

**NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING
Thursday, March 29, 2007
Rio Rancho, New Mexico**

ITEMS #1 AND #2: CALL TO ORDER AND ROLL CALL

Attorney General Gary King: I'm going to call the meeting to order today. This is the Regular Meeting of the New Mexico Law Enforcement Academy Board. First item on the agenda is the Roll Call which I think we have just been doing by having everybody introduce themselves and the agency they are with. Donald you want to start.

Donald Gallegos: Yes, Good morning. Donald Gallegos, District Attorney.

Ray Schultz: Good morning. Ray Schultz, Chief of the Albuquerque Police Department.

Craig Swagerty: Craig Swagerty, Citizen Representative.

Faron Segotta: Good Morning. Faron Segotta, Chief of the State Police.

Jeff Remington: Sergeant Jeff Remington Albuquerque Police Department, Line Officer Representative.

AG King: Art you want to go ahead.

Arthur Ortiz: Director Arthur Ortiz, New Mexico Law Enforcement Academy.

Suzanne Vigil: Suzanne Vigil, New Mexico Law Enforcement Academy.

AG King: Does that make a quorum? I don't actually remember how many members we got. I think that's a quorum.

Mr. Shandler: Yes we have to have five.

Agenda Item # 3 Approval of Agenda

AG King: Alright, the next item on the agenda is approval of the agenda. You all have the agenda in the front of your book. I think. Does everybody out there in the audience have access to an agenda? I think that there was agenda's out front there. Any additions or changes to the agenda?

Mr. Ortiz: Yes, sir there is one deletion. Item 24 a Misconduct Matter.

AG King: We are going to delete Item # 24.

Mr. Ortiz: The matter of Javier Diaz.

AG King: Any other additions or deletions from the agenda?

Mr. Gallegos: I have a question Mr. Chairman. On the packet that we have got here, there is an item in there. Is that on the agenda or is this an addendum or what?

Mr. Ortiz: Those are some of the attachments that we did not get into the books on time.

Mr. Gallegos: Does that need to be amended to the agenda?

Chief Segotta: It's on the agenda. The one item is on the agenda.

Mr. Ortiz: Yes they are on the agenda.

Mr. Gallegos: I'll move to approve the agenda.

Mr. King: Is there a second?

Mr. Schultz: Second.

Mr. King: Ok, all in favor say "Aye".

Board: "Aye".

Mr. King: Ok, the agenda is approved.

Agenda Item # 4 Approval of the Minutes

AG King: The next item on the agenda is the approval of the minutes from the January 11th meeting which is item number 4 in your books. Any additions or changes from the last meeting?

Mr. Remington: Motion to accept.

AG King: Motion accepted. Second?

Chief Schultz: Second.

AG King: All in favor say "Aye".

Board: "Aye".

AG King: Alright the minutes are approved.

Agenda Item # 5 Directors Report

AG King: The next item on the agenda is the Director's Report, Item number 5. Art.

Mr. Ortiz: Good Morning Mr. Chairman. Good Morning Board Members. Audience thank you for your attendance here today. I want to thank Rio Rancho Police Department for the use of their facility. The Director's Report is in tab 5. We do have a full agenda today so I am going to be brief and just highlight some of the matters. One of the items I want to discuss is that on February 27, 2007 I received a phone call and a letter from Mike Toya, Board Member informing me of his resignation from the Law Enforcement Academy Board. It was submitted to the Governor's Office and accepted. We are currently in the process of gathering other candidate's names for a replacement for Mr. Toya. Going on to Advanced Training, in regards to the continuation of the audits, the agencies found out of compliance, were sent a letter telling them that they had sixty days to become into compliance or we would be taking action on their certification. The next item is one of the things discovered at the Academy. We were having a problem with invoices and the billing. I have addressed that problem and we are correcting and inside your folder there is a letter. A copy showing what we sent to the delinquent agencies. I have advised my staff that they have seven days after the class has been terminated. Then they have seven days to send out the billing. Then the agencies have thirty days to submit payment. If they don't submit payment within 30 days we will follow up with a second notice by certified mail giving these agencies fifteen days to pay. If they don't submit payment we will either go to a collection agency or as the Director we can withhold training which I don't want to do. I want to train the people. Our business is to train people and not to try and collect revenue but the way it is structured is we have to collect revenue. So we are addressing that and sending letters out to all the agencies. Right now we are trying to collect a total of \$52,000.00 in outstanding debts. Also, in the Advance Bureau, we have several Crime Scene Investigations that we are working with the State Police to put on statewide. Last week in Albuquerque, the James McGrane Memorial Officer Survival Scholarship was held and there were three hundred officers in attendance and that was a great class. A lot of positive feedback on that two day class. Going over to the CIRT Bureau. Just a couple of things to point out. The PST In-Service Pilot Class is scheduled for late Spring at the LEA and this is designed to address the training requirements for the telecommunicators. In the CIRT Bureau, they are also finalizing the arrangements for a Survival Spanish and Train the Trainer for Dispatchers in March. On the Basic Bureau Training side, Class Number 172 began on January 8, 2007 and is currently in session. Thirty-seven reported the first day and 30 cadets

are still attending the academy today. We have lost some to injuries and some for misconduct and some due to their applications, they were dismissed. Cert by Waiver Number 60 was completed on February 16th. Twenty-five attended, fifteen tested and passed the LEOCE and the other ten are still in the process of completing it. Basic class # 173 began on March 26, 2007. Forty were scheduled to test and thirty-three tested and twenty-one were accepted. Only twenty showed up and we have lost one and so that now stands at nineteen. One of the things we have done in the Basic Academy is we have implemented weekly swimming into the program with positive results. Mayor Coss from Santa Fe has graciously allowed the facility at the Geneva Chavez Center because with all the bad weather we were having now this Winter, they have an indoor track and pool they can use. The cadets are enjoying that. So they get a good workout in the pool as well their running. So we are getting positive feedback on that. In your book you will see on the Misconduct Reports going back to the last six years, I broke it down on the cases. As we stand now in 2007 and it is different in your book, I believe you have sixteen for 2007 and I just received ten misconduct cases. So currently we are at 90 open cases for misconduct. We have twenty-eight before the board today so if we get those heard minus the one we deleted we should get down to sixty-two cases. Thirty of those are at the Attorney General's Office and thirty-two are still with us pending further investigation and collection of reports. Last item, some good news that we are doing over at the Law Enforcement Academy, we have put together two bowling teams to help the Big Brothers/Big Sisters of Northern New Mexico. The staff there will have two teams and it is a Bowling for Kids Sake and the First Lady is sponsoring this and it will be on April 15. We are accepting pledges from the Board Members and anyone from the audience to assist the organization. That is it for the Director's Report.

AG King: Thank you. Any questions for the Director? Do we need to approve your report or do we just?

Mr. Ortiz: I think so.

AG King: Alright, do I have a motion to approve the report?

Chief Segotta: So moved.

Mr. Swagerty: Second.

AG King: All in favor say "Aye".

Board: "Aye".

AG King: Ok. By the way the AG's Office has at least one bowling team maybe two.

Agenda Item # 6 Public Comments

AG King: Do we have a sign up sheet? As you all know I am fairly new at this. Do we have anything? Seeing none we will close out Item # 6. I note that we have no old business. Zach, Good Morning.

Mr. Shandler: Good Morning.

Agenda Item # 7 New Business- Ratification of Certifications of Law Enforcement Officers

AG King: Next item on the agenda then is Item # 7 Ratification of Certification for Law Enforcement Officers. You all have a list in Item# 7. Art is there any comments or anything we need on that?

Mr. Ortiz: Mr. Chairman, the Director has verified that the listed officers beginning with certification number 06-0249-P through 06-0277-P and 06-0288-P through 06-0307-P, and 07-0001-P through 07-0011-P, 98-0085-P, 96-0207-P, 89-0292-P, 04-0088-P, 01-0084-P, 04-0250-P, and 73-0627-P.

AG King: Do I have a motion to approve the Ratifications?

Mr. Remington: So moved.

AG King: A motion to Ratify the Certifications. Is there a second?

Chief Segotta: Second.

AG King: Second by Chief. All in favor signify by saying "Aye".

Board: "Aye".

AG King: Any oppose? (No response). So we will show all of those certifications.

Agenda Item # 8 New Business- Ratification of Certifications of Telecommunicators

AG King: Next Items is the Ratification of Certifications for the Public Safety Telecommunicators.

Mr. Ortiz: Thank you, Mr. Chairman. I am requesting to ratify 07-0001-P through 07-0037-P.

AG King: Can I have a motion to Ratify the PST Certifications?

Sgt. Remington: So moved.

Chief Schultz: Second.

AG King: So I have a motion to Ratify the Certifications and a second for certification. All in favor say "Aye".

Board: "Aye".

AG King: Any oppose? (No response). So the motion passed and so we have ratified the certifications for Public Safety Telecommunicators. Thank you Art.

Agenda Item # 9 New Business- LEA Memorial- NM State Police Officer James Archuleta/Pin

AG King: Item # 9 on the Agenda. LEA Memorial, New Mexico State Police Officer James Archuleta. Mr. Director.

Mr. Ortiz: Mr. Chairman, Board Members, letters were sent out to committee members which consist of Dave Heshley, Jim Burrelson, Sheriff Kent Waller and Chief Marty Vigil. They all responded and unanimously approved the inclusion of James Archuleta into the Memorial Wall. We just need your approval to vote for his inclusion into the memorial. Another thing that we are going to discuss with you is and it should be at the table for you was the Memorial Pins. Cathy would you please stand? I just want to acknowledge Cathy as she had a great idea for the Memorial Pin and what it is, is to honor the falling officers and you will see one in black and it has the year 2007 and the number 176. Officer James Archuleta was the 176 officer to die in the line of duty. There is also another pin which I am wearing for Deputy James McGrane the 175th officer in 2006 and then another blue pin for APD Officer Smith and King, the 173rd and 174th officer. So we are giving these to the officer's family when they attend the Memorial and it is going to be an on-going thing that Cathy came up with and they will get a Memorial Pin to honor those officers. We are also selling these and I do need the board's approval. We are selling these for five dollars and what we are doing with the revenue is APD is getting some of the revenue and the Law Enforcement Academy and also Bernalillo County. The revenue from Bernalillo County is going to the James McGrane Scholarship Fund for Officer Survival to help pay for the training. APD is going to utilize it with the Academy for some other projects that they may have. The Law Enforcement Academy with the funds we get will be to upgrade the Law Enforcement Memorial- buy a new banner, buy the flowers and then to also assist all the other academies around the state in purchasing the class photos and buying the plaques to honor the outstanding cadets. We would also like a board member on May 23rd to present one of the wreaths at the

Academy on that day. So do we have any volunteers that may wish to present the wreath at the Memorial on May 23rd?

AG King: Have you talked to my office? It could be more than one of us there but if you will talk to my office.

Chief Schultz: I will be there as well. It would be my honor.

AG King: Well, we will participate but call my office too will you.

Mr. Ortiz: Ok. We have a Memorial procedure for your approval for the inclusion of Officer Archuleta onto the wall.

AG King: I will take a motion but is there somebody here that would like to say a word or two about Officer Archuleta, Mr. Heshley or anybody else? I don't know that is normal but.

Chief Segotta: Mr. Chairman, if I may. Officer Archuleta was a member of the New Mexico State Police who lost his life in the line of duty. The incident was difficult for law enforcement as we lost several officers. Officer Archuleta was responding to an incident and was pronounced dead at the scene. As with the other 175 New Mexico Law Enforcement Officers who have given their life in the line of duty with that I would ask that the board make a motion and approve it.

AG King: I will take a motion then to approve the inclusion of New Mexico State Police Officer James Archuleta onto the New Mexico Law Enforcement Memorial Wall.

DA Gallegos: I'll make a motion.

Chief Schultz: Second.

AG King: I have a motion and I have a second. All in favor say "Aye".

Board: "Aye".

AG King: I will now take a motion then to approve the selling of the Memorial Pins.

Chief Segotta: I'll make a motion.

Sgt. Remington: Second.

AG King: I have a motion and I have a second. All in favor say "Aye".

Board: "Aye."

Agenda Item # 10 Discussion- Psychological Examinations

AG King: The next item on the agenda is the Discussion regarding Psychological Examinations by the APD Psychologists.

Pete DiVasto: Yes sir. I am here before the board to request a change to the NMLEA 4 which is the Psychological Examination form to delete the words "Without Reservation" which leaves room for a great deal of misinterpretation. This current form is a reaction to that earlier form and this one states that the applicant is recommended without any reservation or without reservation at all. In actuality, very few applicants come through that we don't have some minor reservation. Perhaps a surviving history to past military discipline. Perhaps it is a job history so we like to see it be revised.

Mr. Najar: I speak here in opposition of the recommended change as historically speaking the development of the verbiage came about at a time of litigation determining the suitability to be a law enforcement officer. The other issue is these determinations are going to fall upon the Director for approving those and then what expertise or knowledge or background do we have in assessing and evaluating any comments of the nature that indicates reservations by the Psychologist who does the evaluations. So I'd say it is a caution before you act to consider that ramification.

AG King: Thank you Mr. Najar. Any other comments? Yes sir. Please introduce yourself.

Tommy Barnett: They qualify a numerical grade with their exam.

Mr. Shandler: To the Academy, just a historical question. Looking at the statute it says after examination by a certified psychologist quote is free of any emotional or mental conditions.

Dr. DiVasto: If we have, if the reservation rise to an exclusionary level the report explains that in detail and then in that case we do not endorse the person. So I think the verbiage without reservation is slightly misleading and so I would or we ask the board to consider removing it.

AG King: Zach, can you read that language to us one more time again.

Mr. Shandler: Sure. State Law 29-7-6A66, after examination by a certified psychologists is free of any emotional or mental condition that might adversely affect his performance as a police officer.

AG King: Other comments from the audience. I'm going to go to the board here in a second. Ok. Seeing none, questions and comments from the board. Don?

Mr. Gallegos: Mr. Chairman, I guess my first thought was that language was in there because some lawyer somewhere has had to deal with it either in court or somewhere else and I agree with what the proponents are saying. Unfortunately, we know the legal world doesn't always follow the practical route. I would prefer Mr. Chairman if we would get a legal opinion on that. Maybe something in more detail about the sufficiency of the statutory language being included or whether this needs to be there because of a case that has already been litigated and is already case precedent in the state of New Mexico and so I would be very uncomfortable about approving anything today unless we got a little bit more research on that. So those are my comments.

AG King: Ok. Any other questions or comments from the board?

Mr. Swagerty: I would like to just from the stand point of a person who is not in law enforcement or anything. I read this and everything and I understand what Donald was saying too, without reservation. I'm sure some attorney wrote that in there because of that and then we go down to the other part is recommended but I could ask the same thing to that attorney or the attorney would ask you the same thing. Well you recommended him. Now what is the problem here and no we've got reservations see so it could go back either way. You see what I'm saying. So I see where like Donald was saying we are in a wording thing here and which one is correct and which one is not correct and I can see that both are correct and both of them are incorrect.

Chief Schultz: Mr. Chairman what would make sense to me is the language is very simple that says applicant does meet statutory requirements or does not meet statutory requirements. Mr. DiVasto or Mr. Najar would that be a good compromise? That would also meet the statutory requirements.

AG King: Mr. Najar, do you want to address that first? Let me, before you do, let me say that was going to be by recommendation is if we have a statute that says this is the standard shouldn't we say that the applicant meets the standards of NMSA Sections such and such or applicant doesn't meet the standards and then once again you guys are then sort of certifying that you know what the standards are and that you think they meet the standard. Mr. Najar any comment?

Mr. Najar: Mr. Chairman and board members I think that we would like to definitely see a response from the legal counsel or if there is a case precedent or if there is something within the statutory language that would be more appropriate for this. Just in response to this. I would see no objection to it and I guess an objection to what is being proposed is a bit strong. I think it is more of a caution that we wish to put out there as to oppose to object to it and I think with additional research perhaps we can get better guidance as to what would be more appropriate or useful for us in determining the suitability language for that section of the LEA 4.

AG King: Thank you Mr. Najar. Other comments from the board? Certainly our office can do a little brief on this for the next meeting.

Mr. Shandler: Yes sir.

AG King: Ok. So I would take a motion to table this and put it on the agenda for the next meeting if you want to.

Mr. Swagerty: I'll make a motion.

AG King: I have a motion to table.

Mr. Gallegos: Second.

AG King: Second by Donald. All in favor say "Aye".

Board: "Aye".

AG King: Any oppose? (No response) We will add this to the agenda for the next meeting and we will try to come up with some recommendations. Thank you Dr. DiVasto. That was actually items 10 and 11 I assume then, is that correct?

Director Ortiz: Item 11 is another matter.

AG King: That is a different matter ok.

Agenda Item # 11 Discussion of Psychological Form Changes (LEA 4) and future rule change.

AG King: Item # 11 is then Discussion of form changes for LEA 4. We had you on the agenda already Mr. Najar. Ok. Go ahead.

Mr. Najar: Mr. Chairman, board members Item # 11 is in response to some issues that have arisen recently in which applications for admission and those packets and the psychological that we read. We have to read every single psychological for every single officer that applies for admission to Cert by Waiver or the Law Enforcement Academy and we ran into this. It is something that over the years we see surface every so often but we had a situation where at least three individuals have been rejected on their psychological evaluation and they sought a second evaluation without going through the process of the appeal for that initial rejection. So we in part because a lot of the academies all start within the same time frame, we get such a high volume of information in packets. By the time we are able to process those packets and review everything, and by the time we got the psychologist to submit their rejection reports to us we didn't know we had a conflict at the time.

Part of it had to do with the lack of information being given to the applicant as to what the procedural requirements are for in the event they are rejected in an evaluation and what the appeal steps are for that and so I don't think there was an intent on the part of any of the applicants to circumvent the process but they went and sought an evaluation from another psychologist and they were passed and recommended for employment. So we have a conflict, a rejection and then we had a recommendation for that. So what we wanted to do, a couple of them are what I would say just basically just cosmetic things and that if you turn to the next page is on the form it does not really entail the consideration of a rule change but basically bolds and emphasizes specific parts of the existing rule. So up at the top section you'll see in bold where we have added under item number 4, we want to emphasize that we absolutely need to get the agencies and psychologists to report rejections within the thirty day time frame in order for us to better manage and efficiently manage the appeal process for that. We added a number 5 to the LEA 4 there in the psychological statement of the application, so if in fact this individual was not familiar with the rule then they would have to respond to the psychologist that oh yeah by the way I was rejected last month by another psychologist. That is the intent of that section here and then finally at the bottom there is a box there under is not recommended that the applicant has been advised of their appeal rights under that rule cited there. The back of this form then if you turn the page would be the actual appeal rights, the summary of appeal rights for that individual.

AG King: I'm sorry Mr. Najjar is this new language you're recommending? This item number C? Would that be new language?

Mr. Najjar: On the form itself, all the information is existing language it is being just placed on the form now. So there isn't any new language that is being recommended. What we would, there isn't anything that we are asking for action to be taken in this form other than we would like to modify the form as we've addressed here and that we would then be coming back at the next board meeting with a formal discussion item on the agenda to clarify in the existing rule that a failure or a rejection must go through the appeal system. Right now there is not language that says very clearly if you are an applicant and you fail a psychological evaluation it makes reference immediately to the appeal system but it doesn't make reference that you are prohibited from seeking a second opinion and so we would do that for the next board meeting to bring language for discussion purposed to make that rule change to clarify that position that you are not allowed and you are prohibited in fact from getting a second evaluation done unless you go through the appeals system.

AG King: Is that everything for you Mr. Najjar.

Mr. Najjar: That would be it.

AG King: So that is for Item # 1 or is that for both of these items?

Mr. Najjar: Issue number 1 is basically were just emphasizing the thirty day rule and then the second part of that would just actually involve a rule change that we would propose later on in the year.

AG King: Are you asking us to formally approve these changes on the psychological examination form today? This Item #, the addition of the sentence to item # 4 and the addition of item # 5?

Mr. Najjar: Since it does not specifically modify or adjust an existing rule, it was our position that we wanted to inform the board and the law enforcement community that these changes were going to be made at the discretion of the Director. We just wanted the information to come out today so that occasionally there is reference made that the law enforcement community was not given enough notice of things that we were changing at the academy.

AG King: Good opportunity. Is there comment? Dr. DiVasto.

Dr. DiVasto: Mr. Chairman I would like to speak in favor of the change that Deputy Director Najjar proposes. I would like to suggest if I could add two modifications perhaps. One is rather than including the appeal rights statement as a sub-section of not recommended I would suggest that it be included as item 6 phrased in such a way as to say I have been advised of my appeal rights should I fail this examination. That would also then require the applicants signature at which time what I would like to do is hand them a copy of their appeal rights since some of the people failed the exam because they can not read perhaps the academy would take this appeal process and put it in plainer language thus lawyerly language so that the applicant really does know their appeal rights. In turn I would like to do is then be able to read those to the applicant and have the applicant read them along with me and then ask, "do you understand you rights?" It also relieves us of the necessity of us telling people that they failed at that moment which sometimes isn't, that information isn't always available to us to tell them that, in the interview. So, I applaud the change. I would like to see it broadened to be included to item # 6 in the beginning of the form I guess.

AG King: Thank you Dr. DiVasto. Let me just say my Vice-Chair has reminded me that these are all discussion items anyway and that we are not here to vote on these so I appreciate that. So, any other comments with regard to this issue? Comments from the board? Any? Mr. Najjar it does seem to me that these are good changes. I think that makes it good. So hopefully we will continue that discussion and I will once again volunteer our office if you want to discuss ways to improve the language to this you can provide them to the Director but you can also provide them to us and

we will be happy to look at them. Alright, Mr. Najar anything else on that item on Item # 11?

Mr. Najar: Mr. Chairman, no.

Agenda Item # 12 Discussion of Policy changes to timelines for approval of academy classes and receipt of application packets and change to CBW 1.5 mile and 300 meter run.

AG King: In that case lets move on to Item # 12, Discussion of Policy changes to timelines for approval of academy classes and receipt of application packets and change to CBW 1.5 mile and 300 meter run. Mr. Najar.

Mr. Najar: Mr. Chairman and Board Members and again this is one of those situations where we are processing requests for approval of academies and then approval of the students that will be attending those academies at certain times of the year and the first, the middle part of the year the academies get geared up and move forward with it so what we want to propose is that we modify the timeframes for the approval of all basic and cert by waiver academies and we will turn to the checklist here in a second but secondly that we modify the timeframes for receipt of applications to cert by waiver and basic academy that item there number 2 does and would require a rule change and we would come at a subsequent board meeting with a proposed rule change for that. Then the pre-cert by waiver testing is what we are wanting to publicize is that we require that the mile and a half and the three hundred meter be done prior to the start of the Cert by Waiver academy. I do have the Bureau Chief here from the Basic Bureau to speak statistically of why we think that would be important for that and what statistically success has been for the cert by waiver program. That third item there only affects the Santa Fe New Mexico Law Enforcement Academy. The other eight satellite academies would still be free to conduct there process for that evaluation or those physical requirements in whatever manner they are doing so today. So this would be strictly something that would only be specific to the New Mexico Law Enforcement Academy in Santa Fe. To speak directly to Item # 1 when we get a request for approval of the academy we require the entire academy be laid out and the format and the content of that varies from satellite academy to satellite academy and it could take us up to twelve hours to figure out which academy is teaching what hours and on what day of the proposed upcoming academy they have scheduled for that. So right now with a approval timeline if you look over the checklist, this is what we are referring to. It's the first item that says right now it says thirty-days prior to the start of the academy and these are the items that we request from all nine satellite academies. So we would propose to give us more time to manage this process and that be bumped up to forty-five days for that and again that is probably more a policy issue for the Santa

Fe Law Enforcement Academy although this checklist is used by all the satellite academies. The second item there we would be asking that instead of fourteen days prior to the start of the academy we get these packets which have your medical, your psychological, your citizenship affidavit. It has all the information that is required by statute to either admit you into either the Cert by Waiver or the Basic Training Academy. We get inundated with those in the beginning of a training cycle a cadet or student may be in the academy three weeks before we actually go through and identify that there are issues with the paper work. There is a form that is missing or there is a box that wasn't check in medical or we didn't get the steroid testing or the psychological has a discrepancy in it or just a series of issues and fourteen days when we got the majority of the academies submitting all those applications to us is not sufficient time for us to be able to do that prior to the start of an academy session and so we would like that and there is language in the rules that specifically refers to fourteen days and that would require a rule change and we would come before the board later on with a proposed rule change to move that to thirty days. That would enable us to carefully go through every one of those packets where we needed additional court disposition records of arrest, those kinds of things, explanations of things that are within that packet then we've got more time in which to do that and we are not having to terminate a person from an academy after they have been there two or three weeks because we just weren't able to process the paper work in a timely manner. The cert by waiver, the third item on here basically I'd like to have Bureau Chief Mark Shea just briefly for you but it involved our applicants coming into the Cert by Waiver historically it seems like almost the majority of those applicants do not complete the training and do not complete the training and do not become certified because of the lack of physical fitness specifically in the mile and a half area. So we would move for the Law Enforcement Academy in Santa Fe to be able to test those individuals prior to the start of that academy session and then enable everyone who at least has passed that we know won't have a problem with the two agility courses and now I think we can probably have a much higher success rate and certification by using this process. And I will ask Mark to just briefly talk about that.

Mr. Shea: Mr. Chairman, Board Members I am Mark Shea I am the Bureau Chief of the Basic Training Bureau. We have found historically and I had our staff look at past Cert by Waiver classes and see exactly what the numbers were so we went back for the last five Cert by Waiver previous training classes to see how they compared. We had 125 applicants go through those five classes. Of those 125 applicants only seventy-eight of them passed at the end of the three weeks. Of those forty-seven failed, thirty-four of them failed the mile and a half and on the 300 meter nine of them failed. What is problematic for us is right now in our training cycle I have two basic academies running, one his half way through and one just started and then we throw a Cert by Waiver class in there and I've got four instructors and a vacancy that I can not fill so we are dedicating our resources asking other agencies to provide adjuncts for us to provide that training to these classes and we put the effort into

trying to certify these individuals coming into the class who never completed. They failed one of those sections and then our resources are not being effectively used. As a matter of those thirty-four that failed the mile and a half, only eighteen since 2006 or 2005, only eighteen of them ever returned to complete that mile and a half and seventeen of them are still outstanding which means that we have sent out seventeen letters to agencies to those who have not passed because their twelve months has since expired and it has been that long that they have not returned to the Cert by Waiver class to complete that mile and a half and seventeen of those we have sent letters out to agencies saying that they need to be decommissioned because they are not in compliance with the law. We have also found in the Cert by Waiver class when we do the assessment on the first day and we have applicants that fail the mile and a half and the 300 hundred meter, that it adversely affects them as students in that class and it also adversely affects the class because the students in the class are not thinking about going through the legal update, the ethics, the other critical issues that we are training them, they are thinking about the fact that they have not passed the mile and a half. So we have some issues of their readiness to learn because they have not met that standard and that is hanging over their head. It also takes away from our instructional time because now we are taking time away from the classroom to take them back out on the track and re-test them. Historically we have found that if they are not prepared when they come in to the Cert by Waiver to pass that fiftieth percentile there is no way in three weeks that we are going to get them up to that standard. That you are going to get them physically fit to pass that standard so it makes sense to us to handle it like we do the basic class that if we have two weeks before Cert by Waiver starts then we have them come up and do the mile and a half or the 300 hundred meter. If they meet the fiftieth percentile then we accept them into the Cert by Waiver class and we have found also historically that if they meet the mile and a half or three hundred meter very rarely do we have a problem with the agility 1 or agility 2 versus which is the other two standards they have to be physically along with the firearms and driving in order to be recertified under the Cert by Waiver. So we feel that it would be more effective for us and the use of our resources that those attending will be more focused and they won't have these issues hanging over their head where they can't pick up the curriculum that they are attending more effectively and we won't have the situation where we are tracking paper for ears on end trying to figure out why we don't have people don't come back and frequently when we call agencies they say well they no longer work or they have gone someplace else so it has become a paperwork nightmare. It has become any issue of training for us and it would be more effective for us if we can test them prior to their coming up and if they pass to accept them into the Cert by Waiver. Thank you.

AG King: Thank you Mr. Shea. Mr. Najar.

Mr. Najar: Mr. Chairman, other than that this is something that we have viewed at the academy as a director's policy but we wanted the ability of the board to modify

that if you did not agree with this policy change and afford an opportunity for the audience to also give their input as to their consideration of what we would like to do with this.

AG King: True good opportunity. Anybody out there have comments?

Mr. Radosevich: Sir, I am Fred Radosevich and I am the Chief of the Bernalillo Police Department and I agree with the policy change however, I disagree I believe it needs a rule change for the entrance into the certification by waiver and by rule and by statute no where in their does it say prior to entering the certification by waiver they have to complete the mile and a half and the three hundred meter run. It just says in order to become certified by waiver class you have to complete that. If you look at the basic academy rules it when they first go in there is a provision that says you have to meet a certain criteria before you get into the academy and then you have to meet a final thing on the exit. Well I agree whole heartedly I think that the one and a half mile run is a problem I think it needs a rule change because if the rule specifically states what the requirements are to getting into the Certification by Waiver and it does not state that you have to complete the mile and a half run and the three hundred meter run to get in which is to be certified. If that is the case then I would say that you need to do the physical agility course at the same time. So while I am in total agreement with and I talked with Mr. Najjar yesterday about it, I've in total agreement but I do believe it requires a rule change. Thank you.

AG King: Thank you Chief. Anybody else have comments?

Dr. Duran: I have a problem with the Psychological packet and the complete application packet getting in thirty days ahead of time which is a separate issue. I think it is rather unrealistic and would probably mean that there would fewer academy classes taking place during the year in order for adequate approved times. So I think that it would cause a problem for some of the agencies.

AG King: Thank you to tell the truth that was going to be my question Mr. Najjar is whether you think that moving these dates up by 30 days from 14 to 30 and 30 to 45 that it will impact the number of applicants that you have.

Mr. Najjar: I think that as a matter of practice for some agencies it will definitely have a negative impact on them. But in consideration of the importance of qualifying those individuals with the standards for admission is more important than the number of bodies you get into that class and so if you have some recruitment and selection for the process that waits until the last minute you definitely would be hurt or harmed by an additional loss of those two weeks. The only thing I can offer is that those agencies need to move back their timing of that selection process because on occasion we do get an application on Friday with the following Monday being the start of the academy so we don't always get adherence just to the two

weeks much less the thirty days so it would be our preference to move that up and yeah it is putting a burden the agencies to process their applications and their selections more efficiently.

AG King: Comments from the board?

Chief Segotta: I can tell you that on more than one occasion Director Ortiz has come to me and said that they are going to have to dismiss somebody because they have just now found discrepancies in the applications and the school has already started and I know that at least on two or if not three occasions we have already come across that. So I think the timelines or the timeliness of the submission and the review is something that really needs to be considered so that we don't mislead Chiefs of Police and Sheriffs out there by accepting their officers and then dismissing them because the application is not adequate.

Chief Schultz: Mr. Chairman a couple of comments. First of all as far as items one and three I agree with the Chief Radosevich. I think it is a rule change that needs to be addressed. It probably needs to be something along the line you have to meet that standard on day one and if you don't meet it on day one you're dismissed because three weeks is obviously not enough time for that person to get into shape. I am even more discouraged by the fact that people have gone through the process we haven't heard anything back a year later. I think that they should be included in part of this packet as part of revocations. Item # 2, I have to agree with Dr. Duran we are all facing a major crisis here in the State of New Mexico and being able to hire quality law enforcement folks and we need to have the ability to get people into classes so we don't have vacancy seats in those classes and sometimes it is at the last minute. Years ago we used to have a list of alternates, people we could fit into those slots at the last minute because we see people who change their minds at the last minute before starting an academy class whether it is at a pre-academy event or after they sit down and realize that this is going to happen. Talking with their family and friends they realize this is not the right job for them. I hate to see an empty seat in any academy class when we have qualified applicants who we can get through the process at the last minute and get them in there. Thirty-days for my agency in advance is not enough time. I do take advantage of going down to the last minute on a regular basis but I think it is critical that we be able to seat quality applicants up until the last minute. To have someone wait three, four or six months for the next academy class, they are going to move on. They are going to move on to another agency or another state. So I would definitely be against Item # 2.

AG King: Any comments? Ok, seeing none thank you Mr. Najjar for that. Item # 13. Actually before we move on to that just a question because I think this is a good point here. What else do you all do in order to inform the law enforcement community about these proposed changes that we are talking about today? It's good to bring them to us but is there some other ways to publish them, do they go

on a newsletter or cause they do seem like items that should be broadly circulated and are we the only place where this is discussed?

Mr. Najjar: Generally, this has been the forum for that discussion to take place and since we are not today proposing any immediate action that was the idea to get this information out statewide. We do have a statewide e-mail list so this information does go out to all those law enforcement agencies that we do have an e-mail address for. We don't at this time although the Director is looking at resurrecting the Newsletter we used to issue and using that as well to get information out.

Director Ortiz: And the website.

AG King: And you have a website?

Chief Segotta: The website.

AG King: Ok. These items, distribution items you gave to us are available on the website and on the e-mail so that is good.

Agenda Item # 13 Discussion 2008/2009 Biennium Training Requirements

AG King: Alright, Item 13, Discussion 2008/2009 Biennium Training Requirements. Go ahead Mr. Najjar.

Mr. Najjar: Mr. Chairman and again this is intended for consideration for obviously on December 31st of this year we will end the 2006/2007 Biennium. So part of the discussion that needs to take place over the next few board meetings is that we need to have a 2008/2009 Biennium rule modified to reflect those changes if any that occurred within the legislative session, this past session and be inclusive of any other training items that the law enforcement community would like to see either mandated or addressed in the next biennium cycle. This is just informing the law enforcement community that it is going to be coming up. We hope that by the fourth quarter to have gone through the public hearing and at that point in the fourth quarter adopt the 2008/2009 biennium standards for training for that next biennium period and so we want to get law enforcement thinking about it and forwarding any suggestions, thoughts, ideas as to what training or what modifications they would like to see to the rules from last cycle when we started the 2006/2007 cycle. We made some significant changes to the language in the rule. There were about five paragraphs and we reduced it to about two paragraphs now. There are some suggestions that we reduce that to one generic paragraph and again there has always been that issue of specialization and what specific topics are current and law enforcement should be getting training on. So we want the law

enforcement community to start thinking about that start preparing to forward there suggestions to us and to the board for whatever standards the board decides to adopt for that next biennium cycle. So it is strictly informational and part of our effort to keep the law enforcement community informed.

AG King: Thank you Mr. Najar. Any questions or items?

Agenda Item # 14 Discussion-Sanctions against Agencies not in compliance with Misconduct Report Submission

AG King: Item # 14, Discussion- Sanctions against Agencies Not in Compliance with Misconduct Report Submissions, Mr. Ortiz.

Mr. Ortiz: Yes sir, Mr. Chairman, Board Members. We are having difficulty at the Law Enforcement Academy of being notified of Officer Misconduct. A lot of the cases we learn through the news media. So, on the next page you will see in the rules 10.29.1.11 in section D reports, "Any agency employing a certified law enforcement officer or Telecommunicator who has committed any acts or acts identified in subsections b or c of 10.29.1.11 NMAC shall report such conduct to the Director within 30 days." Many of the agencies are not complying with that so we are seeking guidance and recommendations from the board on some type of sanctions to impose. One of the recommendations we were thinking about is maybe withhold the registry of the departments to Mr. Ortega who then pays these agencies out of the Law Enforcement Protection Fund. The \$600.00 per officer and if they are not in compliance then the Director's Office would hold the registry until these agencies start becoming into compliance. So the discussion here is requesting guidance from you on how to proceed and what type of sanctions to get these agencies and chiefs, Sheriff's to comply.

AG King: Comments?

Sgt. Barnett: Sgt. Barnett, Carlsbad Police Department. I agree with everyone staying in compliance with the reporting self and the academy requirements but applying sanctions to LEP funds that is, I mean, that goes back to all of our officers training for one mistake or one failure to report something to the academy. That affects a bunch of officers over one deal and to a limit an agency funding for a mistake like that is.

Mr. Ortiz: We need to set some type of message out to them that we need them to respond.

AG King: Well let me take comments first and then I will let you address them. Sergeant that is it for your comment, were you done?

Sgt. Barnett: Yes, I just. I think there are other ways to do then to affect every other officer at that agency by taking that funding away.

AG King: Alright, I appreciate that. Thank you.

David Gartman: David Gartman with Lovington PD and I think Suzanne knows what I am pitching to address here. It was under a previous Director that I attempted to report an officer for misconduct and was told that pre-conviction they didn't care. Now, we were going to terminate the officer based on his conduct whether he was convicted or not so I think with the new Director coming in, I think the agencies need to be given a chance to satisfy these requirements before we start threatening to take away funding. Because I agree with Sergeant Barnett, your getting into a very subject and I'm not sure the state doesn't wasn't want to get into. At least give the agencies a chance to satisfy and you show us that you are all serious about applying these rules to the officers and to the agencies also. Thank you.

AG King: Thank you Chief, anybody else? Yes.

David Heshley: Mr. Chairman, Board Members, David Heshley with the Fraternal Order of Police. I just would like to say that and the Sergeant just brought up part of it but this issue of decertification's and discipline and everything with the board has been going on since inception of the Law Enforcement Academy. We have gone through the reporting, who has to report, when do you report, so on so forth. It still a very contentious thing it is not being done on a timely manner so for Mr. Ortiz to say what he is saying you know what we could be talking about is something that happened and all you have to do is look at your list of disciplinary matters that go back in some cases three or more years and we would be taking funds away from somebody who may or may not have long gone and everything else because it wasn't reported at that time. I don't think of any departments that I am aware of have any problems with one, two or three or actually one and two because you are talking convictions and that is what he was talking about. I know in some departments try to report things that weren't reported or they were not accepted. I know other ones where the Academy has come out based on and he says in the media and things, he has done the investigations. Discipline should stay with the department because when you get into the three, four, five and six. It's the department that they are working for and what are you going to do, decertify the whole department. We got big enough problems right now in keeping officers on with the department. I think that it is working well and we can't even catch up with what we got right now within the law enforcement community as you can see from your agenda and this is not all of them that are left. So I will caution you in how you are going to handle this matter.

AG King: Thank you Mr. Heshley.

Fred Radosevich: Fred Radosevich with Bernalillo Police Department and I agree with the Director. I think there has to be some type of process in place but there is a lot of confusion on what do you report. I think upon conviction we all understand that but if somebody has allegedly committed an act of misconduct it is still alleged and we all know what the news media can do with alleged acts of misconduct and I would challenge Mr. Ortiz to hold that registry from me to get my law enforcement protection funds because I think that would be a significant court challenge that municipal chiefs and a lot of other agencies would take on because you do not have that authority to do that. State law says that you have to submit that list by a certain list every year. It doesn't say if they are in compliance with whatever statute. You could probably go to the legislature and try and get that changed but I don't know that you will see a lot of support from the law enforcement community. I think again instead of generalizing. If you have a problem that I as a Police Chief in Bernalillo have not submitted to you, hey that letter needs to come to me and say why haven't you submitted it. Let's talk about it and find out what the issues are not just summarily saying were going to go after and I agree with Mr. Heshley, we have cases that are still pending several years. No disrespect to State Police but they have cases that are in the news media that you are stilling to deal with from several years ago. Personnel issues are very complicated situation now but to go after and say I am going to hold your law enforcement protection funds hostage or blackmail you as to say if you don't report this because you are still. I would like to know what the definition of good moral character is. What does that mean? That the officer was spitting gum on the sidewalk in front of the traffic stop. That probably is not good conduct that is not something that would rise to be reported to the law enforcement academy. We have gone through this year and year again and I think we need to do is get stuff cleaned up and then what we need to do is come up with a very specific process of what needs to be reported and the reporting procedure because Mr. Chairman just like the law enforcement registry, Art, I could go back and show you where you all haven't sent that to me in a timely fashion every quarter. I didn't get one for eight months and then you send me one that says it has to be done in ten days. So I think that the process just needs to be looked at. I agree 100% we need to make sure we are holding our police officers accountable but to make a statement that we need to go after the law enforcement protection fund is a challenge that should probably be a pretty interesting court battle.

AG King: Anybody else? Ok.

Ms. Salcedo: I would like to say something. I'm with the Attorney General's Office under Mr. Chairman. Essentially this is an opportunity for suggestions. The Director has stated there is a problem. Now, all these other concerns that have been raised our good issues to be bring to our attention. The main concern is this, how do we deal with it. That is one suggestion. It's an extreme suggestion but that doesn't mean that is his ultimate idea and he is going to push that idea but if your opposed to that as a community you have an obligation to say well then what should we do.

Give us suggestions because if he goes forward and he starts to advocate a certain condition and no one ever gave us suggestions all you said was don't do that. That doesn't seem very fair to him and essentially reporting problems we are trying to go ahead and turn these around so that these officers are not waiting for ever for disposition through the board but the other problem is if you hold on to a misconduct forever and you finally decide that well the DA it did go somewhere or it didn't, years have passed by the time we get to us that evidence is even harder for us to find, to get the witnesses, and then people ask the Director and the Prosecutions team how come you haven't worked on that. Well we never got the referral until three years later. So these are all issues and we do need your suggestions. We are not trying to blackmail you or to force you we are saying well tell us what you think would be best because we need your input and that would really help.

Chief Segotta: Mr. Chairman.

AG King: Yes.

Chief Segotta: I don't think that there is an answer today to this question. Do we have any idea how much under reporting is taking place in the law enforcement community.

Suzanne Vigil: There is a lot. As somebody who processes all the documents that come into that office a lot of. Your registry should not take you more than ten days with the exception if you have a large agency as long as you are submitting your LEA 82's regularly. You've got 30 days if you got new employees and separations. If you are doing that your registry should not be a problem. It should state exactly who you have employed with your agencies but for those agencies that fail to do that and not report those changes, those are the agencies that are taking a lot longer to complete because the information isn't current in our office.

Mr. Ortiz: Mr. Chairman, I would also like to add that we get the LEA 82 with the officer resigning and the department never reported the officer misconduct. My job is to protect all the agencies to protect you. If somebody is being dismissed but is allowed to resign from that agency without the officer misconduct and then there are going or looking at other departments to get hired and then that agency is unaware of the officer misconduct. So I feel it is my job to keep it clean and let you know when you have an applicant that he has an officer misconduct pending. Of these agencies not wanting to create trouble they just go ahead let the guy resign and no officer misconduct is filed and he goes on and then he gets in trouble with the other agency and then you guys point the finger at us and say why aren't you doing your job and watching for the officer misconduct and if I could get everybody's cooperation to abide by the rule and do it then we wouldn't have to take this drastic measure. I'm looking out for the agencies and the citizen's welfare. The officers that did the misconduct they need to be held accountable and the Chief's are

supposed to submit the misconduct along with the Sheriff's and we are not getting them. We are learning about them in the newspaper and then we contact them and then oh, yeah, we were thinking about it and that's why I am open for suggestions but it may have to come to something drastic to get the attention people. If you don't comply then the board will make that decision. You are aware of the rule, you don't comply and I see that it has caught the attention which I am glad because when you start talking about pulling money then people are going to start responding. So, I'll leave it up to the board for your decision.

AG King: Ok, Chief Schultz.

Chief Schultz: Mr. Chairman, I've had a chance to talk with Director Ortiz about the possibility of recreating the newsletter that would come out of his office on a quarterly basis or biannual or whatever the case may be. I think that would be a good start and include in the newsletter a summary of the cases we have heard without names but also what the case was about and what the findings were. I think that will be a good step to help educating all the Chiefs and all the Sheriff's as to the type of information of the cases that come in front of the board. I would also suggest that Mr. Ortiz attend and I know that he does the Municipal Chief's Association meetings provide some additional training and instruction to the Chiefs as well as to the Sheriff's Association meeting as to the type of information and cases that he would like to see presented. Also, as a rule of thumb and the rules don't include these now but it is something we may want to consider in the future. What I have directed my folks to do, my Internal Affairs, is any case resulting in a suspension of 40 hours or more to send it to the board. I think because there are some these are pretty vague up above here, forty hours would allow Mr. Ortiz to make the decision in concert with the AG's office whether the cases need to come in front of this board. That might make it just a lot clearer and if the discipline is to that level it should at least be reviewed by the board.

AG King: Comments?

Mr. Gartman: Can I please make one request that and Suzanne and I have talked about this situation we had. They had already sent a letter of intending action by the academy board but we didn't know that. I didn't know what they had done with the misconduct report that I sent in. Could I make a request that part of this, is you notify the agencies as to where you are in the process when they have submitted a misconduct report because this officer had left and he went to work for another agency who had no idea he had done what we alleged and what he admitted to doing and come to find out they had already submitted an intent of action and he already resigned from the second agency that he went to work for and we didn't know that either. So, I would just ask that be made and that their be a two-way exchange of information. When reports are submitted that agencies be kept informed for where they are in the process.

AG King: I think that's helpful. Certainly it's public record. Mr. Ortiz.

Mr. Ortiz: Yes, sir that is done. Once we received a misconduct I submit a letter of acknowledgement of the receipt. A lot of times we just get the LEA 90 and then I request additional reports. If they have submitted the reports, I thank them and let them know that we will then go through the process and I've been doing that since I've been in this position with every misconduct report. They are aware that we have received it and we are starting action on it.

Mr. Gartman: In his defense this was prior to him coming in, the one we are dealing with.

AG King: Yeah, and just as a general comment for myself. I'm seeing some of the issues that are going on and our office will try and have some more input too. I appreciate the board trying to catch up with the backlog and as you can see there is a lot to do today. I think it is important that we get caught up with all these disciplinary matters and so I'm going to do whatever I can to help press on that and I'm sure Mr. Ortiz is. I think this has been real good discussion today on several issues and I appreciate you all coming in and making comments so that is good. So let's kind of keep working on those. I suppose I agree Chief with you that some of these might require legislative fixes. A few of these things and frankly as we go through the year and through this interim we may want to recommend some legislative fixes if that is what it is but for the most part it would just be better if we can just figure out procedures that we can help to solve some of these issues and so we appreciate the discussion today. Mr. Ortiz, anything else that you have?

Mr. Ortiz: No sir Thank you.

AG King: Members of the board that you have?

Mr. Holmes: I'd like to make a comment regarding about the discussion. My name is Ernest Holmes and I do the investigations for the board. I look at these cases and analyze. What we are talking about here is some of these cases are let's say for example, let's take a situation where there is a guy arrested for DWI. He's not convicted because the officer did not show up for court or for some other reason. It doesn't mean that the guy did not commit the crime or the offense. It just means that for some technicality it was dismissed. That's why Mr. Radosevich mentioned conviction. Well there is no conviction there but never the less the person did commit an offense. We have some cases where the officers have been accused of Driving While Intoxicated more than once and so I think there is a point where we need to take some action even though there is no conviction. Those are minor cases but we have also serious cases that we just can't let slide through the system. At

least the board should be aware of those cases and decide whether that person should maintain their certification.

AG King: That is helpful and I think that is something that this board has to take very seriously. Thank you Mr. Holmes. Any other comments on Item # 14. With that being said we are about to move into the next phase and as you all know, here is the place where I turn the proceedings over because our staff are going to be presenting. Is there any further business? It's up to you guys but I'm going to recommend that we recess for five minutes.

Mr. Swagerty: Sure.

AG King: It looks like you got a long agenda you may want to take a bathroom break. We are going to recess for five minutes and then we will take this back up again.

Board Recess...

Mr. Swagerty: We are going to go ahead and call the meeting back to order. Thursday, March 29th the New Mexico Law Enforcement Academy Board Meeting we are going into our disciplinary matters. What we will do today, well first let's call the roll real quick Suzanne if you can, please.

Suzanne Vigil: Mr. Swagerty (present)
DA Gallegos (present)
Chief Schultz (present)
Sergeant Remington (present)
Chief Segotta (present)
Mr. Perez (Absent)
Sheriff Trujillo (present)

Mr. Swagerty: Good, we do have a quorum then. What we are going to do today is we are going through the disciplinary matters. We are going to do things a little different today since we have so many. The Attorney General's Office is going to read them off and we will go through those. As we go through those we will have our public comments that we normally do but we are not going to go into a long discussion on each one. The reason is we go into Executive Session and as we go into Executive Session we discuss these matters. Only the matters that are on the agenda here today are the ones that are discussed in Executive Session. So that needs to be brought out so you understand that and we will go through that and there is quite a few. I know earlier we were talking about some things that our new Director has done. Let me tell you something, he hasn't wasted any time hitting the ground and running. He's got twenty-eight, there was twenty-nine here. The meetings normally, I've been on the board here five years. Our meetings normally at

this time of year our not until May and he already has got ahead of his two months because he is interested and he wants to take care of this business. He has done a good job of it and so I commend him for that and everything ok. So I am going to turn it over to Betsy and what we will do. Let me also mention to you on the public comment, what we will do is we will read off the names. She will give us a little brief history of it and then I will ask for public comment. On public comment if I can ask you I will hold those down to a minute or two, ok. Is that understandable? Ok, thank you. Betsy.

Ms. Salcedo: Just to clarify we will be starting with Agenda Item # 15 and going through Agenda Item 42. Agenda Item # 24 has been deleted from the agenda.

Agenda Item # 15 Disciplinary Matter Gary Adkins

Ms. Salcedo: So now let's go to Item # 15. This matter has been brought before the board on misconduct and essentially we sent out notice to the officer. Officer Gary Adkins failed to respond. We are asking the board to approve a Default Order of Revocation. Is Officer Adkins present?

Mr. Swagerty: Let me go ahead and do those for you Betsy real quick? So Officer Adkins is not present? So we will go to number 16 then.

Agenda Item # 16 Disciplinary Matter Yvonne Anderson

Mr. Swagerty: Number 16 is the Disciplinary Matter of Yvonne Anderson. Is Yvonne here? (Raises her hand) Thank you ma'am.

Ms. Salcedo: In the matter of Yvonne Anderson. She is a dispatcher and essentially this matter came to the board and we were able to work out an agreement with her and she met informally with us. She has agreed to and if you look at your Stipulated Agreement, Ms. Anderson has agreed to a 30 day suspension, a one year probationary period, respondent will commit no further violations and an ethics training course and provide proof of completion to the Director and in addition mental health counseling and provide proof to the director and finally 8 hours of community service. We believe that this is an appropriate recommendation that the Director has included for your approval.

Mr. Swagerty: Ok, do you have any comments ma'am? (Shakes her head no). Ok, thank you.

Agenda Item # 17 Disciplinary Matter Lee Armijo

Mr. Swagerty: Disciplinary Matter of Lee Armijo.

Ms. Salcedo: In the matter of Lee Armijo who is present. We reviewed this matter and met at an informal hearing, was brought to the boards attention and ended up being able to obtain additional information to be able to work out the settlement and essentially the settlement would include and it starts on page 3, the settlement would include a sixty-day suspension, he also agreed to a two-year probationary period and he agreed to ten individual and marriage counseling until such time the counselor submits sufficient information to the Director. That is no longer needed. Any alcohol counseling, recommended by a therapist within ten days of completion of such counseling he will submit that. Attend an complete a law enforcement course in firearms training, ethics, and domestic violence. He agreed to no further charges or violation of board statutes and a two year probation period. He has agreed to all of this and we ask the board for your approval of this matter. We supplemented your file with information he provided. Some of them are just character reference. We also have some reports prepared on those matters. So we are asking the board to review and approve the recommendation by the Director and this was, we went through an extensive process in coming to this recommendation. If you have questions you can always ask us when you come out of deliberations. Thank you.

Mr. Swagerty: Ok, Mr. Armijo. You have a comment sir.

Mr. Holmes: That information was put on top of your folders.

Mr. Armijo: Yes sir. I just want to let the board know that I am not here to decline anything that I did. I am here today to say that I am sorry and I made a substantial change. I no longer drink. My wife and I are doing much better. We are seeing counseling through our church and through mental health counseling. I am also going through individual counseling and she is getting her own individual. I just want to let you know that law enforcement to me is not just a job. It's been a dream since I was a young man and I hope that you would let me continue to improve myself as an officer and a person.

Agenda Item # 18 Disciplinary Matter Tiffany South-Armijo

Mr. Swagerty: Thank you. Ok. Alright, Number 18, the Disciplinary Matter of Tiffany South-Armijo.

Ms. Salcedo: On this matter we brought forward a Stipulated Agreement. We met with her informally and discussed the underlying allegation and essentially she has agreed to a ninety-day suspension. This is on page 2 of your Stipulated Order. She agreed to a probation period of two years and during which time she will not obtain or commit any new criminal violations of the board's rules. She has agreed to and

Ethics Training course within six months of the signing of the Stipulated Order. She has also agreed to thirty hours of community service and she will provide that proof to the board within the completion within one year of the effective date of this order. She has also agreed to provide proof of her counseling and such counseling and some part of it has already been provided to the Director. That is the agreement we are asking you to approve in the matter of Tiffany Armijo. Is she present?

Ms. South-Armijo: I'm right here.

Mr. Swagerty: Any comments.

Ms. South-Armijo: Um, no.

Mr. Swagerty: Ok, thank you.

Agenda Item # 19 Disciplinary Matter Phillip Bedonie

Mr. Swagerty: Disciplinary Matter of Phillip Bedonie.

Ms. Salcedo: Bedonie.

Mr. Swagerty: I'm sorry.

Ms. Salcedo: In the matter of Phillip Bedonie we sent out a notice to Mr. Bedonie and we sent out both the NCA and NFD and he did not respond to either pleading. We basically are asking the board to go ahead and approve the Default Order of Revocation in this matter. Is Mr. Bedonie present? (No Response)

Agenda Item # 20 Disciplinary Matter Thomas Benard

Mr. Swagerty: Alright then we will go on to number 20. The matter of Thomas Bernard.

Ms. Salcedo: In the matter of Thomas Bernard. This matter was brought to our attention. We went ahead and processed it in accordance to the rules and regulations. He has been provided notice and he failed to respond. We are asking the board to enter a Default Order of Revocation.

Mr. Swagerty: Is Mr. Bernard present? (No response) Ok.

Agenda Item # 21 Disciplinary Matter Critt Coburn

Mr. Swagerty: Number 21 then, Disciplinary Matter of Critt Coburn.

Ms. Salcedo: In the matter of Critt Coburn the same situation. We sent notice to him of the disciplinary matter and he has not responded to any of the pleadings we have sent and we are requesting the board to enter a Default Order in this matter.

Mr. Swagerty: Ok, Mr. Coburn. (No response).

Agenda Item # 22 Disciplinary Matter Frank Conley

Mr. Swagerty: Let's go to Number 22 Disciplinary Matter of Frank Conley.

Ms. Salcedo: In the matter of Frank Conley we are asking the board to approve the Default Order of Revocation. He has failed to respond to the discipline matter that we brought to his attention. We sent out multiple notices and no response.

Mr. Swagerty: Mr. Conley present? (No response)

Agenda Item # 23 Disciplinary Matter Jason Daugherty

Mr. Swagerty: Number 23, matter of Jason Daugherty.

Ms. Salcedo: Yes, this matter Mr. Daugherty has agreed to a settlement agreement or Stipulated Order of Suspension and Probation for the underline allegations accepting the discipline. The discipline would be to 180 days of a suspension period meaning approximately 6 months. If you look at page 2 of your settlement, a two-year probationary period and then c). four hours of training regarding use of force. Therefore, we ask the board to approve the settlement. We believe that after reviewing the whole matter this is a reasonable settlement in that matter and we ask the board to approve it. Is Mr. Daugherty present?

Mr. Swagerty: No. Ok.

Mr. Swagerty: Skip Number 24 it is off the agenda for the day.

Agenda Item # 25 Disciplinary Matter Randy Melvin Dorman

Mr. Swagerty: Number 25, matter of Melvin Randy Dorman.

Ms. Salcedo: In the matter of Mr. Dorman we have been able to discuss this matter. He met with us and we entered a Stipulated Agreement. He has agreed to a 30 day suspension period and that is basically the agreement. We don't have any additional items. This is a pretty straight forward DWI, first offense and the board has

emphasized to us that for the first offense perhaps a thirty day period which is what they would get in a criminal proceeding but we tried to be consistent so we got thirty day suspension for a DWI first offense would be appropriate. We ask the board to approve that Stipulated Agreement.

Mr. Swagerty: Any comment?

Mr. Ortiz: Yes Mr. Chairman and Board Members. Just for your information Mr. Dorman is the one who reported his misconduct to us. Just to let you know.

Mr. Swagerty: Is Mr. Dorman present? No. Ok.

Agenda Item # 26 Disciplinary Matter Michael Eiskant

Mr. Swagerty: Number 26 Michael Eiskant.

Ms. Salcedo: The board may remember we have seen this case twice before the board. This is the third presentation. Basically, the board has made it clear to us and that is why we went back and forth on a lot of these agreements. That the retroactive suspensions will only be accepted in certain circumstances where they actually were suspended by the employing agency and where the board finds that the circumstances are appropriate. Therefore we re-presented these matters to his attorneys which he would like to be here telephonically. So maybe I should get him on the phone right now.

Michael Eiskant: Ms. Salcedo.

Ms. Salcedo: Go ahead.

Michael Eiskant: I just talked to him and he said that would not be necessary at this time.

Ms. Salcedo: Our you sure?

Michael Eiskant: Yes, positive.

Ms. Salcedo: Ok. So essentially this matter has been brought to our attention and we went back and talked to Michael Eiskant and his attorney and they have agreed to an actual suspension of thirty days. An actual suspension of thirty days which will begin today, a probationary period of one year, that he complete the ethics course within six months. Essentially this matter we believe because of the amount of time that has passed in addition to the witness not cooperating, we think this is appropriate. Based on the underlying allegations and precedence how we have handled similar acts so we ask the board for its approval. This case does need to be

resolved and I worked pretty hard to try and get this one resolved. However, if the board has specific concerns, I could address them when it comes out of session. Thank you.

Mr. Swagerty: I'm sorry. One second.

Mr. Ortiz: Just for on the record for Mr. Perez, I met with Mr. Perez and he could not be here today but he just said for the record and I believe he had to recluse himself. I don't know if it's even appropriate for me to make mention of this but.

Mr. Shandler: Let me stop you.

Mr. Ortiz: Ok.

Mr. Swagerty: Mr. Eiskant do you have a comment?

Mr. Eiskant: I have reserved my last comments in the last board meeting. My Chief spoke and I apologize to the board and I accept full responsibility.

Mr. Swagerty: Ok. Thank you sir.

Agenda Item # 27 Disciplinary Matter James Gallegos

Mr. Swagerty: Go to # 27 Disciplinary Matter of James Gallegos.

Ms. Salcedo: In this matter we were able to work out a Stipulated Agreement. Essentially the agreement would lead to a probationary period of three years to monitor this officer. The activity basically stems from his alcohol and use of drugs. We ask that he be screened for alcohol and drug screening and that he participate in. So the essential factor is alcohol and not drugs but we would like to clarify that we feel that because of his actions we need to participate as these were pretty egregious. He needs to participate in a recovery program. So he has agreed to that if it is required by the screener. An ethics course of 90 days within 90 days be submitted to the board. The terms of the probation, as all the others, no new violations and we are asking the board to approve this. He is Agenda Item # 27.

Ms. Salcedo: Agenda # 28, they were both involved in the same incident. Does anybody have any questions on that?

Mr. Swagerty: Let's do # 27 first Mr. Gallegos are you here? Present? No? Ok. Then we will go onto # 28.

Item # 28 Disciplinary Matter Gabriel Gonzales

Mr. Swagerty: Then we will go onto # 28 Gabriel Gonzales.

Ms. Salcedo: Number 28 and that matter was related to the matter that was raised. They were involved in the same incident, James Gallegos I don't know what James has said, however Gabriel did obtain a conviction as a result of this incident. Therefore we have agreed to a, he has agreed to a Stipulated Order of Three Year Probationary period and a Suspension period of thirty days. The same as with his partner we ask that he get screened for alcohol and drug testing and must participate in that program. It is required and that he also attend an Ethics course. I believe the conviction was for a misdemeanor and that is right here in your book.

Mr. Swagerty: Ok. Mr. Gonzales. Yes sir.

Mr. Gonzales: Members of the board, thank you for having me and listening to me. I do have proof of the Ethics class I have already attended. I have proof of a level 1 that I am attending right now for alcohol and what she said, it was a misdemeanor charge. It was a conditional discharge after the ninety- days then it is dismissed and that's where I am at. I am just here to accept my accountability for my conduct and to apologize not just to you guys but to every office that is here in New Mexico for my misconduct and I am truly sorry. I am working to be a better person. I am currently working with dispatch. I've been there nine months.

Mr. Swagerty: Thank you. Betsy, do you need his paperwork or anything for your records?

Ms. Salcedo: If you could submit that to us that would be great.

Mr. Gonzales: Sure.

Item # 29 Disciplinary Matter Jason Green

Mr. Swagerty: Okay. Number 29. Jason Green.

Ms. Salcedo: In the matter of Jason Green who is present. He agreed to a Suspension period and a Probationary period a settlement as underlined. He agreed to a sixty day suspension beginning today and ending May 28th and to a probationary period of one year. During that period, he is not to commit any new violations of law and that he take and attend an Ethics Training Course and provide proof of that within six months to the director. In addition we ask that he provide proof and actually attend an Anger Management Course and commit eight hours and perform eight hours of community service and provide that to the Director within six months. We believe after review of the matter and discussing it with him it is an appropriate disposition and we ask that you will accept this.

Mr. Swagerty: Okay. Comments sir?

Mr. Green: Sir I would like to ask that you reconsider the sixty day suspension. I've been off the streets seven months and I'd like to get back to work.

Mr. Swagerty: Okay. Anything else?

Ms. Salcedo: To clarify for the record I would like to clarify, our you still agreeable to this suspension or not.

Mr. Green: Yes ma'am.

Mr. Swagerty: Ok. Thank you.

Ms. Salcedo: In that case the board can make a determination of whether they want to give less to this officer.

Item # 30 Disciplinary Matter Rachael Hazen

Mr. Swagerty: Ok. So Number 30. Rachael Hazen.

Ms. Salcedo: The matter of Rachael Hazen I believe that we have been able to enter an agreement. She was a Dispatcher and this was a DWI incident. She has agreed to a suspension period of thirty days and a one year probationary period. She must complete DWI school and an alcohol screening assessment. That is basically the agreement we are asking the board to approve. There was another one that I did. The reason why is we wanted to keep them all consistent and keep them all going to DWI School if they have not done it. If we didn't put it in here it is probably because they have already performed that school. So we try to make sure we address the underlying issue. So I just wanted to clarify that. She didn't do the school so I wanted her to go ahead and get that done.

Mr. Swagerty: Ok. Is Ms. Hazen here present? No.

Item # 31 Disciplinary Matter Phillip Holguin

Mr. Swagerty: We will go on to Phillip Holguin.

Ms. Salcedo: In the matter of Phillip Holguin. This matter was brought to the boards attention and initially was going to be presented to you as a Stipulated Order of a Cautionary Letter of Caution but the Director received new information just a few days and received a phone call just a few days ago even though he contacted the arresting officer and the officer didn't respond to just a few days ago. So

essentially I discussed the matter with Mr. Holguin. We discussed what the officer had told us and we told him that basically we could either take this item off the agenda item today so we could re-evaluate everything or essentially what we were recommending or what the director recommended an actual suspension period. That new order we have for your approval would include a sixty day suspension period, Anger Management and Ethics and this stems from a DV incident. Are there any questions?

Mr. Ortiz: Just for clarification it was a thirty day suspension is what the agreement was.

Mr. Swagerty: Not sixty but thirty.

Mr. Ortiz: Mr. Holguin not a sixty. A thirty day.

Ms. Salcedo: If there are any other questions basically we can address them after we get out of session if not we are submitting it as is.

Mr. Swagerty: Which is?

Ms. Salcedo: Which is a thirty day suspension.

Mr. Swagerty: Ok. Mr. Holguin present?

Mr. Holguin: Yes sir. I would just like to say thank you for giving me the opportunity to speak here today. Thank you. First off I need to apologize to my wife. It's hard to be dragging her through all of this. I want her to know I truly do love her and thank you for everything. I myself have been off the streets for over a year now due to this incident. I have had the opportunity to please approve the Director's thirty day suspension. However, I will try and move forward and I accept what the board considers.

Mr. Swagerty: Ok. Thank you.

Item # 32 Disciplinary Matter Melvin Holt

Mr. Swagerty: Number 32. Melvin Holt.

Ms. Salcedo: In the matter of Melvin Holt I would like to emphasize to the board that we have taken many different efforts to try to get in touch with Mr. Holt. We sent the NCA and NFD to several different addresses. He has not responded. A lot of the mailing has either been unclaimed or most of them have been unclaimed or returned to us. Basically, he hasn't responded. We need to ask the board for a

Default Order. We would like to give the officer as much notice as possible. We couldn't give you this one last agenda, last meeting but I wanted to go the extra step and he still has not responded and we are asking to enter a Default Order of Revocation.

Mr. Swagerty: Is Mr. Holt present? No. Ok.

Item # 33 Disciplinary Matter Randy John

Mr. Swagerty: Alright. Randy John.

Ms. Salcedo: In the matter of Randy John. Essentially we are asking the board to approve of a Stipulated Order of Suspension and Probation. He has agreed to as indicated on page 3. A sixty day suspension and a probationary period of two years. He will agree to attend a law enforcement course in Ethics within ninety days of the board's entry of this order and to no further incidents during the two year probationary period. This is the agreement he agreed to and we ask the board for approval.

Mr. Swagerty: No comments Mr. John? No. Ok.

Item # 34 Disciplinary Matter Adrian Lazos

Mr. Swagerty: Going on to Adrian Lazos.

Ms. Salcedo: In the matter of Adrian Lazos we have entered a Settlement Agreement and we are asking for the board to go ahead and approve that settlement agreement and if you look at page 2 of the agreement, the terms start at paragraph five. It would be a thirty day suspension period and to a one year probationary period and he will make restitution to the Sheriff's Office for damage to the department vehicle window and that he also during the probationary period commit no new violations of law because the incident was involving alcohol or his use of alcohol we are asking that he submit to an alcohol screening assessment and we recommend that he provide proof to the academy. Finally we ask him to attend an ethics course and to participate in an Anger Management course. In addition to eight hours of community service. So he has a lot of work to do to satisfy the boards order. We ask for it to be approved.

Mr. Swagerty: Ok. Mr. Lazos. Yes sir.

Adrian Lazos: First of all I would like to say I am sorry to the Law Enforcement Community for the things I did. I do have a document that says I am going to Anger Management and for Alcohol classes and I also have a letter from the Sheriff's Department that I am making payments on it currently. I don't owe that much

anymore to the Sheriff's. I did my community service and may Ethics class in April at the Academy.

Mr. Swagerty: Ok. Thank you, sir. Same thing if you would, your documents if you would get them to the AG's office. Thank you.

Item # 35 Disciplinary Matter Brian Leekity

Mr. Swagerty: Ok. Brian Leekity.

Ms. Salcedo: In the matter of Brian Leekity. This matter was rejected last board meeting. We had asked the board to approve a retro suspension but as the board stated that would not be the case only it is the same situation. He has agreed to an actual suspension since then which is reflected in paragraph 6A which he agrees to a thirty day suspension. This is the respondent and his brother that were fighting and he was really took the brunt of the fight but the bottom line is he is willing to go ahead and enter agreeing with the board to a thirty day suspension and a one year probationary period, and an ethics course with the boards approval this order as well as Anger Management and no new violations during the probationary period. He is now working at the, he is still with Zuni, for Zuni Tribe. Essentially, although there wasn't a criminal conviction in tribal court, the thirty day suspension does address that. The conviction was for Criminal Mischief and Public Intoxication.

Mr. Swagerty: Ok. Is Mr. Leekity here by any chance? No. ok.

Item # 36 Disciplinary Matter Jose Martinez

Mr. Swagerty: Jose Martinez.

Ms. Salcedo: In the matter of Jose Martinez. This was an incident you may recall in Aztec involving a Shooting from a Moving Vehicle. This particular incident we were able to meet with Mr. Martinez and discuss the matter. He was forthcoming and basically clarify the situation that yes it was his vehicle. He was in the back seat of the vehicle and I believe the gun was fired from the front. He did not know it was going to happen and essentially we don't have any proof that he did know it was going to happen. At that point anticipated he did basically the reason why we believe discipline is appropriate in this case is because he left the scene and later on it was determined that it was his vehicle. We believe that based on what he has told us that he was forthcoming and the Director went a head and presented him with a sixty day suspension period and a two year probationary period and alcohol counseling recommended and also an Ethics course and no violations during that probationary period. The Underline Plea that he plead to was for a Misdemeanor Charge was amended down from an initial Felony of Harboring or Aiding a Felon. I don't think the DA had more particular reasons on that issue but from what we

understand is that he did not know that this was going to happen but he did leave the scene and he did and we all found out about it later.

Mr. Swagerty: Is Mr. Martinez present? No. Ok.

Item # 37 Disciplinary Matter John Neri

Mr. Swagerty: Let's go on to John Neri.

Ms. Salcedo: In the matter of John Neri we presented this at the last meeting same deal was a retroactive proposal we presented and was rejected. We went back and Mr. Neri did agree to a ninety day suspension period and one year probation. In addition during his probation no new violations of law. I'd like to just clarify in paragraph three in the Stipulated Agreement it indicates that he has been the subject of three DV investigations from 04 to 05 of which one was prosecuted and resulted in a conditional discharge and it should be corrected. It should not state two it should say Protective Orders. He has had one and that was by his ex-girlfriend. So he asked for a Protective Order against her and she asked one for against him. So that is why I had written initially two prior. So that should be corrected. The board should know it was only one Protective Order and that was against that she filed against him. It no longer exists, the order.

Mr. Swagerty: Mr. Neri present? No. Ok.

Item # 38 Disciplinary Matter Rene Sandoval

Mr. Swagerty: Rene Sandoval.

Ms. Salcedo: In the matter of Rene Sandoval this was a Stipulated Order of Agreement of Suspension and Probation, page 2 outlines the agreement, paragraph 4A basically states that she has agreed to a thirty-day suspension period, attend an Ethics course and obtain alcohol assessment within thirty days of this order and to complete any recommended treatment and provide proof of counseling to the Director. There is a six month probationary period any violations will constitute grounds for the board to take additional actions and that is the essential agreement we are asking the board to approve.

Mr. Swagerty: Ok. Rene Sandoval present? No. Ok.

Agenda Item # 39 Disciplinary Matter Harland Soseeah

Mr. Swagerty: Let's go on to Harland Soseeah.

Ms. Salcedo: In the matter of Mr. Soseeah this was an incident that we were able to work out a settlement with him. Also, it was a domestic violence incident. However, we reviewed the matter and essentially he has agreed to a settlement. It was a simple assault. So the settlement would include a fifteen day suspension period and six months probationary period. This was an incident in which Mr. Soseeah punched a male subject who was in the front seat of a vehicle with his wife and that was the allegation anyway. So at the final level he ended up pleading to an assault. So we looked at everything and we don't condone his behavior but with these factors a lot of things came up and that is how we came up with this. It is up to you if you want to approve it.

Mr. Swagerty: Ok.

Mr. Holmes: There is one item that this person who was involved in the vehicle with his wife has continued to harass and calling his wife and showing up at all hours. Maybe he can explain that himself.

Mr. Swagerty: Ok.

Ms. Salcedo: Yeah.

Mr. Swagerty: Ok. Mr. Soseeah do you have any comments?

Harland Soseeah: Yes. As of now, we are now separated with my wife and it has been over a year now. I want to get back to Law Enforcement. I miss it so much. The job I have right now I don't get excited because it keeps me away from my kids. I want to apologize to everybody for what I did was wrong. I take responsibility for my actions and I told on myself to my supervisor about what I did. I'm sorry.

Mr. Swagerty: Ok, thank you.

Agenda Item # 40 Disciplinary Matter Robert West

Mr. Swagerty: Ok. Robert West.

Ms. Salcedo: In this matter we are asking for a Default Order of Revocation. We sent out notice to this officer and he had agreed with the District Attorneys to surrender his license so it is part of his plea agreement to surrender his license. So it is part of his plea agreement that he entered and was basically a theft of a motorcycle that was reported missing from evidence. The motorcycle was in evidence and he.

Mr. Holmes: He knew it was, he encouraged the person to buy the motorcycle and gave the serial number of the motorcycle and then go claim that it is yours. The guy went and claimed it and then the Sergeant bought it from this guy.

Ms. Salcedo: So he has agreed to at least at the criminal proceeding to surrender his license. So maybe that is why he did not respond. I'm not sure but we are asking the board to revoke him by default because we haven't heard from him.

Mr. Swagerty: Mr. West present? No. Ok.

Agenda Item # 41 Disciplinary Matter David Whitzel

Mr. Swagerty: Alright. Let's go to David Whitzel.

Ms. Salcedo: In the matter of Mr. Whitzel this was an incident in that essentially he failed to immediately report a battery or actually a fight. There is some issue about whether he had knowledge of the fight but he at least had knowledge there was an altercation outside his house. He left the scene essentially that was a violation of his department policy. Initially he went ahead and disciplined him. They had a hearing. The Hearing Officer found that what he did was appropriate however I talked to Mr. Whitzel's attorney and we discussed with him the fact of the matter is that he did not initially report the incident. He failed himself to report it and then upon learning of the injured person he states he did call 911 or he acted and then called 911 but he did leave the scene knowing law enforcement was being called because other witnesses told him you do not need to be here. You do not need to be involved in this and that's basically it. We ask the board to approve this settlement and it's basically a Pre-NCA Settlement. We didn't actually do an NCA and what it would be is a six month probationary period where he would not commit any new violations of law. We believe that it was appropriate because of the actual leaving the scene when officers he saw were coming on scene and whether or not they were witnesses told him to leave it is irrelevant in our determination. There are some more additional facts. I don't really want to go into them unless you have questions about what happened to the person that was involved in the altercation and one of them died four days later. So that kind of in a way I think people will say if he never would have died this would have never gotten this far and he did not know that the guy was or that he died. Whatever the case, we told the officer, you know, you were there and you knew something had happened and you saw the officers coming and you just left. That would be enough to at least do this and make that stand that you cant you have a duty to the public. So we ask for approval of that settlement.

Mr. Swagerty: Ok.

Agenda Item # 42 Disciplinary Matter Emil Yuselew

Ms. Salcedo: In the matter of Emil Yuselew, a Default Order of Domestic Violence. This was his second domestic Violence that he had. We try to be consistent especially with Domestic Violence and DWI because you know that has been a big issue in our state. We are basically asking for the board to go ahead and default him because he has not responding at all. If he would have responded it might have been a different scenario. Thank you.

Mr. Swagerty: Mr. Yuselew not present? Ok. We have gone through all those and what we will do is I will take a motion to go into Executive Session and then we will have a roll call vote.

Sgt. Remington: So moved.

Mr. Shandler: Before you do that may I ask just a couple of consistency questions.

Mr. Swagerty: Sure.

Mr. Shandler: Zach Shandler with the Attorney General Board Counsel. It looks like a lot of the DWI's are thirty days.

Ms. Salcedo: If it's their first.

Mr. Shandler: Is that consistent with state law?

Ms. Salcedo: With the statute in Criminal Law they usually will give them a thirty day sentence and they will suspend it depending on the guy's records. If they don't have any prior DWI's it is usually just a thirty day suspended period.

Mr. Shandler: The other question is, their is a couple gun crimes and it looks like you assigned sixty day suspensions for most of them except this one that was a hundred and eighty days. I mentioned the facts were different in that one that justified the additional suspension.

Ms. Salcedo: Yes. In the matter of Mr. Daugherty he basically told us that he did admit to firing fifteen rounds into a, in a public parking lot into the engine of the vehicle and we asked him well didn't you think those could have ricochet and why were you stopping this guy in the first place. He was working for SID which they enforce the Alcohol Code. So basically it was an alcohol violation. It wasn't a misdemeanor, I mean it wasn't a felony, it wasn't anything that we thought was proportionate for him to use that much force and to use it in a way where he would endanger the public. We went back and forth and essentially although he states he feared for his life because the car was moving, there were other witnesses that had

contradicted that testimony and his partner actually said he also feared for his partner's life. So we looked at that issue too and the Director who has training in logistics did not find that story plausible. So we took a lot of time and this is how we feel that he acted over zealously and he could have really hurt a lot of people not just himself. The other cases usually involve the officer or officer by himself or an officer with his spouse so these are the facts of some of the other cases. We feel that in this case it is appropriate based on everything we saw.

Mr. Shandler: Do you know what his employing agency did?

Ms. Salcedo: Yes, they terminated him.

Mr. Shandler: Next question, so Gallegos and Gonzales I guess were the same kind of underlined events.

Ms. Salcedo: Yes.

Mr. Shandler: The way I heard it is Gallegos gets probation and Gonzales gets thirty days.

Ms. Salcedo: Because he actually was convicted. The other officer was never convicted. The DA for some reason they never pursued it against Gallegos. So that was the difference.

Mr. Shandler: And then Gonzales has thirty days prospective right?

Ms. Salcedo: They all do. We are not doing retroactive anymore.

Mr. Shandler: Then the last question is there was a couple of allegations about I guess falsification or shoplifting things. One person got thirty days and one person got ninety days.

Ms. Salcedo: So basically we will consider other factors. On the thirty days which one was that, do we know?

Mr. Shandler: Thirty day is Anderson and ninety day is South a hyphenated name.

Mr. Ortiz: Can I address that?

Mr. Shandler: Yes.

Mr. Ortiz: Ms. Anderson is here and meeting with Ms. Anderson her husband has been convicted a couple of times of Domestic Violence. We believe that he, she was in duress and he forced her to make the fraudulent insurance card and she did

provide us with Police Records and arrest records of Domestic Violence with him. She has a clean record in the community, Sheriff in fact her supervisor is here, I think the Captain from Otero SO is here and he came to the informal hearing to speak on her behalf, if the board would like to hear from him as well.

Mr. Shandler: I'll defer that decision to the board my goal is to just flush out some of the facts.

Mr. Ortiz: Ok and one other thing I'd like to point out on Lee Armijo on the discharge of his weapon it was reported to us that it was accidental and he is here along with the brother and the wife on that matter if the board has any additional questions.

Mr. Shandler: I have no additional questions Mr. Chair. I don't want anyone to read into my questions. I'm just trying to flush things out. Thank you.

Mr. Swagerty: Ok. Any other, Ernest do you have anything else?

Mr. Holmes: No other than to say that we will be around to clarify whatever.

Mr. Swagerty: Ok. Alright. Again then I will ask for a motion to go into Executive Session and then a roll call vote.

Mr. Remington: So moved.

Chief Schultz: Second.

Suzanne Vigil: Mr. Swagerty (present)
DA Gallegos (present)
Chief Schultz (present)
Sergeant Remington (present)
Chief Segotta (present)
Mr. Perez (present)
Sheriff Trujillo (present)

Mr. Swagerty: For the record to we will go into Executive Session and only matters discussed will be the items that are on our agenda right here. So if you will please give us a little time. I don't know how long it will take to be honest with you so we will send someone out to let you know when time is up. Thank you.

Board goes into Executive Session

(Board back from Executive Session)

Mr. Swagerty: I'll take a motion to call the meeting back into session.

Mr. Gallegos: So moved.

Mr. Swagerty: Second?

Chief Segotta: Second. Ok. Will you do a roll call vote?

Ms. Vigil: Mr. Swagerty (present)
DA Gallegos (present)
Chief Schultz (present)
Sergeant Remington (present)
Chief Segotta (present)
Mr. Perez (absent)
Sheriff Trujillo (present)

Mr. Swagerty: For the public record also only matters discussed in our Executive Session was the matters on our agenda today for the Open Meetings Act.

Mr. Swagerty: So we will go ahead and start with number 1.

Mr. Shandler: Mr. Chairman, I recommend that items. Let me say do you want to do all the Defaults altogether or one at a time.

Mr. Swagerty: That would be good. We could speed that up a little bit anyway.

Mr. Shandler: So Items # 15 Adkins, 19 Bedonie, 20 Benard, 21 Coburn, 22 Conley, 32 Holt, 40 West, 42 Yuleslew, those are all Defaults and you can do that all in one motion.

Mr. Swagerty: Can we look through there real quick and make sure we have all of them so we don't miss one.

Mr. Shandler: I will repeat it again so.

Mr. Swagerty: I think we have got it there.

Mr. Shandler: You got it.

Mr. Swagerty: I'll ask then a motion for those then on Default.

Mr. Remington: Motion to accept the approval of the Default Order of Revocations on all the ones before mentioned.

Mr. Swagerty: I have a motion do I have a second?

Mr. Trujillo: Second.

Mr. Swagerty: All in Favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: We will go to Number 16 Disciplinary Matter of Yvonne Anderson.

Mr. Shandler: Mr. Chairman, your prosecutor has proposed a suspension of thirty days for false insurance card allegation and the board may have or would someone on the board whether you think that thirty days is appropriate for this type of allegation.

Chief Schultz: Sir, I'd like to make a motion that thirty days is inappropriate. This is a felony crime as such via suspension needs to be greater than thirty days.

Chief Segotta: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Shandler: So is that motion should be interpreted that the settlement has been rejected and the prosecutor has to go back based on the reasons stated.

Mr. Swagerty: Ok. Number 17 Lee Armijo.

Mr. Shandler: Mr. Chairman has proposed a Settlement of sixty days there is a series of what I have been calling gun crimes and this is one of them and sixty days has been uniformly proposed as a disciplinary sanction. If you want to remain consistent with that you can make a motion to approve the settlement agreement.

Mr. Swagerty: Ok. Do I have a motion?

Chief Segotta: Mr. Chairman I move that we accept the proposed settlement in this matter.

Mr. Swagerty: Ok, I have a motion do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Number 18 Tiffany South-Armijo.

Mr. Shandler: Mr. Chairman, your Prosecutor has proposed a suspension of ninety days for the alleged crime of shoplifting. I understand this person was a former employee of DPS so I am going to cancel the DPS representative to recluse. The question before the board is a ninety day a sufficient penalty for this action.

Ms. Salcedo: The amount of the theft was low. It was a misdemeanor it was basically undergarments.

Mr. Swagerty: Ok. Do I have a motion?

Chief Schultz: Mr. Chairman I make the motion that we approve the Stipulated Order of Suspension of ninety days.

Mr. Remington: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose?

Chief Segotta: Mr. Chairman, just let the record show that I did recluse myself.

Mr. Swagerty: Alright. None, motion carries.

Mr. Swagerty: Moving on to Number 23 then Disciplinary Matter of Jason Daugherty.

Mr. Shandler: Mr. Chairman this is another and this is what we are calling gun crimes. Your Prosecutor has proposed a suspension of one hundred eighty days. There may be facts in here that you may want to discuss that may determine that this is an acceptable penalty or not.

Mr. Swagerty: Do I have any discussion? Comment's from the board?

Chief Schultz: I move that we reject the Stipulated Order. This is a gun case involving the discharge of a weapon. There were multiple rounds fired at a vehicle had this been to be level as suggested but the appropriate shooting at the vehicle rather than shooting at the driver. I think there are still too many questions that need to be answered in this case. So I move that we reject the Stipulated Order of Suspension.

Mr. Remington: Second.

Mr. Swagerty: Ok, I have a motion, I have a second, all in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None.

Chief Segotta: Mr. Chairman, again I have to reclude myself from this one.

Mr. Swagerty: Alright. Do we have that Suzanne? Yes. Thank you.

Mr. Swagerty: Moving on to Number 25 Disciplinary Matter of Melvin Randy Dorman.

Mr. Shandler: Mr. Chairman this is the first of a series of the first of a series of cases dealing with DWI or DUI first offenses. I believe that at your previous meeting you announced that you wanted to see a minimum of ninety days for all first offenses. A year for the second offense and that was tied towards maybe this is a good time to remind your prosecutor why you selected that ninety days.

Chief Schultz: Mr. Chairman if I may, I remember previous discussions we had talked about the order of suspension for DWI cases being consistent with the license revocation process. License revocation is normally ninety days for the first DWI and one year for a subsequent and/or a refusal.

Mr. Swagerty: Ok.

Mr. Shandler: The proposal before you is thirty days which is short of your ninety days so you may want to make a motion to reject the settlement.

Mr. Remington: So moved.

Mr. Trujillo: Second.

Mr. Swagerty: Ok. All in Favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Alright then Disciplinary Matter of Michael Eiskant.

Mr. Shandler: Mr. Chairman you have heard the facts of this case before and it is in the record of the previous minutes. The difference this time is last time there was a retroactive suspension. Now the parties have agreed to a thirty day prospective suspension. Now it is up to the board whether that satisfies your previous concerns.

Chief Schultz: Chairman I move that we accept the Stipulated Order of Suspension for thirty days.

Mr. Swagerty: I have a motion, I have a second.

Chief Segotta: Second.

Mr. Swagerty: All in Favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Alright Number 27 Disciplinary Matter of James Gallegos.

Mr. Shandler: Mr. Chairman, your Prosecutor has proposed an sanction of probation based on the facts that are in the record you may want to take a vote on whether you accept or do not accept this recommendation.

Mr. Swagerty: Do I have a motion?

Chief Segotta: Mr. Chairman, I make a motion that we reject the Settlement in this matter.

Mr. Remington: Second.

Mr. Swagerty: I have a motion, I have a second.

Mr. Swagerty: Ok, I have a motion, I have a second, all in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Gallegos: Mr. Chairman in the record will reflect that I abstain from voting in this case.

Mr. Swagerty: Ok, Number 28 Disciplinary Matter of Gabriel Gonzales.

Mr. Shandler: Mr. Chairman your Prosecutor has proposed a Stipulated Order of Thirty Day Suspension. This is the same set of underlying crimes that were discussed earlier by the prosecutor and I think there was presentation by the Prosecutor and in the material about how about these allegations and what occurred. So it is now up to the board whether you want to accept or reject the Suspension for Mr. Gonzales.

Mr. Swagerty: Ok. Do I have a motion?

Chief Segotta: I make a motion that we reject the Settlement in this matter.

Mr. Swagerty: Ok, I have a motion do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Mr. Chairman, I would like to make a comment on this case. I think if the Prosecutor would talk with Mr. Gonzales I think a Suspension of Ninety days is where the board would be more amenable to agreeing to a Suspension.

Ms. Salcedo: In Gallegos.

Chief Schultz: In Gonzales.

Ms. Salcedo: What about Gallegos? He was the one where we proposed probation.

Chief Schultz: Correct. I would suggest that in reviewing the case we see inconsistencies and contributing factors, seniority of the officers. I think Mr. Gallegos would be in suspension more than ninety days.

Ms. Salcedo: Ok.

Mr. Gallegos: Mr. Chairman just so the record reflects that I abstain from voting on this matter also.

Mr. Swagerty: From the Gallegos and Gonzales. Do you have that Suzanne? Ok, good.

Mr. Swagerty: Ok, Number 29 then Disciplinary Matter of Jason Green.

Mr. Shandler: This is another in a series that I have been calling gun crimes. The Prosecutor has proposed a Settlement of Sixty days which is consistent with several proposals today. It is now up to the board whether to accept or reject this settlement.

Mr. Remington: Motion to approve the Stipulated Order of Suspension and Probation.

Mr. Swagerty: Ok. I have a motion do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: The next matter is Number 30 Rachael Hazen.

Mr. Shandler: Mr. Chairman this is also a DWI matter and based on previous discussion you have asked for ninety days. This proposal is only sixty days. I'm sorry this proposal is only thirty days, therefore you may want to make a motion to reject the Settlement.

Mr. Trujillo: I make a motion to reject.

Mr. Swagerty: Ok, I have a motion do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Ok, let's move to the Disciplinary Matter of Phillip Holguin.

Mr. Shandler: Mr. Chairman, this matter is a series of what I will call DV crimes, allegations of DV crimes. Your Prosecutor has proposed a thirty day suspension on this matter. I believe this officer was employed with DPS so I will advise the DPS representative to reclude himself from the vote. The question for you is whether you think thirty days is appropriate or whether you think it more or a higher set of days or a more standardized set of days for DV crimes.

Chief Schultz: Mr. Chairman, I move that we do not accept the order of Stipulated Agreement of thirty day Suspension and we ask counsel that we would be more in line with other cases with a suspension of sixty days on certification.

Mr. Remington: Second.

Mr. Swagerty: Ok, I have a motion do I have a second? All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Chief Segotta: Just have the record reflect that I abstain from voting.

Mr. Swagerty: Ok. Number 32 we have already done. So 33 will be the Disciplinary Matter of Randy John.

Mr. Shandler: Mr. Chairman this is also a series of DV allegations. This one is a sixty day proposed suspension which would be consistent with your previous directive. So therefore you may want to make a motion to accept this settlement.

Mr. Swagerty: Alright, do I have a motion?

Chief Segotta: Mr. Chairman, I make a motion we accept the Stipulated Order.

Mr. Swagerty: Ok, I have a motion do I have a second?

Mr. Remington: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? No, motion carries.

Mr. Swagerty: Alright, Number 24 Adrian Lazos.

Mr. Shandler: Mr. Chairman, the allegation here is while off duty the officer hit a car and we had some property damages and you heard some facts from the Prosecutor earlier about the situation. The proposed settlement is a thirty day suspension.

Mr. Swagerty: Ok, can I have a motion?

Chief Schultz: Mr. Chairman, I move that we accept the Order of Stipulated Suspension.

Mr. Swagerty: Ok, I have a motion do I have a second?

Mr. Remington: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Matter of Brian Leekity.

Mr. Shandler: Mr. Chairman you've had this matter before you in a previous meeting. The facts are in the record of the previous minutes. Last time there was a retroactive suspension. This time the Prosecutor and the Party have agreed to a prospective if that meets to your satisfaction. If you're satisfied by it you can approve it.

Mr. Swagerty: Ok, do I have a motion?

Chief Segotta: Mr. Chairman I make a motion that we accept the Stipulated Order.

Mr. Swagerty: Ok, I have a motion do I have a second?

Mr. Trujillo: I'll second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Number 26 the matter of Jose Martinez.

Mr. Shandler: Jose Martinez, this is another of series what I am calling gun allegations. You did hear earlier from your Prosecutor that there may be some specific facts to this that make it more serious. Your Prosecutor has proposed a sixty day suspension perhaps the board may want to talk a little about why the facts may make this a little more serious than some of the other ones that you have heard.

Ms. Salcedo: Which one are we on, Jose?

Mr. Swagerty: Yes. We are on Number 36 Jose Martinez.

Mr. Ortiz: He failed to report.

Ms. Salcedo: He failed to report the incident.

Mr. Shandler: Well actually I'm just looking to the board to give a sentence or two.

Mr. Swagerty: Right. Yeah.

Chief Segotta: Mr. Chairman, this particular officer mentioned failed to report the incident truthfully and that let us to believe that the recommended suspension is not appropriate in this matter.

Mr. Swagerty: Ok, I have a motion do I have a second?

Mr. Trujillo: Second.

Chief Schultz: I don't think it is a formal motion, I think we need to still need a formal motion.

Chief Segotta: I can make it in a formal motion that we reject the Stipulated Order.

Mr. Swagerty: I'm sorry. Ok. I have a motion do we have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: The Disciplinary Matter of John Neri.

Mr. Shandler: Mr. Chairman this is the third in a series of what I am calling DV allegations. Your Prosecutor has proposed a ninety day suspension which proceeds the sixty day minimum that was articulated earlier but there are facts in the record that this has been a multiple allegations which may justify an additional penalty up to the ninety days which is what your Prosecutor is recommending. So do you accept the Prosecutions recommendation of the ninety day suspension.

Mr. Remington: Motion to approve the Stipulated Order of Suspension and Probation.

Mr. Swagerty: Ok, I have a motion do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Swagerty: Alright. The next matter is Rene Sandoval.

Mr. Shandler: Mr. Chairman your Prosecutor has provided a packet of information which you have reviewed regarding this case. The proposed Settlement is a thirty day suspension and although the packet does include allegations about submitting false information on their dailies that perhaps one of the board members can talk about how that is a serious allegation and so your Prosecutor has recommended thirty days and it is up to you whether to accept this proposal and I should note that I believe Mr. Sandoval used to work for DPS so I am going to advise you to excuse yourself and there may have been some review by the District Attorney's Office so I am going to advise the District Attorney's Office to also excuse. Those people will be marked as reclude but the are still marked as being present so we have no quorum problems but back to the initial question was thirty days sufficient for the board.

Chief Schultz: Mr. Chairman, I move that we do not accept the order of Stipulated Order of Suspension and Probation as discussed. The proposed discipline is insufficient to the egregious acts of the officer. The multiple of infractions and a pattern that is unacceptable to this board.

Mr. Swagerty: Ok, I have a motion do I have second?

Mr. Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Alright.

Chief Schultz: Sir, may I make a recommendation.

Mr. Swagerty: The ninety days?

Chief Schultz: Ninety days.

Mr. Ortiz: Thirty-eight Rene Sandoval recommend ninety days.

Mr. Swagerty: Now on to Number 39 Harland Sooseah.

Mr. Shandler: Mr. Chairman you have heard the Prosecutor present facts in this. The facts in the document about alleged assault and the Prosecutor has recommended only fifteen days as a Suspension. It is up to the board to decide whether or not that is sufficient or you thought there was mitigating factors or whether you think there should be a baseline factor for these types of incidents. Do you accept the fifteen days or reject.

Chief Segotta: Mr. Chairman I make a motion that we reject the Stipulated Order of Suspension and Probation.

Mr. Swagerty: Ok, I have a motion do I have second?

Mr. Gallegos: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Chief Schultz: Mr. Chairman if I could add that the baseline for these types of cases should be thirty days.

Mr. Swagerty: Ok.

Ms. Salcedo: Is Brian Leekity accept this?

Mr. Ortiz: Yes.

Mr. Swagerty: Ok. Let's move on to Number 41 then, the Disciplinary Matter of David Whitzel.

Mr. Shandler: Mr. Chairman, you have heard the Prosecutor present the facts of this case. Also in your documents is a Pre-NCA Settlement Agreement where the proposed disciplinary is only a three month probation period. The board may want to accept or reject that proposed discipline.

Mr. Swagerty: Ok, then can I have a motion then on.

Chief Schultz: Can I make a motion that we do not accept the Pre-NCA Agreement in this case.

Mr. Remington: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Ms. Salcedo: Any recommendation on Whitzel?

Mr. Swagerty: On Whitzel?

Ms. Salcedo: This was failure to report immediately and basically he left.

Mr. Swagerty: The scene of a.

Ms. Salcedo: He asked for a ride.

Mr. Ortiz: Also the City tried to retract their misconduct and we told them no and that we were going to proceed with this. We had numerous letters and requests from the City of Carlsbad to retract it and we didn't.

Mr. Swagerty: Ok.

Chief Schultz: Mr. Chairman, the case I think what bothers me about this case, is the fact that we all felt that the officer did have an obligation to stay. He left knowing that officers were in route to investigate this incident. What compounds this incident is that the fact that someone did die as a result of the fight that had taken place. This very large discredit to the law enforcement profession and the fact that we have someone who was present at the scene, had the information that could

have helped make this much smoother of an investigation. As far as proposed discipline, I think it would be in the area of a minimum of sixty days.

Mr. Holmes: I might also give and take here and there; he also responded to the call that night and did make a report. There was no report made by the officer. They did not think that it was that serious but the guy died later but there were no reports made by the officers who arrived at the scene.

Chief Schultz: Correct but the subject officer had left knowing that officers were in route correct?

Mr. Ortiz: Yes.

Mr. Swagerty: Ok, Zach do we have anything else?

Mr. Shandler: No I just wanted to make sure that the Prosecution team heard about the uniform rule that they are trying to establish, sixty days for DV's and ninety days for DWI's.

Mr. Swagerty: Ok. Alright then, anything else?

Mr. Shandler: No sir.

Ms. Salcedo: Before you adjourn we have a lot of the officers who are present who have heard the general recommendations about what is acceptable and either we are going to take care of them now or in June. Most of them that are sitting here Gallegos, Mr. Holguin, Ms. Anderson are take the proposed settlements that are being proposed. There are two other officers that Harland Sooseah and the officer Daugherty I can talk to them, oh he is gone already, I can talk to them but basically I would like to see if we can get these orders approved and then we will right them up.

Mr. Swagerty: Ok. I'll open it for discussion board what is your pleasure wanting to take care of those matters now or take care of then in June.

Mr. Gallegos: If they are here we can do it now I say we do it.

Chief Schultz: I agree. With the number of cases we have and the great attempt being made by Mr. Ortiz to get these cases caught up is a good opportunity for us to get them taken care of.

Mr. Swagerty: Ok. Good. Ok Betsy you want to go ahead then and present what you have and we can go through those real quick.

Ms. Salcedo: Yes. The first one will be Mr. Gonzales.

Mr. Swagerty: Ok what number was that, was that Number 28.

Ms. Salcedo: 28.

Mr. Swagerty: Ok.

Ms. Salcedo: We initially requested or proposed a thirty day suspension. The board has indicated they are interested in a ninety day suspension for Mr. Gonzales and he has stated he would be willing to accept a ninety day suspension expected today. For the record, Mr. Gonzales do you want to voice that so that on the record.

Mr. Gonzales: Yes I will. I am willing to accept the ninety days.

Mr. Swagerty: Ok. Let the record show that Mr. Gonzales will take the recommendation from the board of the ninety day suspension. Is that correct Betsy?

Ms. Salcedo: Yes.

Mr. Swagerty: Yes.

Chief Schultz: Mr. Chairman I move that we accept the Stipulated Order as amended.

Mr. Swagerty: Ok, I have a motion do I have a second?

Mr. Remington: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries.

Mr. Gallegos: Abstain Mr. Chairman.

Mr. Swagerty: Ok. We have one. Alright, Betsy do you have another one?

Ms. Salcedo: In the matter of Phillip Holguin, Item Number 31, we initially proposed thirty days this was the result of a domestic violence incident what we know is that he touched his wife, he grabbed her by the arm. This is the one of which I think proposed sixty so that's sixty so I believe he will go ahead and accept that. Will you confirm that Mr. Holguin.

Mr. Holguin: Absolutely, Phillip Holguin will accept sixty days.

Mr. Swagerty: Alright.

Mr. Remington: Motion to approve the Stipulated Order as amended.

Mr. Swagerty: I have a motion, do I have a second?

Chief Schultz: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose?

Chief Segotta: Mr. Chairman I have to abstain.

Mr. Swagerty: Abstain. Alright, motion carries then. Betsy, do you have anymore.

Ms. Salcedo: Yes, this is Yvonne Anderson she falsified an insurance card and Ms. Anderson is here. She stated she would like to get this resolved and I don't.

Mr. Remington: What tab is that?

Mr. Ortiz: Sixteen.

Ms. Salcedo: Item 16. Number 16 I know you rejected this settlement but she is willing to accept, that is what.

Chief Schultz: Ninety?

Ms. Salcedo: That is what I wanted to ask, what is proper? What would be.

Chief Schultz: Ninety days.

Ms. Salcedo: A ninety day suspension period that would begin effective today.

Mr. Remington: Correct.

Ms. Salcedo: That would mean that she can no longer act in the capacity of dispatch but my understanding is she can still stay on administratively during this time.

Mr. Swagerty: That is up to the department.

Chief Schultz: It is up to the department.

Mr. Swagerty: It's a department decision.

Ms. Salcedo: Exactly and I already explained that. So if you are willing to accept that.

Ms. Anderson: Yes I am willing to accept that.

Mr. Remington: Motion to approve the Stipulated Order of Suspension as amended.

Ms. Salcedo: To ninety days.

Mr. Remington: To ninety days.

Mr. Swagerty: To ninety days.

Mr. Gallegos: I'll second.

Mr. Swagerty: I have a motion, I have a second, all in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Anymore Betsy?

Ms. Salcedo: No that's it.

Mr. Swagerty: Ok, thank you. The last item on the agenda is the scheduling of the next meeting. Director Ortiz your moving right along.

Mr. Ortiz: We are looking.

Mr. Swagerty: How are you looking for June?

Mr. Ortiz: Yes sir, Mr. Chairman we are looking at June 21st, the first day of summer in Ruidoso it will be a Thursday.

Mr. Swagerty: Ok.

Mr. Gallegos: I won't be there.

Chief Segotta: I will be out.

Mr. Swagerty: June 21st.

Mr. Ortiz: That's proposed maybe we can go back a week or so.

Mr. Swagerty: As far back as you can go.

Mr. Ortiz: Maybe before fourth of July.

Ms. Vigil: We have to have a meeting each quarter so it will be April, May, June right?

Mr. Swagerty: Can we..

Mr. Ortiz: June 28th?

Mr. Remington: Sir, what day is the Lieutenants test?

Mr. Ortiz: The fourth of July falls on a Wednesday and it is right in the middle.

Ms. Vigil: June 28th.

Mr. Remington: The 28th.

Chief Schultz: I think it might be on the 28th.

Mr. Remington: I won't be there.

Mr. Swagerty: That's not a good one. Wait a minute, what days, we are having them on Thursday. Is there anything to say we can't have them on a Tuesday. Can we be flexible enough to look in there and see if there is a possibility.

Mr. Ortiz: We want to accommodate the board so whatever because we are trying to get as many board members there as soon as possible.

Mr. Swagerty: Suzanne I would suggest you try and if you find a date, try to call two or three weeks in advance you know and let people know as soon as we can so that way everybody can schedule.

Mr. Vigil: Can I also ask that you answer your phones when I call you?

Mr. Swagerty: Yes, just don't sit here and let them boss at you.

Mr. Ortiz: Looking at June 19th as a possibility?

Mr. Swagerty: Is that good?

Chief Schultz: I am gone the entire week of the 16th through the 23rd.

Mr. Ortiz: 26th?

Mr. Swagerty: No.

Mr. Gallegos: I can't do the 26th.

Mr. Ortiz: We need to get one in June?

Mr. Swagerty: What about the middle of June?

Mr. Ortiz: May was too hard with all the memorials and everything.

Mr. Swagerty: What about the middle of June?

Chief Schultz: What about Flag Day?

Mr. Swagerty: Fourteenth is ok.

Mr. Ortiz: I may not be here.

Mr. Swagerty: Well we are not having it without you.

Mr. Ortiz: It depends if the Chief approves an out of state travel. It's a Director's Conference in Virginia.

Mr. Swagerty: We can handle that.

Chief Segotta: If I am the only one that the week of the 16th through the 23rd is the problem that is fine.

Mr. Swagerty: You have an idea of what people can do.

Mr. Ortiz: We will call you.

Mr. Swagerty: Call us and we will try to work it out. Is that ok.

Mr. Gallegos: That is fine.

Mr. Swagerty: Ok.

Mr. Holmes: I have a question, I don't know if it is the right time to bring it up but it is concerns that we have. On these suspensions, the officers, say the officer is not working for any agency and we bring it up do we want the suspension to start when they start working for another agencies or when the board meets. The officer is not working anyway so we were going retroactive before and you did not accept that it was looked at unfavorably so if we are going to suspend somebody who is not working it is the same purpose. It's going retroactive.

Chief Schultz: My question is can we legally hold a suspension until they get a job?

Mr. Swagerty: Right.

Mr. Gallegos: It may be a Due Process problem with that from the entry of the order. Zach or Betsy could correct me the entry of the order started and.

Ms. Salcedo: In the future, you mean at a later date.

Mr. Gallegos: I don't see that you can do that.

Mr. Holmes: So that means that.

Mr. Swagerty: We wouldn't hire anybody with a ninety day suspension anyway.

Chief Schultz: No, nobody would.

Mr. Swagerty: Right.

Mr. Ortiz: That is what their fear is that nobody is going to hire me if there is a ninety day suspension coming on.

Chief Segotta: I think it is when the order is entered it starts.

Mr. Gallegos: That's it.

Mr. Swagerty: That's what I think. Alright then, I'll ask for a motion to adjourn.

Chief Segotta: Motion to Adjourn.

Mr. Swagerty: Second.

Chief Schultz: Second.

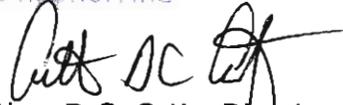
Board: Aye.

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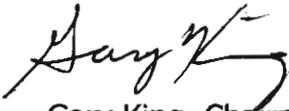
Mr. Swagerty: Ok, thank you.

Respectfully Submitted,
TRAINING AND RECRUITING



Arthur D.C. Ortiz, Director
New Mexico Law Enforcement Academy

APPROVED:



Gary King, Chairman
New Mexico Attorney General