

 <p>CD-053200</p>	<h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	ISSUE DATE: 07/01/99 EFFECTIVE DATE: 07/01/99	REVIEWED: 10/13/16 REVISED: 10/08/15
	TITLE: PPD Sex Offender Registration, Tracking and Supervision	

AUTHORITY:

- A. Statute 29-11A-1 et seq. 8, 30-9-1 et seq. 30-9-14.3 NMSA 1978, as amended
- B. Policy *CD-040900*
- C. *Gwinn v. Awmiller*, 354 F.3d 1211 (10th Cir. 2004)
- D. *Paul v. Davis*, 424 U.S. 693 (1976)
- E. *Brown v. Montoya*, 662 F.3d 1152 (10th Cir. 2011)
- F. *Kvech v. N.M. Dept. of Pub. Safety*, 987 F.Supp.2d 1162 (D.N.N. 2013)

REFERENCE:

- A. Section 29-11A-1 through 29-11A-10, NMSA 1978
- B. Sex Offender Registration and Notification and “Megan’s Law” Source Book, Civic Research Institute, 1988.

PURPOSE:

- A. The purpose of this policy is to ensure that the Probation and Parole Division is in compliance with the Sex Offender’s Registration Act as amended effective, July 2013.
- B. To establish alternative methods of sex offender supervision to minimize the likelihood of a negative effect on the community.

APPLICABILITY:

Probation and Parole Officers (PPO) who are assigned the duty to supervise sex offenders who are under probation and/or parole supervision by the Probation and Parole Division (PPD) of the New Mexico Corrections Department.

FORMS:

- A. **Policy/Procedure Acknowledgement** Form (*CD-053200.1*)
- B. **Notice to Employee** Form (*CD-053201.1*)
- C. **Employee Questionnaire** Form (*CD-053201.2*)
- D. **Notice to Register** Form (*CD-053201.3*)
- E. **Sex Offender Supervision Behavioral Contract** Form (*CD-053202.4*)

ATTACHMENTS:

None

DEFINITIONS:

A. *Sex Offender*: Any person convicted of a sex offense on or after July 1, 1995; any person convicted of a sex offense prior to July 1, 1995; and who, on July 1, 1995, was either incarcerated, on probation or on parole. Sex Offender means a person eighteen (18) years of age or older who:

- Is a resident of New Mexico and convicted of a sex offense in New Mexico;
- Does not have an established residence in New Mexico, but lives in a shelter, halfway house or other transitional living facility, or stays in multiple locations in New Mexico and who has been convicted of a sex offense pursuant to state, federal, tribal or military law; or,
- Changes his residence to New Mexico when the person has been convicted of a sex offense in another state pursuant to state, federal or military law; or,
Is a resident of New Mexico who is convicted of a sex offense pursuant to federal or military law; or,
- An adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to register as a sex offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- Must register with the local sheriff's office for the county for which the sex offender resides if the date of conviction was on or after July 1, 1995 within prescribed time limits pursuant to statute.

B. *Sex Offender Supervision Unit*: Any individual Probation and Parole Officer or group of officers, supervisor and support staff, who is designated the specific and exclusive duty of providing supervision of sex offenders.

C. *Sex Offense*:

- Criminal sexual penetration in the first, second, third or fourth degree
- Criminal sexual contact in the fourth degree
- Criminal sexual contact of a minor in the second, third or fourth degree
- Sexual exploitation of children in the second or third degree
- Sexual exploitation of children by prostitution in the first, second or third degree
- Kidnapping when committed with the intent to inflict a sexual offense.
- False imprisonment when committed with the intent to inflict a sexual offense .
- Aggravated criminal sexual penetration

- Aggravated Indecent Exposure
- Enticement of a Child
- Incest, when the victim is less than 18 years old
- Child solicitation by electronic communication device, for convictions occurring on or after July 1, 2013.
- Attempt or solicitation to commit any of the sex offenses set forth in paragraphs above.
- An offense from another jurisdiction that is substantially the same as the sex offenses set forth above.

For convictions prior to July 1, 2013, the crimes of Kidnapping and False Imprisonment are only sex offenses if the victim was less than eighteen years old and the offender is not a parent of the victim.

D. Supervision contact: An action performed by a PPO or responsible designee such as a law enforcement officer acting in partnership with PPD that result in the gathering of information or intelligence pertaining to an individual under probation and/or parole supervision.

- Face to face contact: Any personal meeting or encounter between PPD personnel and the offender that allows for staff to be able to assess offender behavior and for the PPO to determine if assistance or intervention is necessary.
- Office visit in the field: Successful contact between a Probation/Parole Division PPO (including Supervisory chain of command) and an offender in which information is received and verified which allow the PPO to evaluate the offender's supervision status. This contact will take place outside the PPD office environment.
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- Field contact: Any personal contact between a PPO and offender under PPD supervision away from the vicinity of the PPO's office, or contact with a neighbor, landlord or property manager in the immediate vicinity or a family member residing in the offender's home, if the offender is not at the residence, provided that such contact permits the PPO to make observations about the offender's behavior and activities in a manner that can be documented in the case notes.
- Office visit: A face-to-face contact conducted at the probation and parole office between offender and PPD staff in which a meaningful interaction takes place between staff and offender. Staff must be able to articulate the substance of the interaction and document such in offender case notes.
- Collateral contact: Any contact between the Probation/Parole Officer (PPO) and a person or organization having knowledge of, or interest in, the offender supervision status, including but not limited to: counseling services; medication verification; medical personnel; community service; employment; physicians and/or hospitals; GPS; Alcohol Monitoring System; Courts; Parole Board; family members; victims; law enforcement or STIU Officers.

- Phone contacts: [specific to Albuquerque Metropolitan reporting requirements] Take the place in lieu of office reports to provide a means for the Probation Officers to have meaningful contact and complete required data updates. Contact sheets will be completed in the field for Albuquerque Metropolitan area.
- Supervision level: The level at which an offender is supervised as characterized by the duration in time of a specific level, by the numbers and types of supervision contacts that are required, and by other requirements including, but not limited to, therapy, GPS tracking, and electronic monitoring.

POLICY:

- A. PPOs shall ensure that probationers and parolees under their supervision who are sex offenders properly register within five (5) business days of conviction or release from a correctional facility as a sex offender with the appropriate County Sheriff, by notifying the sex offenders of their duty to register and by notifying the County Sheriff of sex offenders under their supervision who are required to register.
- B. As soon as practicable after release from prison and no later than five (5) business days after release from prison, the assigned PPO shall ensure that a convicted sex offender has registered with the local Sheriff's Office.
- C. The Interstate Compact Unit for PPD will ensure that any approved out-of-state transfer of a convicted sex offender to New Mexico is identified via ICOTS (Interstate Compact Offender Tracking System) and notify the district where he or she is placed so that proper follow-up is done to include notification of the local Sheriff's Office and verification that registration has been completed.
- D. Upon acceptance of an in-state transfer of sex offender to another district, the sending officer shall note on the Travel Request that the offender is a sex offender and must register with the county sheriff's office where transferred and within the statutory time limits. The sending officer shall make immediate notification of issuance of the travel permit and reporting instructions to receiving district via established reporting.
- E. In recognizing that the presence of sex offenders in the communities pose a significant threat to the safety of the community, it is the policy of the New Mexico Corrections Department PPD to provide, wherever caseload size and available staff allowance, enhanced supervision of offenders identified as sex offenders. Such enhancements of supervision shall include, but not be limited to:
 - increased contact between PPD staff and offenders
 - provision of sex offender-specific therapy
 - electronic monitoring
 - global positioning monitoring
 - the use of a polygraph in conjunction with therapy and/or law enforcement

investigations

- active interaction and partnership with therapy providers and local law enforcement officials

Additionally, travel, employment and residency are subject to restrictions that may be more stringent than those normally imposed on other types of offenders.

- F. Offenders placed under supervision for a conviction other than a sex offense, but for whom there is evidence that they have committed or attempted a sex offense, may be considered for referral to sex offender supervision if the prior history continues to be of concern based on professional assessment of a certified treatment provider recommendation. Offenders who have initially been charged or indicted for a sex offense but who were subsequently convicted of a crime not technically defined as a sex offense, may also be considered for referral to sex offender supervision based on the facts and circumstances of the crime. However, before placing an individual whose current conviction is not for a sex offense into sexual offender supervision, The Department must arrange an administrative hearing and/or review with Court who has jurisdiction in the case for probationers and with the Parole Board for parolees. The probationer or parolee shall have reasonable notice of the hearing, and shall have the opportunity to present evidence in opposition to the placement. The Department will designate the Hearing Officer to provide an emergency administrative Hearing and/or review in case of emergency and public safety. For the emergency hearings and/or review, the Hearing Officer shall provide the sentencing authority and the offender with a written statement of the evidence relied upon and the reasons for the decision to place (or ultimately not place) the offender on sex offender supervision. The offender may petition the sentencing authority and request an administrative hearing to review the decision of the emergency hearing. In any event, no probationer or parolee may be required to serve probation or parole in a sex offender unit unless there is substantial evidence that the probationer or parolee committed a sex offense or intended to commit a sex offense. A probationer or parolee who was not convicted of a sex offense is not required to register as a sex offender, even if the probationer/parolee is referred to sex offender supervision, unless the offender has a prior conviction for a sex offense that requires him or her to so register. A probationer or parolee who is not required to register as a sex offender shall not be subjected to the reporting requirements of the New Mexico SORNA.
- G. If an Offender is to be assigned to sex offender supervision solely as a result of a conviction for kidnapping or false imprisonment, because of evidence that the kidnapping or false imprisonment was carried out with the intent to commit a sex offense, the Department must first:
- a. Ascertain which counts of the charging document, such as the indictment or information, led to the offender's conviction for kidnapping and/or false imprisonment, and whether these counts contain any statement showing that the offender was intending to carry out a sex offense. If it is thus possible to determine intent from the charging document, then the offender may be assigned

to sex offender supervision. However, if the counts for which the offender was convicted do not contain any such statement, then the Department must;

- b. Determine if the offender admitted intent to commit a sex offense during the court proceedings resulting in his conviction or sentence. For instance, the Department can determine whether the offender testified at trial and admitted his intent or, if the offender pled guilty, whether the offender admitted intent during an allocution. If the Offender admitted intent to commit a sex offense during court proceedings, the Department may be assigned to sex offender supervision.
- H. In all cases, the final determination as to whether a person is assigned to sex offender supervision is subject to the ruling of the sentencing authority.. If the Court, in the case of a probationer, or parole board, in the case of a parolee, orders that a person should be removed from sex offender supervision, the Department must comply with that order. However, if a conviction for which the probationer or parolee is currently supervised is a sex offense under all circumstances, or if the Department of Public Safety ordered the probationer or parolee to register as a sex offender, then the probationer or parolee will remain on the sex offender registry.

Any such case accepted for Sex Offender supervision may subsequently be returned to standard supervision at such time as the offender is no longer considered to be a significant risk for re-offending with recommendation from the treatment provider.

- I. In communities where there is discernible public concern about the propriety of having sex offenders reporting to one central location, alternative means of supervision will be implemented. The resulting reduction in supervision contacts will be offset by a reduction in negative community reaction.

Information collected from collateral contacts, including treatment providers, law enforcement personnel, and urinalysis results, as well as data from electronic monitoring and GPS monitoring, will suffice in lieu of regularly scheduled office visits.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

10/08/15
Date

NEW MEXICO CORRECTIONS DEPARTMENT

Policy/Procedure Acknowledgement

I, _____, acknowledge that I have received
(Print name)
a copy of the policy (CD-053200) and procedures (CD-053201 and CD-053202) and I further
acknowledge that it is my responsibility to become familiar with this policy/procedure if I have
questions, or if I do not understand any provision of this policy/procedure, I will ask my supervisor.

_____ **Sex Offender Registration, Tracking and Supervision**

Employee Signature

Date

Witness' Signature

Date

Original – Employee File

Copy – Employee

 <p>CD-053201</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><small>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</small></p>	
	ISSUE DATE: 07/01/99	REVIEWED: 10/13/16
	EFFECTIVE DATE: 07/01/99	REVISED: 10/08/15
TITLE: Registration/Tracking of Sex Offenders		

AUTHORITY:

Policy *CD-053200*

PROCEDURES:

A. Registration:

1. The PPO shall, upon opening a case and within five (5) business days after a sex offender's release from jail, prison, or date placed on probation, assist the offender in completing the **Notice to Register** Form (*CD-053201.3*).
2. The PPO shall direct the offender to take the **Notice to Register** to the local Sheriff's Office to register as a sex offender.
3. Once the offender has been officially registered and the form is signed by the local sheriff's office, the offender will have a copy made and return it to the PPO for verification of registration and to retain in the offender's file.
 - a. If an offender fails or refuses to register as required, it will result in a report of violation of conditions of supervision. Appropriate action must follow, either through paroling authorities, courts or both.
 - b. In cases where the offender does not bring proof of registration, the PPO will verify through the Sheriff's Office registration.
 - c. The Sheriff's Office will in turn notify the Department of Public Safety (DPS) of offender's notification.

B. Transfers/Moves:

1. When an offender transfers to another district within the state or to another state, the PPO shall instruct the offender to report to the sheriff's office in the area to which he has moved.
 - a. Upon acceptance of an in-state transfer of sex offender to another district, the sending officer shall note on the Travel Request that the offender is a sex offender and must register with the county sheriff's office where transferred and within the statutory time limits. The sending officer shall make immediate

notification of issuance of the travel permit and reporting instructions to receiving district via established reporting.

- b. If the offender moves within the same district, he will report his move via the **Notice to Register** to the local Sheriff's Office. (If the move from one district office assignment to another district office assignment does not involve a change in residence, no action is required).
2. Upon arrival to the new residence, the offender shall report immediately to the Probation and Parole Office and fill out another **Notice to Register** with updated information.
 - a. Registration in the new location must be within five (5) business days of arrival.
 - b. The offender shall also send written notice and provide written verification of the change of residence to the county sheriff with whom he/she last registered no later than five (5) business days after establishing his or her new residence
3. When an offender requests transfer to another state he/she shall register as a sex offender in accordance within that state's Sex Offenders Registration Act.
 - a. In cases of an Emergency Request, the PPO will submit a request for reporting instructions via ICOTS and await the response from the receiving state offender is not allowed to leave the state until approval has been submitted via ICOTS.
 - b. The receiving state will be advised of the circumstances of this offender via ICOTS by submitting a Transfer Request.
4. In cases where a sex offender is moving to New Mexico via Reporting Instructions, Interstate Compact will assign the case to the District Office Supervisor via ICOTS. The District office will have 5 business days to review and respond that the proposed address is acceptable under New Mexico State laws, city ordinances and NMCD Policy.
 - a. Upon the offender's arrival into New Mexico he/she will have five (5) business days .
 - b. The PPO will assist the offender in filling out the **Notice to Register** and directing them to the local sheriff's office for registration.
5. In cases where the offender has changed employers, the **Notice to Register** must be updated and distributed appropriately to reflect such changes.
6. In cases where any offender's personal information changes, the **Notice to Register** must be updated and distributed appropriately to reflect such changes.

7. A sex offender who willfully fails to comply with the registration or certification requirements of SORNA or provides false information when complying is guilty of a fourth degree felony and the failure will result in a report of violation of conditions of supervision.

C. Tracking/Classification:

1. Each **Notice to Register**, whether an initial submission or an update, must be entered into CMIS by the PPO.

Offenders who meet the definition and are required to register as Sex Offenders, will initially be classified Extreme Supervision and will never be classified lower than Medium Supervision. Sex Offenders will be supervised at the appropriate level based on clinical and PPD assessment.

D. Employment:

1. The PPO is required to visit the place of education/employment/community service or potential place of education/employment/community service of any sex offender assigned to their caseload and verify the suitability and appropriateness of that education/employment/community service by completing the **Employer Questionnaire** Form (CD-053201.2). A copy will be maintained in the offenders file. The visits by the PPO must be done in a discreet and professional manner. Communications between PPO officials and the probationer/parolee's employer/educator/community service supervisor must be limited to that which is necessary to meet the goals described in this paragraph, and PPO officials shall limit their meetings with employees, officials, and agents of the employer/educator/community service supervisor to those individuals necessary to provide the information needed to meet these goals.
2. The PPO will advise the Employer/Educator about the conditions of the offender's probation/parole in writing and the employer/educator shall acknowledge receipt on the **Notice to Employer** Form (CD-053201.1), which will be completed within 14 calendar days. A copy will be maintained in the offenders file. As with Subparagraph 1 of this Paragraph, this advising shall be done in a professional and discrete manner, and ideally limited to one individual. The PPO will advise the Employer/Educator to keep the conditions of the offender's probation or parole confidential.
3. The PPO will direct the offender to report any changes in their shift, duties, hours, employment location or changes in clientele to the PPO and that failure to comply may result in the revocation of the offender's supervision.

E. Release of Information:

1. Access of the Public to Sex Offender Registration Act Information:

Persons wanting registration information regarding sex offenders may request that information from the county sheriff, chief law enforcement officer for the municipality in which the sex offenders reside, district attorney for the judicial district in which the sex offender resides or the secretary of public safety.

For offenses enumerated in N.M.S.A. § 29-11A-5.1(A), the public is entitled to the following information:

- legal name and any other names or aliases;
- date of birth;
- current address;
- place of employment;
- sex offense; and,
- date and place of conviction.

The offender's social security number is not public information.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

10/08/15
Date

NEW MEXICO CORRECTIONS DEPARTMENT

PROBATION AND PAROLE DIVISION

Notice to Employer/Educator

Date: _____

Name of Employer or Educator: _____

Sir or Madam:

This letter is to inform you that your employee/student _____ is a sex offender and/or is under the supervision of the Probation and Parole Division for a sexual offense. He/She has been adjudicated guilty of the following crime(s): _____.

OR

This letter is to inform you that your employee/student _____ is under the supervision of the Probation and Parole Division for the crime of _____, and is a registered sex offender for the crime of (_____),

OR

This letter is to inform you that your employee/student _____ is under the supervision of the Probation and Parole Division for the crime of _____. _____ was originally charged or indicted with a sex offense (_____), but that offense was pled down or reduced to the above-designated crime.

We are submitting this letter in compliance with the Departmental directive that employers be notified of their employees who are on Probation-Parole supervision for sexual offenses.

We request that you sign this letter below as confirmation that you have been so notified. If you have any questions or concerns, please contact the assigned Probation-Parole Officer _____, at _____.

Sincerely,

Probation and Parole Officer

Employer/Educator Print Name & Position

Employer/Educator Signature & Acknowledgement

Date

NEW MEXICO CORRECTIONS DEPARTMENT
PROBATION AND PAROLE DIVISION
Employer Questionnaire

1. What is the offender's specific job? _____

2. What are his/her specific job duties? _____

3. What is his/her usual work site? _____

4. Does he/she ever work off-site? Where? _____

5. What contact does he/she have with the public? _____

6. What are his/her regular hours? _____

7. Does he/she ever work hours that are outside of the regularly scheduled hours? When? _____

8. Is he/she ever responsible for opening or closing the business? _____

9. For what portion of the work day is he/she under direct supervision? _____

10. Does he/she have access to the Internet or other electronic media while on the job? _____

11. Does he/she ever have contact with minors (under the age of 18) without another adult present?

12. **(As appropriate):** Does he ever have contact alone with adult women (over the age of 18) without another adult present?

13. Will you notify his/her Probation and Parole Officer of any changes to his/her employment to include deviances in shift, duties, hours, employment location or clientele?

NEW MEXICO CORRECTIONS DEPARTMENT

NOTICE TO REGISTER

Registrant Name: _____ DOB: _____ SSN#: _____

Physical Address: _____ City: _____ State: _____ Zip Code: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Pursuant to NMSA 29-11A-1, a convicted sex offender is required to register with the Sheriff's Office in the County where they will reside. Registration must take place no later than ten (10) days (5 business days if convicted on or after July 1, 2013) after being released from the custody of the Corrections Department; or registration must take place no later than ten (10) days (5 business days if convicted on or after July 1, 2013) after being placed on probation or parole. A sex offender who changes his/her residence within the same county, will be required to notify the county sheriff no later than ten (10) days (5 business days if convicted on or after July 1, 2013) after establishing his/her new residence. A sex offender who changes his/her residence to a different county in New Mexico, will be required to register with the sheriff of the new county no later than ten (10) days (5 business days if convicted on or after July 1, 2013) after establishing his/her new residence. A sex offender is required to give written notice of any change of residence to the county sheriff with whom he/she last registered no later than ten (10) days (5 business days if convicted on or after July 1, 2013) after establishing a new residence. Following his/her initial registration, the sex offender is required to annually renew his/her registration with the county sheriff prior to December 31st, of each calendar year.

Failure to comply or providing false information is a Fourth Degree Felony Offense.

You will be required to provide the following information to the county sheriff:

- 1) Legal name and any other names or aliases that you have used.
- 2) Date of birth.
- 3) Social Security number.
- 4) Current physical and mailing address, and the address of every place you habitually live.
- 5) Place of employment.
- 6) The sex offense for which you were convicted.
- 7) The date and place of sex offense conviction.
- 8) Any other pertinent information on the form (sex, race, hair color, eye color, etc.)
- 9) Your names, e-mail address and monikers and other self-identifiers used on social networking sites.
- 10) Your landline and cellular telephone numbers and any other telephone number primarily used by you.
- 11) Your professional licenses.
- 12) The license plate or other identifier and the description of any vehicle owned or primarily operated by you, including air craft and watercraft.
- 13) The name and address of any school or institution of higher education you are attending.
- 14) Copies of your passport and immigration documents.
- 15) Judgment and sentence document.

The Sheriff will obtain the following:

- 1) Fingerprints.
- 2) Photograph.
- 3) Registration Information (State Form)

Registrant Acknowledgment: _____ *Date:* _____

(For probation and Parole Use)

Probation Officer: _____ Location: _____

The named sex offender is required to register with the Sheriff's Office within ten (10) days. County: _____

(For Court Use)

Form presented by: _____ Judicial District: _____

The named sex offender is required to register with the Sheriff's Office within ten (10) days. County: _____

 <p>CD-053202</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><small>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</small></p>	
	ISSUE DATE: 07/01/99 EFFECTIVE DATE: 07/01/99	REVIEWED: 10/13/16 REVISED: 10/08/15
	TITLE: Supervision of Sex Offenders	

AUTHORITY:

Policy *CD-053200*

PROCEDURES:

A. General:

1. Supervision is to be conducted in progressive phases from Level I to Level IV. Progression to the next phase is contingent on having completed the minimum amount of time required for each level, and upon having incurred no violations and having met any behavioral objectives that might be set by the probation and parole officer and/or therapist. The input of the therapist for progression to the next level should be considered.
2. Upon supervisory review with the supervising PPO, an offender under supervision may not be deemed suitable for advancement. In cases where the offender fails to demonstrate improvement in behavior, or regressions to past behavior, the offender may be returned to a previous level of supervision.

B. Reporting Statewide (Except the Albuquerque Metropolitan Area Section D):

1. All Sex Offenders in Level I and Level II supervision will be required to report in person to their probation and parole officer at least once bi-weekly ten (10) working days on a schedule to be determined by the assigned officer or the district supervisor.
2. All Sex Offenders in Level III and IV supervision will be required to report in person to their probation and parole officer at a minimum of once per month on a schedule to be determined by the assigned officer or the district supervisor.

C. Sex Offender Supervision levels:

1. **Level I:** This is the presumptive entry level for offenders commencing their period of supervision. This level is intended to last a minimum of six (6) months. Required contact standards require at least one (1) successful field call every week and at least three (3) collateral contacts per month.

If the Sex Offender resides thirty (30) miles or more from the local Probation/Parole office, the contact requirements will be revised to one (1) field contact between the first (1st) and fifteenth (15th) of each month and one (1) field contact between the sixteenth (16th) and the end of each month, with at least ten (10) calendar days in between field contacts, totaling two (2) field contacts per month; and at least one (1) successful office visit every week, no changes in collateral contact requirements.

- a. Level I offenders are to receive an initial polygraph screening, if this service is available, in conjunction with the referral for sex offender counseling.
- b. GPS monitoring, if available, will be required (monitoring for at least the first six (6) months).
- c. After the first six (6) months, unless mandated by law, the Probation/Parole Officer will consult with the Supervisor and/or Region Manager to provide input and recommendations about whether continued GPS monitoring is necessary. The final determination shall be approved at the discretion of the Region Manager.
- d. Travel permits may be allowed as permitted under CD-051203, for phase I Community Corrections offenders.
- e. Behavioral objectives include:
 - 1) Assessment for treatment, and enter counseling if recommended by treatment provider. and no unexcused absences;
 - 2) Full employment, education, or vocational training (or any combination thereof), or other approved exemption from this requirement (at the discretion of the probation and parole officer, offenders deemed to be exempt from the employment/education/training requirement may be required to participate in other appropriate activities in order to occupy their time in a positive manner);
 - 3) No positive drug screens;
 - 4) Compliance with all supervision reporting instructions;
 - 5) No other technical violations.
- f. Input from counseling, law enforcement, or other related agencies may be considered by the supervising PPO when considering advancement of the offender to Level II.
- g. Any violations that occur in the first ninety (90) days that do not result in outright revocation will require starting a return to the beginning of Level I.

- h. Any similar violations that occur after ninety (90) days will require an extension of from ninety (90) days to six (6) months, at the discretion of the probation and parole officer, after consultation with supervisor and therapist.
- 2. **Level II:** Minimum duration is nine (9) months. Required contact standards include at least one (1) successful field contact every ten (10) *calendar* days, as well as at least two (2) collateral contacts per month. Travel restrictions remain the same as in Level I as do the behavioral objectives with the exception that counseling may not be necessary if it is completed during this period.

If the Sex Offender resides thirty(30) miles or more from the local Probation/Parole office, the contact requirements will be revised to one (1) field contact between the first (1st) and fifteenth (15th) of each month and one (1) field contact between the sixteenth (16th) and the end of each month, with at least ten (10) calendar days in between field contacts, totaling two (2) field contacts per month; and at least one (1) successful office visit every ten (10) *calendar* days, no changes in collateral contact requirements.

- a. Any violations that occur in the first ninety (90) days that do not result in a revocation will require a return to the beginning of Level II.
 - b. Any similar violations that occur after ninety (90) days will require an extension of time starting from ninety (90) days to six (6) months, at the discretion of the probation and parole officer, after consultation with the supervisor and therapist.
 - c. On a case-by-case basis, at the discretion of the supervising PPO, and with the concurrence of the supervisor, such violations may also be handled by a return to the previous supervision level.
- 3. **Level III:** This is intended to be the beginning of the maintenance phase of supervision. Minimum duration is up to two (2) years, or completion of sentence, whichever is first. Required contact standards include at least one (1) successful field call bi-weekly (ten (10) *working* days). At least one (1) bi-weekly collateral contact is required. Behavioral objectives remain the same as the first two (2) levels with the exception that counseling may not be required if it has been completed.

If the Sex Offender resides thirty (30) miles or more from the local Probation/Parole office, the contact requirements will be revised to one (1) field contact between the first (1st) and fifteenth (15th) of each month and one (1) field contact between the sixteenth (16th) and the end of each month, with at least ten (10) calendar days in between field contacts, totaling two (2) field contacts per month; and at least one (1) successful office visit every month, no changes in collateral contact requirements

- a. Any violations that occur in the first six months that do not result in revocation will require a return to the beginning of Level III.
 - b. Any similar violations that occur after six (6) months will require an extension of time starting from ninety (90) days to six (6) months, at the discretion of the probation and parole officer, after consultation with supervisor and therapist.
 - c. On a case-by-case basis, at the discretion of the supervising PPO, and with the concurrence of the supervisor, such violations may also be handled by a return to the previous supervision level.
4. **Level IV:** Minimum duration is up to the five (5) years of supervision or expiration of sentence whichever is first. Contact standards include at least one (1) successful field call per month (30 days). In addition, one (1) collateral contact is required every month.

If the Sex Offender resides thirty (30) miles or more from the local Probation/Parole office, the contact requirements will follow Level IV requirements .

- a. Any violations that occur in the first six (6) months that do not result in revocation will require a return to the beginning of Level IV.
 - b. Any similar violations that occur after six (6) months will require an extension of time starting from six (6) months to a year, at the discretion of the probation and parole officer, after consultation with the supervisor and therapist.
 - c. On a case-by-case basis, at the discretion of the supervising PPO, and with the concurrence of the supervisor, such violations may also be handled by a return to the previous supervision level.
 - d. Offenders who are ordered to continue supervision beyond five (5) years will continue to be supervised at Level IV unless it is determined that a lower level of supervision would be more appropriate.
5. All sex offenders will be subject to a curfew. Generally, the curfew shall be set at 9:00 PM to 6:00 AM for all sex offenders who are employed, and 6:00 PM to 6:00 AM for those who are unemployed. However, curfew times and duration will be at the discretion of the supervising officer and will be set in a reasonable manner as to not interfere with employment or emergency situations. Curfew will remain in effect through the phase changes but can be altered based on extenuating circumstances.

D. Reporting (Albuquerque Metropolitan Area Only)

***Offenders on Sex Offender Supervision will not be reporting to the Probation and Parole office located at 615 First Street NW, Albuquerque, NM (Gara Building).**

Procedures shall remain the same for all levels under reporting status as in Section C with the exception of the following reporting requirements:

1. **Level I:** Minimum duration six (6) months. Required contact standards required at least one (1) successful field contact every week; one (1) collateral contact weekly; two (2) phone contacts monthly.
2. **Level II:** Minimum duration nine (9) months. Required contact standards require at least one (1) successful field call every week; three (3) collateral contacts monthly; two (2) phone contacts monthly.
3. **Level III:** Minimum duration two (2) years. Required contact standards require at least three (3) successful field contacts monthly; three (3) collateral contacts monthly; one (1) phone contact monthly.
4. **Level IV:** Remainder duration of supervision. Required contact standards required at least two (2) successful field contacts monthly; two (2) collateral contacts monthly; one (1) phone contact monthly.

E. Sex Offender Case Loads:

1. Sex offender specific caseload sizes will be limited to 35 level I and level II offenders per caseload.

F. Interaction with Law Enforcement:

1. Field calls may be conducted with a law enforcement partner rather than the customary practice of having two probation and parole officers. Such partnership is encouraged, and to that end, probation and parole officers may accompany law enforcement officers charged with the responsibility to survey sex offenders when they make their field contacts.
2. All case information except for “privileged” information may be shared with law enforcement partners, and such sharing should be done when staffing cases for registration purposes and when contemplating field calls, arrests of offenders, or other activity, which will involve cooperative arrangements.
3. On a case-by-case basis, the frequency of required office visits may be modified in cases in which the offender may encounter unusual and / or unreasonable difficulties in getting to the probation and parole office, such as in the case of someone who is verifiably ill or infirm.
 - a. The probation and parole officer must document the situation and obtain supervisory approval for such a modification.
 - b. The details of any such modification must be set forth in writing.

- c. It is anticipated that such modifications will occur on an infrequent basis.
4. Sex offenders who have been under supervision for a period of time prior to being referred to a sex offender supervision unit will be assessed for placement at a supervision level commensurate with the length of time under supervision that they have served, the status of their sex offender therapy, violation history, overall criminal history, and any other salient factors that the probation and parole officer, or the supervisor may feel is significant. Input from therapy specialists and / or law enforcement officials may also be considered.

G. Interaction with Therapists:

PPOs assigned to supervise sex offenders will work closely with therapists designated to treat the offenders supervised by the New Mexico Corrections Department.

1. PPO's will consult with therapists concerning implementation of treatment plans, and they will seek periodic progress reports.
2. Consultation will occur prior to changing offenders from one supervision level to another.
3. PPO's should not interfere with therapy decisions except where such decisions might cause conflict with supervision requirements or restrictions. Likewise, therapists should not be allowed to interfere with supervision decisions.

H. Travel Permits

1. For Level I and Level II sex offenders, travel permits may be issued in accordance with CD-051203.
2. Level I sex offenders may be considered for the same travel privileges as Community Corrections Phase I offenders, and Level II sex offenders may be considered for the travel privileges allowed for Phase II Community Corrections offenders.
3. For Level III and Level IV sex offenders, travel permits may be issued as is done for non-special management offenders, as outlined in CD-051203.
4. Nothing in this policy should be construed to mean that a PPO is at any time obligated to grant permission to travel.

I. Employment:

1. PPOs will instruct offenders under their supervision to apprise them of their place of employment or of their intent to seek employment.

2. Sex offenders may be denied permission to engage in any type of place or employment where it can be reasonably foreseen that their presence there would be likely to cause undue risk to others or may cause an adverse reaction by the public.
3. PPOs will ensure that employers, or authorized representatives of employers, confirm in writing that they are aware of the offender's history of sex offenses.

J. Residency Restrictions:

1. As a general rule, the PPO should determine if the sex offender's residence is within one thousand (1000) feet of an area where children may frequent such as a school, day care, and/or community center. If it is determined that the sex offender is within one thousand (1000) feet, the PPO will immediately order that the sex offender no longer reside at that location.
2. In cases where the sex offender's residence exceeds the required one thousand (1000) feet, and the PPO determines that the sex offender's presence at the residence creates an immediate and serious threat in the community, efforts should be made to re-locate sex offender immediately.
3. In cases where the sex offender's residence exceeds the one thousand (1000) feet, and the PPO determines that the sex offender's presence at the residence creates a potential threat in the community, efforts should be made to re-locate sex offender.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

10/08/15
Date

NEW MEXICO CORRECTIONS DEPARTMENT
SEX OFFENDER SUPERVISION BEHAVIORAL CONTRACT

I _____, understand that the additional probation/parole conditions set forth in this contract fall under:

- A) Probation Order Condition # 5, which states: I will follow all orders and instructions of my Probation Officer.
- B) Any applicable Parole Condition(s)

(SECTION 1) EMPLOYMENT AND EDUCATION

- A) My supervising officer must review any paid employment, community service, or volunteer positions for appropriateness ***before*** I begin working or within a 2 week period of being placed on probation. ***Prohibited positions include, but are not limited to: security/police officer, daycare, nursing home, assisted living staff, home healthcare staff, city, or school bus driver, food delivery driver, cab driver, door to door sales, consultations and business, or any job that requires you to enter private residences unaccompanied and Youth Care Worker. Positions, such as teacher or coach, which require direct contact with minor children, are also prohibited.***
- B) I understand that my employer and the school which I attend will be notified ***in writing*** of my sexual offense charges within two weeks, and/or of my probation/parole status (***Notice to Employer***).
- C) I will not miss work without notifying my employer and my supervising officer. I will provide a medical excuse for my absence if required by my employer or supervising officer.
- D) I must provide proof of employment in the form of a check stub on a monthly basis. All my check stubs must show the appropriate tax deductions. ***Cash payment for work is not acceptable.*** If I own a business, I will provide a State Taxation Revenue number and federal income tax form to my Probation Parole Officer.
- E) I will not possess any simulated deadly weapons. These items are prohibited for officer safety reasons. These items include, but are not limited to: ***air rifles, pellet guns, B.B. Guns, or toys that closely resemble a deadly weapon.***
- F) I understand that I may not possess items that can be construed as State, or Federal Law Enforcement or Security Officer Equipment. These items include, but are not limited to: ***badges, ID cards, ammunition, handcuffs, batons, pepper spray, MACE, any clothing items imprinted with the word "Security", or any other Law Enforcement insignia (i.e.-FBI, DEA, ATF). Items imprinted with Fire Department, EMS, EMT, or any Public Service Agency insignia are also prohibited. I understand that my supervising officer may approve certain items in writing, if they are required to perform an approved employment position.***

(SECTION 2) TREATMENT PROGRAMS/COUNSELING/DRUG TESTING

- A) I will not miss **any** scheduled appointments without **prior permission** of my supervising officer and without **prior permission** from my counselor. Appointments missed without permission will be considered a violation.
- B) I understand that it is my responsibility to inform my employer that I will have obligations that may conflict with daytime work hours. These appointments include, but are not limited to: Random drug testing, counseling appointments, and reporting to my supervising officer. **Missing appointments due to work or to work overtime hours is not acceptable.**
- C) I will inform my Probation/Parole Officer of, and comply with any psychiatric medication I may be prescribed while on supervision. I will also notify my supervising officer of **any** new prescriptions.
- D) I understand that polygraph testing is **required.** Refusal to submit to a polygraph or failure to appear for the polygraph appointment is considered a **serious** violation of my probation or parole.
- E) You will allow your sex offender treatment provider to consult, advise and release to your Probation/Parole Officer, Judge and Parole Board any information which you have disclosed to your therapist in the course of your treatment, and any information relating to your treatment and your participation in treatment.
- F) I understand that I am prohibited from securing a prescription, or using any non- prescription drug **(including, but not limited to, Viagra)** that enhance sexual performance without the permission of my supervising officer. Use of enhancement drugs may be approved after consultation with both the treatment provider and medical doctor for the specific purpose of maintaining consensual, adult relations with a spouse or partner.

(SECTION 3) RESIDENCE

- A) I will not enter into any lease or housing agreement without **prior permission** of my supervising officer. All proposed residences must be inspected for appropriateness before moving in. I also understand that roommates both current and future must be approved by my supervising officer.
- B) I will keep my residence clean and orderly, and agree to make reasonable changes as directed by my supervising officer.
- C) I will not allow **any** individual **(adult or child)** to reside or spend the night in my residence, unless approved in advance by my supervising officer. Overnight guests are defined by having anyone at your residence past your curfew without your Probation/Parole Officer's consent. I will not spend the night away from my approved residence, or in any residence where there are minor children without prior permission from my supervising officer.
- D) I will notify my supervising officer immediately **(within 24 hours): of any evictions, serious disagreements with spouses, partners, landlords, apartment managers, neighbors, or roommates.**
- E) You will not frequent, acquire, purchase, go to, or reside at any hotel or motel, whether for an hour or a night without prior permission from you Probation/Parole Officer.

(SECTION 4) FINANCES

- A) I will pay my personal bills in a timely manner, including: ***supervision fees, restitution, child support, and any other fines/fees I am ordered to pay.***
- B) I will be prepared to furnish verification of the source of all money I have received. This may include, but is not limited to: ***pay stubs, tax refund checks, school financial aid awards, SSI, lawsuit settlement awards, and any lump sum of money received.***

(SECTION 5) ELECTRONIC MONITORING/CURFEW

- A) **At any time, I may be placed on an electronic monitoring (EM, GPS) device to monitor my whereabouts/curfew. Duration of time on a monitoring device will be at the discretion of, State Statute, the District Supervisor and/or Region Manager.**
- B) I may be placed on a curfew at any time. Curfew times and duration will be at my supervising officer's discretion (***standard curfew is at 6pm daily when unemployed***). If you are given a curfew extension for your work, on the days that you are not working, your curfew will return to your normal curfew time. For Example, if you are given a curfew extension of 2300 to work, on the days that you are off, you must return to your residence by 2100.

(SECTION 6) COMPUTERS/ELECTRONICS/ENTERTAINMENT

- A) I will not purchase, possess or subscribe to any sexually oriented or sexually stimulating material. This includes, but is not limited to: Sexual devices, books, magazines, video/audio tapes, pictures, DVDs, CD ROMs, and Internet websites.
- B) I will not subscribe to, or have possession of any material that promotes a sexual interest in minor children. (**i.e.-NAMBLA**).
- C) I understand that I will disclose any and all electronic devices to my Probation/Parole Officer that I have possession of and if needed, I will supply all of my email addresses, usernames and passwords.
- D) I understand that any computer, camera, computer tablet, cell phone, thumb drive (USB drive), memory or any other electronic device I have access to, including the hard drive and removable drives may be examined for inappropriate content at any time. Inappropriate content includes, but is not limited to: ***Sexually stimulating material, Pornography (adult or child), adult websites, social networking sites, such as, but not limited to Facebook, MySpace, Craigslist, Snapchat and Mocospace, dating websites, and personal ads to include cell phone applications.***
- E) ***Conditions of personal computers, computer tablets and cell phones.***
 - a. ***I will not install any operating systems within or on my operating system (commonly known as virtual operating systems).***
 - b. ***I will not utilize any computer cleaning software or document shredders without my Probation/Parole Officer's consent.***
 - c. ***I understand that I may be required to purchase monitoring tools and software for my computer(s).***

- d. ***I will keep a minimum of 30 days website history in any and all of my electronic devices to include web browsers / text messages / applications.***
 - e. ***I will not use any stand alone or removable software.***
 - f. ***I understand that I will not send nude photos of my self or engage in what is commonly known as "sexting".***
- F) I will not patronize any establishment in which sexually oriented material or entertainment is available. Including, but not limited to: ***adult book/video stores, and topless/nude clubs.***
- G) I understand that I may be asked to provide my telephone, satellite television, or cable bill for examination. Prohibited charges on these bills include: ***calls to adult hotlines, and adult channels.***
- H) I will not place, nor respond to any personal advertisements. This includes, but is not limited to: ***dating services, personal ads on the Internet, newspapers or magazines. I will not engage in conversation on the Internet via chat rooms.***
- I) ***I understand that any questionable items as described above may be seized, held for evidence of probation/parole violation, or new charges, and destroyed.***

(SECTION 7) ADDITIONAL CONDITIONS

- A) I will not hitch hike or pick up hitch hikers.
- B) I will not have a post office box unless approved by my Probation Parole Officer.
- C) I will avoid areas known to have active prostitution activities.
- D) I will not engage in cruising or grooming activities. Cruising is defined as driving by or frequenting a location for the purposes of identifying potential victims. Grooming is defined as bringing into your confidence, or attempting to do so, potential victims or their family members.
- E) You will disclose all romantic relationships to your PPO and you will not have any romantic involvement or living arrangements with individual(s) without the individual(s) being informed of the sexual deviancy and criminal offenses.
- F) I will not engage in sexual relations in public areas or facilities.
- G) I will have no contact, direct or indirect, with my victim(s), including written correspondence, telephone contact, or communication through a third party except under circumstances approved ***in advance, and in writing*** by my Probation/Parole Officer in consultation with my treatment provider.
- H) I will not use an alias or any other fictitious name.

1) _____ Date _____

2) _____ Date _____

I have read, or have had read to me, and understand these additional supervision conditions. I have received an identical copy of these conditions, and understand that any violations will be reported to the Court and/or the Parole Board for action. Furthermore, if necessary, I understand that I may be subject to the below "Victim Specific Conditions" if my Probation/Parole Officer and Therapists deem it appropriate.

I also understand that my Probation/Parole Officer may waive any of the above condition(s) in writing.

Probationer/Parolee Print / Sign Date _____

Probation/Parole Officer Print / Sign Date _____

(SECTION 8) VICTIM SPECIFIC CONDITIONS

* Note: The below listed conditions apply to individuals who have been convicted of crimes against children or individuals who Probation and Parole Authorities deem necessary.

- A) I will have no unsupervised contact, direct or indirect, nor reside with children under the age of eighteen, including my own children, without **prior, written permission** from my Probation/Parole Officer in consultation with my treatment provider.
- B) I will get **prior permission** from my Probation/Parole Officer and or appropriate Organizational Authority to go to places where children under eighteen gather. This includes, but is not limited to: schoolyards, parks, playgrounds, swimming pools, community centers, amusement parks, arcades, school bus stops, and any establishment that is intended for the entertainment of children.
- C) I will have no involvement with individuals who have minor children without **prior permission** from my Probation/Parole Officer in consultation with my treatment provider.
- D) If you have incidental unsupervised contact with children, you will be civil and courteous and make every effort to immediately remove yourself from the situation. Following the incident you will discuss what happened with your Probation and Parole Officer and Therapist.
- E) I will not engage in any online gaming that interacts with others via voice, video, text or chat, to include but not limited to the Sony Playstation Network, Microsoft Xbox Live, Nintendo, computer network games, or any cell phones online games.

1) _____ Date _____

2) _____ Date _____

Probationer/Parolee Print / Sign Date _____

Probation/Parole Officer Print / Sign Date _____