

Local Government Division
Budget Bureau Conference

Law Enforcement Protection Fund (LEPF)

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PRESENTED BY:

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LOCAL DWI BUREAU

Presentation Outline

- Purpose of LEPF
- LEPF Application
- LEPF Process Timeline
- LEPF Distribution Amounts
- Eligible Uses of LEPF
- Limitation of Use for LEPF funds.
- Carryover Requests
- Questions

Let us get started...

Purpose of the Law Enforcement Protection Fund (LEPF) Act [Section 29-13-1 to 29-13-9 NMSA 1978]

To provide for the equitable distribution of funds to state police, municipal police, university police, tribal police, county sheriff's and school district police departments for use in the maintenance and improvement of those departments to enhance the efficiency and effectiveness of law enforcement services.

The Peace Officer Survivors' Fund minimum balance is to be maintained at \$1,000,000.

How the Fund is Sustained

Section 29-13-3

10% of all money received for fees, licenses and penalties from life, health, general casualty and title insurance business pursuant to the New Mexico Insurance Code.

LEPF Application Process

SECTION 29-13-4 NMSA 1978

RULE 2.110.3.9 NMAC



Law Enforcement Agencies that are Eligible to Apply

County; Municipal; Tribal; University; and School District

Applicant must be a local law enforcement agency as identified above or have an executed agreement, such as a memorandum of understanding (MOU) with another local law enforcement agency or with the Department of Public Safety (state police).

Any MOU must be for the current fiscal year and submitted with LEPF application.

The distribution will be delayed without a valid agreement on file.

- School Resource Officers may be employed by a county, municipality or school district and each officer will generate two separate allotments:
 - \$1,500 if they are full-time and certified by the Academy or Regional Facility, and
 - \$1,500 only to be used for school resource officer training

The Law Enforcement Protection Fund Application

The Google Forms Application will be available on LGD's website by March 1st:

<https://www.nmdfa.state.nm.us/local-government/budget-finance-bureau/law-enforcement-protection-fund/>

A mass email will be sent to the current LEPF Distribution list to announce that the Google Forms application is available, with a link to the application form.

However, pursuant to section 2.110.3.9.A. of LEPF Rule: **“It is the ultimate responsibility of each eligible governmental entity to ensure they receive an application.”**

APPLICATION SUBMISSION REQUIREMENTS



Completed application with authorized signatures in Google Forms



Acadis printout of roster showing all certified law enforcement officers and their completed training hours

We cannot accept a Law Enforcement Agency's internal spreadsheet list of officers

The printed roster should display that it was generated in Acadis

Identify part-time officers on roster who are NOT eligible for funding

We will work with Department of Public Safety (DPS) for Verification of Officer Information.

Application requirements continued:

- The Certification form – Signed by the Police Chief or Sheriff and the head of the governing body - Ensuring compliance with state statutes:
 - Section 29-3-11.C. NMSA 1978
 - Section 29-7-7.1.B. NMSA 1978
 - Section 29-7-7.2. NMSA 1978
 - Section 29-7C-7. NMSA 1978
 - Section 29-7C-8. NMSA 1978

- Copy of the executed MOU (MOA or IGA) if applicable

Section 29-3-11.C. NMSA 1978

Every law enforcement agency in the state shall:

- (1) submit crime incident reports to the department of public safety on forms or in the format prescribed by the department;
- (2) submit any other crime incident information as may be required by the department of public safety; and
- (3) use the unique code assigned to the crime from the master charge code table distributed by the New Mexico justice information sharing council for the automated fingerprint identification system and use uniform crime incident reporting as provided by the department for all incidents and arrests.

Section 29-7-7.1.B. NMSA 1978

In-service law enforcement training; requirements; eligibility; penalties for failure to complete or report requirements.

Every law enforcement agency within the state shall submit quarterly a report to the director and the board on the status of each police officer employed by the law enforcement agency. The reports shall include the status of in-service law enforcement training. The reporting forms and submittal dates shall be prescribed by the board.

Section 29-7-7.2. NMSA 1978

Every law enforcement agency within the state shall submit quarterly a report to the director and the board on the status of each police officer employed by the law enforcement agency. The reports shall include the status of in-service law enforcement training. The reporting forms and submittal dates shall be prescribed by the board.

Section 29-7C-7. NMSA 1978

In-service telecommunicator training.

A certified telecommunicator shall provide proof of completion of in-service training requirements to the director no later than March 1 of the year subsequent to the year in which the requirements are met. The director shall provide annual notice to all certified telecommunicators regarding in-service training requirements. Failure to complete in-service training requirements may be grounds for suspension of a telecommunicator's certification at the board's discretion as provided in Section [29-7-4.3](#) NMSA 1978. A telecommunicator may be reinstated by the board when the telecommunicator presents to the board evidence the telecommunicator has satisfied the in-service training requirements

Section 29-7C-8. NMSA 1978

Reports and rosters.

A. A safety agency that operates within the state shall submit a quarterly report to the director and the board on the status of each telecommunicator. The reporting forms and submittal dates shall be prescribed by the director.

Tribal Police and School Resource Officer Information

All Tribal officers listed on the LEPF application will be verified with DPS as being commissioned by the State Police Chief and must have worked in New Mexico for no fewer than two hundred days in the prior calendar year.

School resource officer training shall be provided by or approved by the New Mexico law enforcement academy in consultation with the public education department ([Section 29-7-14 NMSA effective July 1, 2022](#)).

LAW ENFORCEMENT TRAINING REQUIREMENTS

Section 29-7-7.1 NMSA 1978

A. To maintain certification as a police officer, in-service law enforcement training is required. In-service law enforcement training consists of a minimum of **forty hours** of academic instruction approved by the council for each certified police officer during each twenty-four-month period of employment or service with a state or local law enforcement agency. The first required in-service law enforcement training period shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

LAW ENFORCEMENT TRAINING REQUIREMENTS - continued

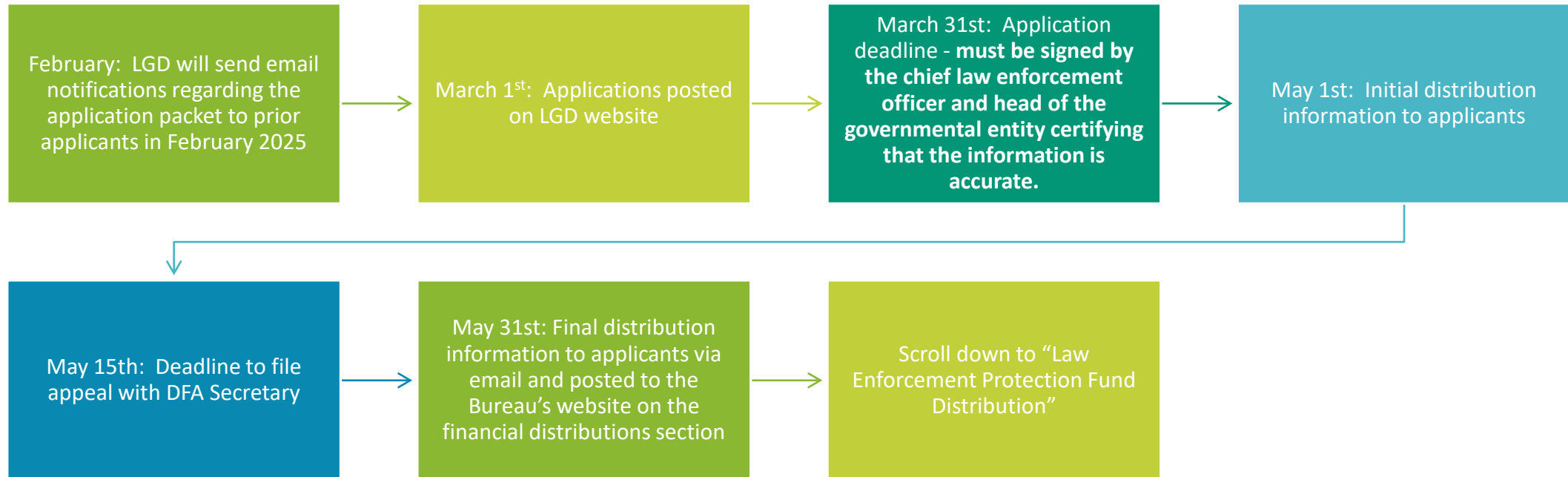
Section 29-7-7.1 NMSA 1978

B. Each certified police officer shall **provide proof** of completing in-service law enforcement training requirements to the officer's law enforcement agency and the **executive director** no later than **March 1** of the year in which the requirements must be met. The executive director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. **Failure** to complete in-service law enforcement training requirements or failure to report completion to the board may be grounds for suspension of a police officer's certification and ***may result in the state withholding the law enforcement agency's law enforcement protection fund distribution**. A police officer's certification may be reinstated by the board when the police officer presents the board with evidence of satisfying in-service law enforcement training requirements.

***This became effective as of June 16, 2023**

Recommendation: Start verifying certification of officers in Acadis with DPS in December – January. This will help eliminate discrepancies on the LEPF application!

LEPF Application Process Timeline



LEPF Distribution Amounts

The 'base' distribution amount is \$95,000 for *all* qualifying law enforcement departments.

The per full-time, certified law enforcement officer allotment is \$1,500 for *each* qualifying officer.

School Resource Officers who are employed by municipal police, county sheriff, or school district police department will receive an additional \$1,500 for training purposes only.

Based on an **application process** using criteria per the State Statute
Section 29-13-4

LEPF distributions are made annually by DFA, though either an ACH (automatic deposit) or warrant (mailed check).

LEPF distributions **can** be made in ***periodic payments*** or a lump sum payment.

Distribution payments typically will be made in late August or September – based on budget availability

IMPORTANT NOTE:

The statute allows Local Government Division to make “periodic allotments”

How and When the Distributions are Made

Important Information to Know

After all Calculations of the Distribution Have Been Made:

If the balance of the Law Enforcement Protection Fund is insufficient to permit the total allocations provided, the Local Government Division, (LGD) will reduce the allocation determined to the maximum amount of money available.

NMFA intercepts of annual loan payments due from local governments pledging LEPF revenues and LGD will distribute those amounts directly to NMFA on the local governments' behalf.

Budget Note: The Intercepts must be recognized as both “revenue” and “expenditure” on financial records

Eligible Uses of LEPF

Section 29-13-7 and LEPF Rule 2.110.3.8

Eligible Uses for Local Law Enforcement Departments:

- ▶ **Repair and purchase** of law enforcement **apparatus and equipment**, including the financing and refinancing thereof, that meet minimum nationally recognized standards. (Refer to LEPF Rule 2.110.3.8.B for examples)
- ▶ Purchase of law enforcement equipment, including protective vests for police dogs.
- ▶ Expenses associated with **advanced law enforcement planning and training** which now also includes School Resource Officer training. (Refer to LEPF Rule 2.110.3.8.B for examples)
- ▶ Complying with matching funds for federal criminal justice programs.
- ▶ No more than 50% of replacement salaries of municipal and county law enforcement personnel covering for personnel attending basic training.
- ▶ Law enforcement officer **retention payment** of \$7,500 provided that:
 - ▶ Officer to be retained must be certified and have at least 20 years of PERA service credit.
 - ▶ The county or municipality provides \$7,500 of matching funds to the officer.
 - ▶ Retention payments aren't base salary or receive PERA service credit.
- ▶ Recruiting, providing bonuses for and training law enforcement officers engaged in community-oriented policing.

Section 29-13-7 and LEPF Rule 2.110.3.8

Eligible Uses for NM Department of Public Safety (DPS):

▶ Law Enforcement Academy:

- ▶ Annual distribution amount of \$24,500 (Section 29-13-4.C.(3) NMSA 1978)
- ▶ Distribution can only be expended for providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits pursuant to Section 29-7-7.7 NMSA 1978.
 - ▶ Tourniquet and trauma kits to be provided to each graduating cadet.
 - ▶ Academy to provide hands-on training on the safe use of tourniquet and trauma kits.
 - ▶ Tourniquet and trauma kits will be provided to certified law enforcement officers.
- ▶ Annual distribution amount of \$200,000 (Section 29-13-4.C.(3) NMSA 1978)
 - ▶ To carry out the purposes of the Law Enforcement Training Act (Section 29-7, NMSA 1978)

Eligible Uses
of LEPF
continued.

Eligible Uses of LEPF - Continued Section 29-13-7 (Effective July 1, 2022)

An additional amount distributed to DPS shall:

- Only be distributed after all other authorized LEPF distributions have been made (Section 29-13-4.E).
- Only If LEPF balance is sufficient after all other authorized LEPF distributions are made.
- Not exceed \$2,000,000.
- Be used only to offset over-time pay-related expenses from the special deployment of state police officers or other emergency assistance to counties or municipalities in response to critical circumstances as authorized by the Governor (Section 29-13-7.C).
- May be expended for costs, including travel, fuel, overtime, per diem, and ammunition

Section 29-13-9 and LEPF Rule 2.110.3.8.C.

Ineligible Expenditures of LEPF

Section 29-13-9 and LEPF Rule 2.110.3.8.C.

Ineligible expenditures include but are not limited to:

- (1) **operating expenses**, including but not limited to:
 - maintenance agreements,
 - paper and ink for fax or copy machines,
 - phone bills or supplies;
- (2) desks, chairs and file cabinets;
- (3) educational costs **not associated** with advanced law enforcement training or planning;
- (4) district attorney investigators and attorney general investigators; and
- (5) kitchen appliances and bathroom accessories.

Limitations on the Fund Uses

LEPF Rule 2.110.3.10

- **Expended only for purposes as stated in the approved application**
- Expended pursuant to approved budgets upon duly executed vouchers
- Any budget changes require prior written approval by the division
- Interest earned through a governmental entity's deposit of unexpended amounts distributed from the fund must be used only for purposes allowed under the LEPF Act.
- As a prerequisite to applying for an award from the fund, governmental entities agree that any consideration received from the sale or trade of any item purchased in whole or in part with monies distributed in any fiscal year from the fund shall revert to the governmental entity's fund within six months of the governmental entity's receipt of such consideration to be used for fund allowable purposes. A reversion is not required if the consideration was taken as a trade towards the purchase of items to be used for fund allowable purposes.

LEPF a Reverting Fund

Section 29-13-3

There are two types of reversions for the LEPF

1. At the end of the fiscal year (June 30th), all **DFA** undisbursed LEPF cash balance over \$100,000 will revert to the **DPS Law Enforcement Retention Fund, beginning July 1, 2023.**
2. All NM Law Enforcement Agencies' unexpended LEPF balances after two years will revert (which means the entity will need to write a check payable to the DFA LEPF fund).

Use it don't lose it!

Additional limitations of the fund

LEPF Rule 2.110.3.10

The distributions from the fund are to be used, not accumulated. Fund balances may be carried over to a succeeding fiscal year only with prior written approval from the LGD Director.

- Applicant must submit a request in writing July 31 explaining the unusual circumstances requiring an unexpended amount to be carried over. Use the “LEPF Carryover Request Form” available on our webpage at: <https://www.nmdfa.state.nm.us/local-government/budget-finance-bureau/law-enforcement-protection-fund/>
- LEPF Carryover Request Form must be submitted to your budget analyst with the entities final budget submission

Carryover Requests

2.110.30 NMAC

The distributions from the fund are to be expended, not accumulated

Any unexpended award amount remaining at the end of a fiscal year may be carried over to **a succeeding fiscal year only with prior written approval** from the DFA Local Government Division (LGD) **Director**.

An applicant wishing to request such a carryover must submit a **LEPF Carryover Request Form with your budget to your LGD budget analyst by July 31 explaining the unusual circumstances** requiring an unexpended amount to be carried over to the succeeding fiscal year. LGD staff and the Director will review the unusual circumstances associated with the unexpended amount and determine whether the amount may be carried over.

Carryover Request Form

What
the form
looks
like

Department of Finance & Administration / Local Government Division	
Law Enforcement Protection Fund Carryover Request Form	
*** <i>(this form must accompany the final budget submission for counties & municipalities)</i> ***	
Entity Name: Curry CO	<div style="border: 1px solid black; padding: 5px;"> <p><i>I hereby certify that the information presented on this form is true and correct to the best of my knowledge:</i></p> <p style="text-align: center;">_____ <i>Signature</i></p> <p style="text-align: center;">_____ <i>Date</i></p> </div>
Contact Name:	
Contact Title:	
Contact Phone Number:	
Contact E-mail Address:	
<p>We hereby request approval from the Director of the Department of Finance & Administration / Local Government Division (DFA/LGD) to carryover the following balance from the Law Enforcement Protection Fund (LEPF) distribution:</p>	
Current Fiscal Year:	FY2020/2021
Total Distribution for Current FY:	\$27,800.00
Balance on June 30th*:	\$0.00
<p>If the carryover is approved, we will be expending the balance in the succeeding fiscal year for the following allowable uses:</p>	
Succeeding Fiscal Year:	FY2021/2022
<i>(This is the fiscal year that balance will be carried over to)</i>	
<p>Please state the unusual circumstances requiring an unexpended amount to be carried over and also note the allowable uses (pursuant to LEPF Rule, 2.110.3.8 NMAC) for the carryover balance. - <i>please detail below:</i></p>	
<p>Unusual Circumstance goes here.</p>	
<p>**ERROR! MUST COMPLETE SECTION ABOVE**</p>	
<p>*The June 30th balance should only be from the LEPF distribution and not include any other revenue sources. If the June 30th balance is greater than the total distribution amount for the current fiscal year, then the entity has a balance left over from a prior fiscal year's carryover. Balances can only be carried over for one subsequent year. <i>Therefore, the balance calculated below that is from a prior fiscal year's carryover must be reverted to</i></p>	

Available
on our
website in
the BFB
LEPF
Section

Final Thoughts

LEPF is an on-line application – using Google Forms

Applications are reviewed by Bureau Staff.

Officer information should be regularly updated in Acadis to provide the most up-to-date officer information to avoid discrepancies.

Acadis roster printout will represent the official officer eligibility list for LEPF application purposes.

Failure to complete training requirements or failure to report completion to the board **may result in the state withholding the law enforcement agency's law enforcement protection fund distribution**

School Resource Officers are eligible for LEPF funding for training.

In Closing

QUESTIONS?

THANK YOU

LEPF Contact Information

Julie Fernandez, LDWI Bureau Chief, DFA/LGD, (505) 629-2845
Julie.Krupcale@dfa.nm.gov

AND

Your Entity's Budget Analyst in the Budget and Finance
Bureau