

 <p><b>CD-000100</b></p>	<p><b>NEW MEXICO CORRECTIONS DEPARTMENT</b></p> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i>  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<p><b>ISSUE DATE:</b> 08/01/83</p> <p><b>EFFECTIVE DATE:</b> 08/15/83</p>	<p><b>REVIEW/REVISED:</b> 04/14/15</p>
	<p><b>TITLE:</b> Adoption of Rules, Policies and Procedures</p>	

**AUTHORITY:**

- A. NMSA 1978, Section 9-3-5(E), as amended.
- B. NMSA 1978, Sections 14-4-1 et seq, as amended.
- C. NMSA 1978, Section 33-6-1, as amended

**REFERENCE:**

- A. ACA Standards, 2-CO-1A-05, 2-CO-1A-15, 2-CO-1A-16, and 2-CO-1A-17, *Standards for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.
- B. ACA Standard 4-4004, 4-4005, 4-4012, 4-4013, 4-4014 and 4-4049, *Standards for Adult Correctional Institutions*, 4<sup>th</sup> Edition.
- C. ACA Standards 4-APPFS-1A-01, 4-APPFS-3D-06 and 4-APPFS-3E-03, *Standards for Adult Probation and Parole Field Services*, 4<sup>th</sup> Edition.
- D. ACA Standards 1-CTA-1A-03, 1-CTA-1A-12, *Standards for Correctional Training Academies*, 1<sup>st</sup> Edition.

**PURPOSE:**

To provide for the adoption of rules, policies and procedures to enforce laws pertaining to, manage operations of and provide administrative oversight over the New Mexico Corrections Department (NMCD).

**APPLICABILITY:**

Employees responsible for developing and implementing rules, policies and procedures.

**FORMS:**

None

**ATTACHMENTS:**

- A. **CD Policy Format** Attachment (*CD-000101.A*) (2 pages)
- B. **CD Procedures Format** Attachment (*CD-000101.B*)
- C. **Numbering of Policies, Procedures, Forms and Attachments** Attachment (*CD-000101.C*)

**DEFINITIONS:**

- A. CD Policy Manual: A manual containing all current Departmental policies and procedures excluding chapter 07 and 13, which are confidential security policies and procedures.
- B. “J” Drive: The computer drive in which all Departmental policies and procedures are maintained for viewing by Department employees.
- C. Obsolete Policies and/or Procedures: Any policy and/or procedure that has been deleted.
- D. Operations Manual: A manual containing only the applicable policies and procedures specific to an organizational unit within the Department, including post orders. It may also include other documents pertinent to the operation of the institution and probation and parole regions as determined by the function and level of the unit.
- E. Policy: A statement that provides general direction to administrators, supervisors, employees, and often inmates and sets forth in general terms minimum standards and expectations.
- F. Policy Coordinator: A facility, division, bureau, or unit employee designated to coordinate the distribution of Department, facility, division or unit policies and procedures, and recommend the development or revision of policies and procedures.
- G. Policy Administrator: A person designated as the person responsible for developing, revising, distributing and ensuring compliance with all NMCD policies and Procedures.
- H. Procedure: Instructions of how a policy is to be implemented, which is designed to communicate in more detail than the policy the process governing specific operations.
- I. Rule: Any rule, regulation, order, standard, statement of policy, including amendments thereto or repeals thereof issued or promulgated by the NMCD, and purporting to affect one or more agencies besides the NMCD or to affect persons not members or employees of the NMCD except those relating to the management, confinement, discipline or release of inmates, probationers, parolees and those relating to employees.
- J. Security Manual: A manual containing the security policies and procedures specific to an organizational unit within the Department. It may also include other documents (i.e., post orders, checklists, etc) pertinent to the operation of the unit as determined by the function and level of the unit.

**POLICY:**

- A. No rule shall be effective until published in the New Mexico Register.
- B. No policy or procedure shall be effective until approved by the Secretary or a designee.

- C. Unless otherwise provided by law, no rule specifically affecting any person or agency outside the Department shall be adopted, amended or repealed without a public hearing on the proposed action as provided by 1.24.15 NMAC.
- D. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained, shall be published at least 30 days prior to the hearing date in a newspaper of general circulation and mailed at least 30 days prior to the hearing date to all persons who have made a written request for advance notice of the hearing.
- E. The Cabinet Secretary is responsible for developing and maintaining an operations manual that includes policies, procedures, rules and regulations of the NMCD. This manual will be maintained in designated locations as a hard copy and also on “J” drive. **[2-CO-1A-17]**
- F. The Department shall have a policy manual that specifies its policies, programs and services offered. The manual is available to all employees and to the public, with the exceptions of Chapters Seven and Thirteen, which are security policies. **[2-CO-1A-16]**
- G. All Departmental policies and procedures will follow a standard format, are assigned an appropriate number by the Policy Administrator and are incorporated into a CD Policy Manual and Operations Manuals and organized sequentially by chapter.
- H. Written policies and procedures will govern the efficient operation of the Department and its programs and institutions.
- I. The Policy Administrator will be responsible for the development, revision and dissemination of all NMCD policies and procedures. The Policy Administrator will establish review practices that allow employees to participate in the formulation and revision of policies and procedures. Facility Wardens and Probation and Parole Region Managers shall review internal policies and submit relevant recommendations for changes to the Policy Administrator for agency policy changes. The Policy Administrator will be responsible for ensuring that all CD policies and procedures are reviewed at least annually and revised as needed. **[4-4049] [4-4004] [4-APPFS-3D-06] [1-CTA-1A-03] [2-CO-1A-05] [1-CTA-1A-12]**
- J. Prior to finalizing any policy, the Policy Administrator will coordinate a review of all new and revised policies to the responsible Director or Bureau Chief, then to Office of General Counsel and then to the Deputy Secretaries for approval prior to presentation to the Cabinet Secretary for signature.
- K. All new and revised policies will be distributed promptly to all NMCD staff. Further duplications and distribution will be made by CD Policy Manual holders to bureaus, offices and units of their organizations. Each Division Director and Warden is responsible for developing a system that informs his/her staff members, volunteers, and, when appropriate, inmates of new and revised departmental policies. **[4-4014]**

- L. Each region, institution and division with an Operations Manual will develop a process for internal procedures to include a system of on-site retention. These procedures shall not duplicate or conflict with Department policies and procedures, which will take precedence over the institutional, divisional, or regional policies in the case of a conflict. These procedures should only address matters that are unique to that particular institution, division, region or unit and its function and shall be accessible to all employees and the public. This manual shall be reviewed at least annually and updated as needed. **[4-4012] [4-4013]**
  
- M. All newly hired NMCD employees shall be made aware of the existence, organization, location and general content of NMCD policies and procedures during their orientation training and will acknowledge receipt of that training. Each employee is responsible for remaining familiar with NMCD policies and procedures, particularly those pertinent to the employee's job duties.
  
- N. No employee will destroy or cause to be destroyed any original policy or procedure. All policies and procedures promulgated by the Department will be retained permanently for legal purposes. The Policy Administrator will retain all original policies and procedures and will be responsible for the permanent retention of all obsolete CD policies and procedures.
  
- O. The agency, institutions, and probation and parole may consult with other agencies within the criminal justice system and community agencies in the formulation of agency policies and procedures, policy development, coordinated planning, and interagency consultation to prevent victimization, provide conflict resolution, and promote public safety. **[4-4005] [2-CO-1A-15] [4-APPFS-1A-01]**



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Gregg Marcantel, Secretary  
New Mexico Corrections Department

04/14/15  
Date

	<h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<b>ISSUE DATE:</b> 08/01/83	<b>REVIEW/REVISED:</b> 04/14/15
	<b>EFFECTIVE DATE:</b> 08/15/83	
<b>CD-000101</b>	<b>TITLE: Adoption of Rules, Policies and Procedures</b>	

**AUTHORITY:**

Policy *CD-000100*

**PROCEDURES: [2-CO-1A-05]**

**A. Format:**

1. All CD policies and procedures will be formatted in accordance with the **CD Policy Format Attachment (CD-000101.A)** and **CD Procedures Format Attachment (CD-000101.B)**.
2. All policies, procedures, attachments and forms shall have a designator in accordance with the **Numbering of Policies, Procedures, Forms and Attachments Attachment (CD-000101.C)**.
3. All facility, division, or unit procedures that are directly promulgated based on a CD policy and procedure process, shall use the same numerical designator as the CD designator and shall be preceded by the facility, division or unit's initials (e.g., If the Penitentiary of New Mexico promulgates a procedure for *CD-012400* "Communication Plan", that procedure shall be designated as *PNM-012400*).
4. Each facility, division or unit shall implement a similar format for all procedures but shall not use the same specific symbol that distinguishes a CD policy as a CD policy.

**B. Policy Development and Revision Schedule:**

1. All NMCD policies upon approval shall be placed on an eleven-month review schedule. The review schedule shall indicate the review month, the Policy number, the Policy by Title, the responsible Manager and recommended reviewers.
2. The review schedule shall be located on the "J" Drive and made available to all NMCD employees and contract employees who have an interest in submitting a recommendation for revisions to CD policy and procedure. **[4-4004]**
3. Policies scheduled for review shall be distributed in a "DRAFT" MS Word version on or about the 1<sup>st</sup> of each month via electronic mail (email) to the Responsible Manager and reviewers.

4. Recommendations for revision must be received by the Policy Administrator by the last business day of the month and at least one month prior to the review scheduled month (i.e., all recommendations for policies that are due for revision in July must be received by the last business day of May in order to be considered for that annual review). Recommendations for policy revisions may be sent throughout the year at any time and will be filed by the Policy Administrator until the next review date unless an immediate revision is necessary.
5. All recommendations for revisions shall be forwarded through and tracked by the facility, division, or unit Policy Coordinator.
6. CD policies may be revised as needed as legislative, legal, or mission needs dictate.

**C. Collaboration: [2-CO-1A-15]**

Division Directors, Bureau Chiefs, Region Manager, and Wardens may collaborate with criminal justice, private, and community agencies, as well as, members of the community for the purpose of enhancing the formulation and evaluation of organizational policies, procedures, rules and regulations, as well as, interagency consultation to prevent victimization, provide conflict resolution, and promote public safety. Functions include, but are not limited to: [4-4005] [4-APPFS-1A-01]

- Law Enforcement Breakfasts;
- Public Hearings;
- Volunteer programs;
- Town Hall meetings; and
- Internet

**D. Dissemination: [1-CTA-1A-12]**

All facilities shall be advised of new and revised policies by the Policy Administrator.

1. All non-confidential policies and procedures shall be made available to the public and to staff through the Corrections website. Staff shall also be able to access all non-confidential policies through the common "J-Drive". (NMCD Policies)
2. All confidential policies and procedures shall only be available to specifically authorized staff through a secure database on the "J-Drive". (NMCD Policies/Security Policies)
3. Both new and revised policies and procedures shall be disseminated to designated staff and volunteers and, when appropriate, to inmates, and/or probationers/parolees prior to implementation. [4-4014]



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Gregg Marcantel, Secretary  
New Mexico Corrections Department

04/14/15  
Date

**NEW MEXICO CORRECTIONS DEPARTMENT**

**CD POLICY FORMAT**

 <p><b>CD-XXXXXX</b></p>	<p><b>NEW MEXICO CORRECTIONS DEPARTMENT</b></p>	<p><b>ISSUE DATE:           00/00/00</b>  <b>EFFECTIVE DATE:    00/00/00</b>  <b>REVIEW/REVISED:   00/00/00</b></p>
	<p><b>TITLE:</b></p>	

**AUTHORITY:**

The "Authority" section must reference the legal or administrative authority for promulgating or directing the development of the policy. This section should refer to official documents such as State statutes, other policies, administrative directives, codes, rules, and regulations.

**REFERENCE:**

The "Reference" section must stipulate the guideline(s) or reference(s) for policy content. This section should refer to publications from credible organizations, such as the American Correctional Association (ACA), Commission on Accreditation for Corrections, and/or the National Institute of Corrections.

**PURPOSE:**

The "Purpose" section is to specify the reason(s) for promulgating the policy and procedure.

**APPLICABILITY:**

The "Applicability" section must specify to whom the directive applies; e.g. employees, staff, personnel under contract with NMCD, inmates, etc.

**FORMS:**

Forms are any paperwork that would need to be filled out as a part of fulfilling specific job requirements outlined in the policy or procedure.

**ATTACHMENTS:**

Attachments are informational lists, rules etc.

**DEFINITIONS:**

The "Definitions" section is to be used when the definition of any term is essential to understanding the document and to reduce the possibility of misinterpretation.

**POLICY:**

The "Policy" section must specify, in general terms, the minimum standards and expectations to be achieved by the directive.

**CMIS REQUIREMENTS:**

This section shall list any data entry requirements that may be associated with this policy and/or procedure.

**SIGNATURE:**

\_\_\_\_\_  
, Secretary of Corrections  
New Mexico Corrections Department

\_\_\_\_\_  
Date

All NMCD Policies must bear the signature of the Cabinet Secretary in order to be implemented. All Policies that are governed by CD Policy are to be adhered to as a lawful directive being issued by the Secretary of Corrections, New Mexico Corrections Department. No institutional, divisional, or regional policy shall have authority over CD policy.

**NEW MEXICO CORRECTIONS DEPARTMENT  
CD PROCEDURES FORMAT**

 <p align="center"><b>CD-XXXXXX</b></p>	<p><b>NEW MEXICO CORRECTIONS DEPARTMENT</b></p>	<p><b>ISSUE DATE:</b>           00/00/00</p> <p><b>EFFECTIVE DATE:</b>   00/00/00</p> <p><b>REVISED:</b>             00/00/00</p>
	<p>TITLE:</p>	

**AUTHORITY:**

The "Authority" section in a procedure statement is approached the same way as the "Authority" section of a policy. The procedures simply reference the dictating policy statement (Policy CD-).

**PROCEDURES:**

The "Procedures" section will outline, in specific terms, the precise method and the responsibilities necessary to implement the policy. Procedure statements may be detailed descriptions of the sequence of activities to be performed.

**SIGNATURE:**

\_\_\_\_\_  
\_\_\_\_\_  
, Secretary of Corrections  
New Mexico Corrections Department

\_\_\_\_\_  
Date

All NMCD Procedures must bear the signature of the Cabinet Secretary in order to be implemented. All Procedures that are governed by CD Policy and Procedures are to be adhered to as a lawful directive being issued by the Secretary of Corrections, New Mexico Corrections Department. No institutional, divisional, or regional policy shall have authority over CD policy.

**NEW MEXICO CORRECTIONS DEPARTMENT  
NUMBERING OF POLICIES, PROCEDURES, FORMS AND ATTACHMENTS**

- A. The numbers will be preceded by the designation "CD" to identify the policy and/or procedure as applying to the *New Mexico Corrections Department Policy Manual*.
- B. The numbers that follow the departmental designation will consist of six digits.
1. The first two digits indicate the chapter to which the policy or procedure is assigned.  
01 indicates chapter 1
  2. The second two digits will indicate the number of the policy within the chapter.  
03 indicates the third policy of that chapter
  3. The last two digits will designate whether it is a policy or a procedure.  
00 indicates a policy  
01, 02, 03 etc indicates a procedure
- C. Forms that are attached to a Policy or a Procedure may be designated by importance or by order of appearance and by a period and number of that form as the example indicates below:
- .1 indicates the first form.
  - .2 indicates the second and so on.

Example: CD-010301.1 and CD-010301.2 etc.

- D. Attachments may be designated by importance or by order of appearance by a period and a capital letter of that attachment as the example indicates below:
- .A indicates the first attachment.
  - .B indicates the second and so on.

Example: CD-010301.A and CD-010301.B etc.

NOTE: All form and attachment indicators shall be preceded by the words Form or Attachment.

Example: Form CD-010301.1  
Attachment CD-010301.A