

NEW MEXICO CORRECTIONS DEPARTMENT
PROBATION PAROLE DIVISION
OFFENDER ORIENTATION HANDBOOK

This handbook has been prepared to help you understand your term of supervision in the community. Read it carefully and if you have any questions, discuss them with your supervising Probation Parole Officer. This book tells you what is expected of you and what you can expect in general. It does not address your specific conditions of supervision, which vary from case to case. Remember that you are responsible for being aware of those conditions and abiding by them. Successful completion of your term of supervision is the goal of the Probation Parole Division. Make it your goal too and you can look forward to a successful discharge from supervision.

CIVIL RIGHTS INFORMATION

By New Mexico law, any person convicted of a crime punishable by imprisonment for a period of one year or more, even though the sentence is suspended or deferred, loses the following civil rights upon conviction:

1. The right to vote
2. The right to bear arms, and
3. The right to hold elected public office.

Federal law also prohibits such persons from possessing, receiving, shipping or transporting firearms or ammunition, upon penalty of not more than ten years imprisonment and/or a fine not to exceed \$250,000 and a mandatory term of supervised release of not more than 2 years nor more than 3 years (18 U.S.C., Sections 1922g1 and 1924a2).

If your sentence was suspended, these rights may be restored to you by a grant of Executive Clemency (also known as a pardon), in accordance with the Governor's Executive Clemency Policy. (If you have a felony conviction from another state as well, you must seek a pardon from the Governor of that state). If you have successfully completed the terms of your supervision, you may request of your Probation/Parole Officer a Certificate of Completion of Sentence. By taking this document to the County Clerk's office you may have your rights restored. *(Your right to vote is automatically restored upon completion of your sentence and it is not necessary to take the Certificate of Completion of Sentence to the County Clerk.)*

If your sentence was deferred, your rights are restored by receipt of an Order of Dismissal from the sentencing judge after you complete probation. If you have specific questions about the restoration of your rights, you should contact your attorney.

Additionally, the State of New Mexico has the power to refuse to grant or renew (and may suspend or revoke) public employment or a license to conduct certain trades, businesses and professions when a person has been convicted of a felony or certain misdemeanors (Section 228-2-1 through 6, NMSA, 1978) A pardon is generally not required to restore the ability to be licensed, however, at a minimum, you must satisfactorily complete your term of probation or parole.

CODE OF ETHICS

- A. Employees of the Corrections Department are subject to a strict Code of Ethics, as expressed in NMCD Policy CD-032200. The Code of Ethics is available at the NMCD website, under NMCD policies, at <http://cd.nm.gov/policies/policies.html>. Offenders are encouraged to review the Code of Ethics and may request guidance related to the Code of Ethics from their Supervising Officer or any other NMCD employee. NMCD has a zero tolerance policy for any unprofessional, unethical, dishonest, or illegal

conduct by its employees.

- B. The chief purpose of the Corrections Department is to enforce the commitment orders of the courts and to supervise offenders under its charge, while aiding them in their rehabilitation process.
- C. Staff cannot discriminate against any probationer or parolee on the basis of race, color, sex, religion, national origin, age or disability.
- D. Staff cannot have undue familiarity or any sort of financial or business transactions with probationers or parolees or their immediate families, agents or close friends. Staff cannot give or accept any gifts or gratuities to or from, or engage in any personal business with probationers or parolees or their immediate families, agents or close friends. Undue familiarity is that degree of familiarity with such a person that goes beyond the degree of familiarity necessary for the employee to perform his or her duties on behalf of the NMCD. Undue familiarity includes, but is not limited to, the following:
 - 1. Any financial or business transactions,
 - 2. Loaning or giving items,
 - 3. Writing or exchanging notes, letters or pictures,
 - 4. Engaging in telephone conversations,
 - 5. Spending an unusual amount of time alone with offenders, except as necessary to perform duties on behalf of the NMCD.
 - 6. Displays of affection toward or an intimate or personal relationship;
 - 7. Sexual misconduct, meaning any behavior or act of a sexual nature towards an offender, including:
 - Sexual assault;
 - Sexual abuse;
 - Sexual contact;
 - Conduct of a sexual nature;
 - Kissing and or hugging;
 - Sexual gratification of any party;
 - Obscenity or unreasonable invasion of privacy;
 - Conversations or correspondence of a romantic, intimate, or sexual nature between an offender and any NMCD employee, contractor, volunteer, visitor, or NMCD representative.

GRIEVANCE PROCEDURE

All persons supervised by the New Mexico Corrections Department Probation Parole Division have a right to communicate their concerns regarding any actions that they feel might violate their rights. The offender grievance procedure is available at the NMCD website, under NMCD policies, at <http://cd.nm.gov/policies/policies.html> in CD-050300 PPD Citizen Complaint and Offender Grievances. Any offender who has a grievance will first seek informal resolution (either verbally, in writing, or via the 1-800 number listed below) and will exhaust all other available administrative remedies prior to using the grievance process. After all informal remedies are exhausted with no resolution, the offender may then request an Offender Grievance Form (*CD-050302.1*) from the District Supervisor. The offender will state the grievance on the form, using the backside if necessary. One 8.5 x 11 page may be added, if necessary. Grievances exceeding this length will be returned to the offender without response by the district supervisor, or other reviewing authority. The complaint must be filed with the District Supervisor within 15 calendar days of the incident in which the aggrieved action occurred. The District Supervisor will respond to the grievance within ten working days of receipt.

If the probationer or parolee feels the District Supervisor's response was not satisfactory, an appeal may be made to the Region Manager within ten calendar days of the receipt of the District Supervisor's response.

A grievance form sent directly to the region manager without first filing with the district supervisor will be returned to the offender to follow proper procedure. If the offender believes that the complaint is of a sensitive or an emergency nature or that there may be adverse effects by the submission of the complaint at the district level, the offender may address the complaint directly to the region manger.

If the offender chooses to submit the grievance directly to the region manager, they must indicate a valid reason for not bringing the complaint to the attention of the district supervisor. If the offender does not provide a reason, or the reason supplied is not adequate, the grievance shall be denied and returned to the offender with a written explanation.

Abuse or misuse of the grievance process will result in the offender having to show cause before being permitted to grieve. Each grievance will include a single written complaint.

All offender grievance records will be treated as confidential and will be maintained in a separate district file. Access is limited to corrections employees who have need for such information to carry out the performance of their duties.

Offenders shall not be subject to retaliation, reprisal or discipline for the legitimate use of the grievance procedure.

Employees engaging in reprisals against inmates for good faith use of, or participation in, the grievance procedure shall be subject to disciplinary action.

NON GRIEVABLE ACTIONS: The offender grievance process may not be used to appeal the disposition of violation allegations, any actions outside the control of Division staff (such as actions of the Courts or Parole Board), the scoring of Risk/Needs Assessments or the terms of any Intensive Supervision contracts or Community Corrections contracts.

Additional information concerning the grievance process can be obtained from the Probation Parole Office.

SEX OFFENDER REGISTRATION

The New Mexico Sex Offenders Act requires all persons convicted of a sex offense on or after July 1, 1995, or any person who changes his or her residence to New Mexico, when that person has been convicted of a sex offense in another state on or after July 1, 1995, to register with the county sheriff of the county in which the sex offender resides. All registered sex offenders must notify the local sheriff's office within 10 days (5 days if convicted on or after July 1, 2013) of any change in address, employment or phone number. A sex offender who willfully fails to comply with the registration requirements is guilty of a misdemeanor and shall be punished by imprisonment for a definite term less than one year or a fine of not more than one thousand dollars (\$1000), or both. After July 1, 2000, failure to register or to report a change in address, employment or phone number will be considered to be a fourth degree felony and shall be punishable by imprisonment of 18 months or a fine of \$5000, or both.

FEE AND RESTITUTION COLLECTION

Since you are under Probation and/or Parole supervision, the sentencing Court or Parole Board may have ordered you to pay supervision fees, which are collected on a monthly basis. You may also have been ordered to pay restitution. Your supervising Officer will work with you to develop a payment schedule for which you will be held responsible. Other ordered costs/fees may include court fines and DNA Identification fees. Your supervising Officer will also develop a payment plan for you concerning these financial obligations.

All payments **must** be made in the form of a **money order or cashier's check**. Probation and Parole fees are

payable to the NM Corrections Department, while restitution payments will be made out to the victim, whose name(s) your Probation Parole Officer will provide you. **CASH, PERSONAL CHECKS, BUSINESS CHECKS, THIRD PARTY CHECKS WILL NOT BE ACCEPTED FOR PAYMENT.** When you make any payment, you will not receive a receipt; however, you may request a printout of your Transaction History at any time. It is your responsibility to make all required payments. Your Probation Parole Officer will give you a Remittance Slip to send with each payment as well as a mailing envelope. You must put a stamp for first-class postage on the envelope or drop off to the Probation/Parole District Office. All payments must be mailed to:

New Mexico Corrections Department
Probation & Parole Division
PO Box 27116
Santa Fe, NM 87502-0116

Payment of fees and/or restitution is not to be taken lightly. Failure to maintain your payments is cause for your Officer to file a Violation Report with the Court and/or Parole Board and could result in the revocation of your probation and/or parole.

HOW TO CONTACT PROBATION AND PAROLE DIVISION STAFF IN CASE OF AN EMERGENCY

You should make every effort to make contact with your supervising Officer during the regular business hours of the office where you routinely report. In case of an actual emergency situation that occurs after business hours, the Probation Parole Division maintains a 1-800 number, which you may use to contact your Officer. Dial 1-866-416-9867, a number that is maintained on a 24-hour basis by a radio dispatcher who will then call your supervising Officer at home and ask the Officer to contact you. If the dispatcher cannot reach your Officer, the District Supervisor will be called and asked to call you. You will find this number posted in the Probation Parole office where you routinely report and this number will be on your PPO's business card.

The 1-800 number is available to offenders at any time, for any urgent matter.

For more information on PPD 24-Hour Services for Offenders, please see <http://cd.nm.gov/policies/policies.html> CD-052400.

WHAT TO EXPECT FROM YOUR PROBATION PAROLE OFFICER

Your Probation Parole Officer is assigned to monitor your compliance with the conditions imposed by the Court and/or the Parole Board and to assist you in making the decisions necessary to successfully complete your period of supervision. The Officer cannot live your life for you or make the decisions for you as to whether or not you comply with your conditions of supervision.

Your Officer's job is to assist you in developing a supervision and treatment plan that can help you redirect your life. But the Officer, at the same time, is mandated to report any failure to comply with the expectations of the Court or Parole Board. The decision to succeed or to fail is yours, and yours alone.

SUPERVISION PLAN: Shortly after you begin supervision, your Officer will determine the level of supervision you will be assigned, which then establishes how often you will be required to report and will outline specifically what will be expected of you.

Until that process is completed, you should follow any specific reporting requirements given by your Officer. The Officer will work with you to develop a treatment and supervision plan and will provide you with a copy of that plan. Your level of supervision and supervision plan will be reviewed at least every six months.

OFFICE VISITS: Whenever you report to the Probation Parole Office, be sure to sign in on the sheet provided in the reception area and let the security guard know that you are there and who you need to see. Be advised that security staff can and will conduct searches of persons and belongings entering the building. When you report to

the Probation Parole Office, you will report by yourself; friends and family must wait outside the building unless you have received prior permission from your Probation Parole Officer.

On your first report each month, you will be required to fill out a Monthly Report of your activities of the previous month. Fill this form out accurately, completely and legibly. Be sure to sign the report when you have completed it. Your Officer may require other reports to be filled out during subsequent office visits and will advise you if that is the case.

DRUG TESTING: If your conditions of supervision include a provision for drug testing, you may be required to submit a urine specimen at any time while you are under supervision. An Officer will observe the collection of this specimen and you will be required to fill out certain paperwork related to the collection of the specimen. If you cannot immediately provide a specimen, you will be required to wait at the office until you are able to provide one. Unless you wish to wait at the Probation Parole Office for an extended time, you should report prepared to leave a urine specimen. Failure to leave a specimen in a timely fashion can be considered failure to submit to urinalysis and can be grounds for arrest and for revocation of your Probation and/or Parole. Lab results provide detailed information about the drugs in your system as well as any attempts to cover up drug usage.

FIELD VISITS: Your Officer may visit you at your home and/or place of employment at any time. The Officer must do this as part of the supervision process and it is not their intent to embarrass you or create problems for you or your family. If you have any specific concerns about such field visits, you should share them with your Officer beforehand. When the Officers are visiting in your home they may ask to see other parts of the house and may wish to talk with you and your family. You should provide the Officer with accurate directions to your home, and if you have dogs or any other hindrances to their visits. You must make arrangements for your residence to be accessible. If you or your family make yourself inaccessible for field visits, you could be charged with a violation of your conditions of supervision and/or be required to move to another approved residence.

GENERAL INFORMATION: You must secure the permission of your Officer before changing residences or employment. You may not travel outside your county of residence without prior permission from your PPO. There are specific procedures for transferring your supervision to another jurisdiction, if you have a legitimate need to relocate.

ARRESTS: If you are arrested, you must report that arrest to your PPO promptly. If you are arrested after hours, use the emergency number to notify the Probation Parole Office. Follow any other specific after hours instructions provided you by your supervising officer.

The Probation Parole Office wants you to successfully complete your term of supervision. Your Probation Parole Officer will help you succeed. The responsibility is yours.

OFFENDER ORIENTATION HANDBOOK ACKNOWLEDGMENT

I have received a copy of the New Mexico Corrections Department, Probation Parole Division Offender Orientation Handbook which includes information on my civil rights, the Department’s Code of Ethics, the offender grievance procedure, sex offender registration, fee and restitution collection procedures, office and field visits, how to contact my Probation Parole Officer in an emergency, drug testing and other information regarding the Probation/Parole process. By signing below, I acknowledge that I have read and understand the Offender Orientation Handbook, and that the Handbook was explained and discussed with me during my initial interview with my supervising officer.

Probationer/Parolee

Date

Witness

Date

PAYMENT RESPONSIBILITY ACKNOWLEDGEMENT

By signing below I acknowledge that I understand the following responsibilities and procedures:

As outlined in my probation/parole conditions I am required to make various payments. I will mail all payments to:

New Mexico Corrections Department
Probation & Parole Division
PO Box 27116
Santa Fe, NM 87502-0116

I understand I must send **MONEY ORDERS OR CASHIERS CHECKS ONLY**; no cash or personal checks.

I understand it is my responsibility to fill out my money orders/cashier checks **completely and correctly**.

I understand it is my responsibility to obtain a remittance slip and mailing envelope from my probation office each month in order to make these payments. **DO NOT SEND IN PAYMENT WITHOUT REMITTANCE SLIP.** I understand that I must put postage on the mailing envelope.

Probationer/Parolee

Date

Witness

Date