

Law Enforcement Protection Fund (LEPF)

Statutory Reference:

LEPF - Act, 29-13 NMSA 1978 and LEPF Rule, 2 NMAC 110.3

Purpose:

To provide equitable distribution of money to municipal police, university police, tribal police, county sheriffs, and school district police departments to enhance the efficiency and effectiveness of law enforcement services and to sustain at a reasonable level the payments available from the Peace Officer Survivors' Fund to surviving eligible family members of a peace officer killed in the line of duty.

Where the Money Comes From:

Ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty, title insurance business and health insurance collected by the New Mexico Office of the Superintendent of Insurance is deposited into the LEPF.

Peace Officers' Survivors Fund:

In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid \$1,000,000 as supplemental death benefits whenever a peace officer is killed in the line of duty. This Fund is administered by the New Mexico Department of Public Safety.

LEPF is a Reverting Fund:

At the end of the fiscal year, any uncommitted LEPF cash balances over \$100,000 transfer to the law enforcement retention fund at the Department of Public Safety (DPS).

Annual Distributions:

LEPF distributions are made annually by the Department of Finance and Administration (DFA), Local Government Division (LGD), through an application process. DFA/LGD notifies agencies of the on-line application forms on or before March 1st. The applications are due back to LGD by March 31st. LGD will send the initial distribution spreadsheet to applicants by May 1st and applicants have until May 15th to file an appeal with the DFA Cabinet Secretary if they do not agree with the funding determination. The final distribution spreadsheet, which includes appeal determinations and the most current information on intercept payments made directly to the New Mexico Finance Authority, is disseminated on or before May 31st. Actual distributions are made in September.

Eligible Uses of Funds:

Pursuant to 2.110.3.8A NMAC:

- 1) The repair and purchase of law enforcement apparatus and equipment, including financing and refinancing thereof, which meet minimum nationally recognized standards;
- 2) Expenses associated with advanced law enforcement planning and training;
- 3) Complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;
- 4) No more than fifty percent of the replacement salaries of municipal and county law enforcement personnel.
- 5) Law enforcement officer retention differential in the amount of \$7,500, and to be matched funds by the entity.
- 6) Community-Orientated Policing to be used for recruiting, stipends, and training engaged in community by an officer.

Refer to 2.110.3.8B for examples of eligible expenditures and 2.110.3.8C for examples of ineligible expenditures.

New Mexico Finance Authority (NMFA) Intercepts:

A local entity may pledge LEPF distributions to make payments on a vehicle loan. Typically, the loan payments will be intercepted by the NMFA through the distribution process. Around May 1st, LGD receives a spreadsheet from NMFA with intercept amounts to be paid directly to NMFA by LGD. If an agency has an NMFA loan, they will then receive the LEPF distribution amount that remains after the NMFA intercept.

Adjustments to LEPF Budget:

The Budget and Finance Bureau in LGD must be notified of any adjustments needed to the budget that was presented on the LEPF application. For example, money may need to be moved from equipment” to “law enforcement training”. Adjustment request should state amount and what it will be used for.

Carryover of Prior Year Distributions:

Pursuant to 2.110.3.10C, “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 local government division”. As part of the operating budget approval process, LGD requires a carryover request letter by July 31st stating the LEPF cash balance amount to be carried over and an explanation of what the carryover balance will be used for. Any carryovers approved by LGD should be included in the local entity’s operating budget under the LEPF (DFA Fund 211).

Disposition of Property Purchased with LEPF Distributions:

Pursuant to 2.110.3.10E, “Any item purchased with monies from the fund that is disposed of and monies are received shall revert to the fund and be budgeted for the succeeding fiscal year.” A governing body approved resolution authorizing the disposition of the property must be sent to LGD/BFB for approval. Furthermore, a governing body approved resolution increasing the entity’s LEPF budget by the amount of the proceeds from the sale of property must be sent to LGD for approval.

Wrongful Expenditure of Funds:

Pursuant to 29-13-9B, NMSA 1978, “Any person who expends or directs or permits the expenditure of any money distributed from the fund for purposes other than those expressly authorized by the Law Enforcement Protection Fund Act [29-13-1 NMSA 1978] shall be personally liable to the state for the amount of money wrongfully expended and interest and costs.”

LEPF Contact Information:

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