tax paid (form 2290), copy of vehicle registration, etc.

D. Retention: three years after date of permit expiration
E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
[1.18.790.185 NMAC - Rp, 1.18.790.217, 223, 224, 225, 226, 227 & 228 NMAC, 5/14/2007]

1.18.790.186 PERMIT CASH REPORT:

A. Program: motor transportation
B. Maintenance system: chronological by permit cash report date, then numerical by district
C. Description: records concerning cash fees collected for all port of entry permits. Report may include driver name, license number, name of carrier, name of companies permits issued to, address, federal identification number, SSN, cash totals for each port of entry, date permits issued, permit numbers, fees collected and reconciled, etc.

D. Retention: until annual audit report is released and cleared
E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
[1.18.790.186 NMAC - Rp, 1.18.790.229 NMAC, 5/14/2007]

1.18.790.187 MOTOR CARRIER SAFETY COMPLIANCE REVIEW FILES:

A. Program: motor transportation
B. Maintenance system: chronological by date, then alphabetical by motor carrier or company name
C. Description: records concerning motor carrier safety inspections initiated as a result of complaints received by DPS. Files may include complaint, motor carrier inspection forms (i.e., motor carrier document requirements, requirements for commercial and non-commercial licensed drivers, inspection results, comments, federal identification number, SSN, etc), driver log reports, out of service order, correspondence, etc.

D. Retention: four years after date compliance is established

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records) and Section 66-2-7.1 NMSA 1978. Motor vehicle-related records; confidential.

[1.18.790.187 NMAC - N, 01/01/2009]

1.18.790.188 VEHICLE CONSENT TO SEARCH FORMS:

- A. Program:** motor transportation
- B. Maintenance system:** chronological by fiscal year
- C. Description:** forms used to obtain consent to search a motor vehicle by a law enforcement officer. Form contains name of individual giving consent, vehicle information (i.e., year, make, model, registration number, color, etc.), consent date and time, signature of individual giving consent, etc.
- D. Retention:** three fiscal years from date consent form signed

[1.18.790.188 NMAC - N, 09/27/2010]

[If an investigation case is initiated as a result of the search, the original consent form is filed in an investigation case file]

HISTORY OF 1.18.790 NMAC:

Pre-NMAC Filing History: The material in this part is derived from that previously filed with the Commission of Public Records - State Records Center and Archives under:

SRC Rule Number 74-11, Records Retention and Disposal Schedule for Law Enforcement Academy, 4/29/74

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1.18.790 NMAC, ERRDS, Department of Public Safety, filed 6/8/2000 - Repealed 5/14/2007