

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 5 STATE POLICE
PART 400 VEHICLES AND EQUIPMENT

10.5.400.1 ISSUING AGENCY: Department of Public Safety, State Police Division
[12/31/98; 10.5.400.1 NMAC - Rn, 10 NMAC 5.400.1, 7/16/2008]

10.5.400.2 SCOPE: All commissioned officers of the state police division of the New Mexico department of public safety.
[12/31/98; 10.5.400.2 NMAC - Rn, 10 NMAC 5.400.2, 7/16/2008]

10.5.400.3 STATUTORY AUTHORITY: Section 29-2-1.1(G) NMSA 1978 defines the New Mexico state police board as meaning the secretary of the department of public safety. Section 29-2-4.1 NMSA 1978 directs the New Mexico state police board to promulgate rules and regulations governing the employment and operating practices for employees of the state police division.
[12/31/98; 10.5.400.3 NMAC - Rn, 10 NMAC 5.400.3, 7/16/2008]

10.5.400.4 DURATION: Permanent
[12/31/98; 10.5.400.4 NMAC - Rn, 10 NMAC 5.400.4, 7/16/2008]

10.5.400.5 EFFECTIVE DATE: June 1, 1987, unless a later date is cited at the end of a section.
[6/1/87, 12/31/98; 10.5.400.5 NMAC - Rn & A, 10 NMAC 5.400.5, 7/16/2008]

10.5.400.6 OBJECTIVE: The objective of Part 400 of Chapter 5 is to provide standards for the operation and handling of vehicles and equipment within the state police division, as authorized by the provisions of Section 29-2-4.1 NMSA 1978.
[12/31/98; 10.5.400.6 NMAC - Rn, 10 NMAC 5.400.6, 7/16/2008]

10.5.400.7 DEFINITIONS: Department/departmental: The New Mexico state police.
[12/31/98; 10.5.400.7 NMAC - Rn, 10 NMAC 5.400.7, 7/16/2008]

10.5.400.8 VEHICLES AND EQUIPMENT:

A. All personnel will properly care for and use any state vehicles issued for their use and will also be acquainted with, and will follow established procedures dealing with the proper operation and care of automobiles.

B. The vehicle and all equipment will be kept orderly, accessible and clean.

C. All department vehicles will be used strictly for official business, except as specified in Paragraph (2) of Subsection C of 10.5.400.8 NMAC below.

(1) Permission must be obtained from the district/bureau commander in each instance in which unauthorized, non-departmental or non-police personnel are riding in police cars.

(a) This applies to both marked and unmarked units.

(b) Authorized personnel include those who are in contact with department personnel and must ride in the vehicles due to the nature of the department business.

(2) Employees while on official business who are away from their assigned duty station for a 24 hour minimum period may use the department vehicle for personal purposes on a reasonable basis during off-duty hours. Consumption of alcohol to any degree in conjunction with use of departmental vehicle is prohibited.

(3) Vehicles will not be transported across international borders without permission from the district/section commander unless the officer is a captain in which case he must secure permission from his immediate supervisor. Those at rank above captain may use own discretion.

D. When vehicles are being used, the employee will maintain a legal speed. When required to exceed the speed limit, the officer will assure that the emergency lights and siren are on unless the existing circumstances would make this procedure inadvisable.

E. When any major or minor repairs are necessary, every effort will be made to have the repairs completed at the headquarters garage (for headquarters, district 1 and district 7 personnel) or district garage (for district personnel) or nearest state police garage. When it is necessary to complete repairs through a private garage

as determined by an employee's immediate supervisor, an itemized invoice properly signed by the employee will be mailed to the financial management bureau at headquarters by the vendor at the end of the month.

(1) Supervisors may authorize repairs under \$150.00 and only fleet management may authorize repairs costing over \$150.00.

(2) All supervisors must be familiar with warranty provisions of the vehicle being repaired.

F. Equipment that is not state property may be affixed to departmental vehicles but only upon written authority of the chief. The equipment will be attached to the vehicle in such a manner so as not to leave damage to the vehicle upon removal of the equipment.

G. All departmental vehicles shall be equipped with the following items at all times:

(1) flashlight, axe, shovel, first aid kit, flares, jack, fuses and fire extinguisher;

(2) the fire extinguisher must be refilled within a reasonable time after each use and first aid kit kept complete at all times;

(3) the above items are optional with vehicles assigned to C.I.D. except for fire extinguisher.

H. Specific equipment in addition to those listed above are assigned to certain employees. The following lists some of that equipment and identifies the disposition of the equipment when certain instances arise.

(1) The operation of the radio must adhere to departmental procedures as well as federal communication commission (FCC) rules and regulations with those vehicles which are equipped with mobile radio equipment.

(2) The employee who is responsible for the vehicle equipped with a mobile radio, must assure that the trunk of the vehicle is kept clean and that other equipment is not on top of the radio set.

(3) The radio communications bureau of GSD is responsible for the proper maintenance and periodic inspections of all mobile and fixed radio equipment.

(4) All officers operating citizens band radios in state police vehicles must properly care for and maintain these radios and use according to FCC rules and regulations. Approval for installation must be secured from the chief if Subsection G of 10.5.400.8 NMAC applies.

I. Tactical, diving and explosive ordnance teams are issued equipment relative to the functions of those teams. The commander of each team is responsible for assuring proper maintenance and storage of equipment issued.

J. The baton is a defensive weapon that will be used at the discretion of the officer and method of use according to instruction received.

K. All broken or damaged equipment will be delivered or shipped to the general services bureau at headquarters.

L. When any employee loses any state equipment through either misplacement or theft that employee may be required to reimburse the department as determined in the following and must immediately report the loss to the office of the chief.

(1) The office of professional standards and internal affairs may conduct an investigation into all instances of reported lost or stolen property. If the employee is scheduled for release from employment, the investigation will be conducted by the last day of the employee's employment.

(2) If the loss is determined to have been a result of negligence on the part of the employee, the employee will reimburse the department at the replacement cost.

(a) If the employee is still employed with the department the employee must make reimbursement within 60 days after the employee has been notified of the determination of negligence.

(b) If the employee is scheduled for retirement or has resigned or has been terminated, the employee must make immediate reimbursement.

(3) If the property is subsequently recovered at any time, and the employee was required to make reimbursement, the employee's payment may be returned. The amount of reimbursement to the employee will be determined by the extent of damage, if any, and the operable condition of the equipment.

[12/31/98; 10.5.400.8 NMAC - Rn &A, 10 NMAC 5.400.8, 7/16/2008]

HISTORY OF 10.5.400 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMSPRule 400.0, Equipment, Uniforms and Supplies, filed 11/9/82.

NMSPRule 400.0, Equipment, Uniforms and Supplies, filed 3/22/85.

NMSPRule 400.0, Equipment, Uniforms and Supplies, filed 6/1/87.

History of Repealed Material: [Reserved]