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QUAY COUNTY MISDEMEANOR PROBATION PROGRAM

QUAY COUNTY ORDINANCE NO. 32

AN ORDINANCE ESTABLISHING A MISDEMEANOR COMPLIANCE PROGRAM, ESTABLISHING GUIDELINES, FISCAL RESPONSIBILITY AND CONTRACTOR RELATIONSHIP.

WHEREAS, the legislature of the State of New Mexico has authorized the Counties to establish a misdemeanor compliance program; and

WHEREAS, the Magistrate Court for Quay County has requested that such a program be established in Quay County to assist the Court in promoting rehabilitation, providing supervision and reducing recidivism of persons placed on supervised probation for the commission of misdemeanors; and

WHEREAS, the County wishes to establish such a program and minimize the expense to the citizens of Quay County.

IT IS THEREFORE ORDAINED BY THE GOVERNING BODY OF QUAY COUNTY:

1. ESTABLISHMENT OF THE QUAY COUNTY MISDEMEANOR COMPLIANCE PROGRAM

Pursuant to Section 30-20-5.1 NMSA, 1978, there is created in Quay County a misdemeanor compliance program. Said program shall conform to and be limited in scope by said section and by all guidelines and regulations established for such programs by the Administrative Office of the Courts.

2. FISCAL AGENT

The Quay County Misdemeanor Probation program shall be run by the independent contractor, and subject to the guidelines as set by the Administrative Office of the Courts. Quay County may contract with public, private, or not-for-profit organizations to carry out the purpose of this program. Quay County shall act as fiscal agent only, and all compensation, cost and expenses shall be paid solely from probation fees.

3. PROGRAM NAME

The program shall be called the "Quay County Misdemeanor Probation Program" hereinafter called the QCMPP.

4. TITLE

The independent shall be referred to as "Misdemeanor Probation Monitor" hereinafter referred to as MPM.

5. GUIDELINES

Goals:

- A. To ensure compliance of court ordered sentences and conditions of probation imposed on those defendants sentenced to probation on offenses included in Section 30-20-5.1, NMSA.

Consistency:

- A. Court and the MPM may use an Order of Probation, Completion of Probation and other appropriate Court accepted documents as used by the New Mexico Department of Corrections Probation-Parole Division.

Ethics- The MPM shall:

- A. Obey all Municipal County, State and Federal criminal and civil laws.
- B. Conduct themselves in a manner which reflects positively on the office.
- C. Direct their best efforts to accomplish the functions and goals of the office.
- D. Shall not alter, misdirect, or otherwise make any false statements on any report or written document filled out in the course of their employment.
- E. Not use the program resources for personal gain other than contract compensation.
- F. Avoid regular or continuous personal dealings or associations with probationers under their supervision, and must disclose and excuse themselves where a personal or familial relationship exists.
- G. Cooperate fully with members of a law enforcement agencies.
- H. Establish and maintain effective working relationships with fellow employees and other agencies.

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Training and Certification:

The AOC will work with State, local and other governmental agencies to provide training and certification of MPM's. Until such training has been established, the MPM shall ensure that he/she meets the minimum qualifications, knowledge, skills, and abilities listed above.

Duties:

The MPM shall maintain accurate records and logs of client contracts. Provide the Treasurer with receipts. Make an annual report or reports on the request of the Board of County Commissioners. Comply with all State Guidelines. Make reports to the Magistrate Court on the status of the clients. Cooperate with the County Commissioners on all requests for financial information regarding the program.

6. FUNDING SOURCES

State statute permits judges to order probationers to pay from \$15 to \$30 per month (.50 to \$1.00 per day) probation costs. These fees shall be the sole source for funding and compensation. The County is not responsible for collection of probation fees. The fees are to be collected by the MPM and are to be deposited at the Quay County Treasurer's Office. Quay County shall act as the fiscal agent for the MPM. The Court may charge an administrative as fiscal agent.

7. CHAIN OF COMMAND

The MPM shall report directly to the Magistrate at the Quay County Magistrate Court on all court related issues.

8. AUTHORITY

The Misdemeanor Probation program shall operate subject to the guidelines as established by the Administrative Office of the Courts, the Magistrate Court shall also be subject to specific probation conditions and guidelines of the Magistrate and District Court Judges.

9. TERMINATION

The County shall enter into a contract with the MPM for a one year period.

10 COUNTY RESPONSIBILITIES

The County will serve as fiscal agent only. The County accepts no responsibility for the operation of the program. The program has set guidelines from the State of New Mexico, Magistrate Court Division. All terms and conditions of the guidelines shall be followed by the MPM.

WITNESS our hands this 8th day of September, 2003.

Grace E. Madrid
GRACE MADRID

Franklin McCasland
FRANKLIN McCASLAND

Jeffrey L. Lewalling
JEFF LEWALLING



ATTEST:
Jeannette Maddaford
Jeannette Maddaford,
Quay County Clerk

Prepared by amg