

**NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING
Wednesday, June 13, 2007
Ruidoso, New Mexico**

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

Craig Swagerty: We are going to go ahead and start the meeting. The Chairman is actually Attorney General Gary King. Gary will be here in just a little while. He is at a radio promotional thing so I think everyone knows how that is when you are in government you have to do the promo's the best you can. So he is doing one of those and he said he will be here by 9:30. So he will be here in a little bit so we will go ahead and get started. Okay. So we will call the meeting to order. Roll.

Suzanne Vigil: Attorney General Gary King (Absent)
Donald Gallegos (Absent)
Chief Schultz (Absent)
Sergeant Remington (Absent)
Chief Segotta (Present)
Mr. Swagerty (Present)
Mr. Perez (Present)
Mr. Panteeah (Present)
Sheriff Trujillo (Present)

ITEMS #3: APPROVAL OF AGENDA

Mr. Swagerty: We do have a quorum. Alright, if you would look over the agenda real quick board members and I will ask for an approval of the agenda.

Chief Segotta: I make a motion that we approve today's agenda.

Mr. Perez: Second.

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

Board: "Aye".

Mr. Swagerty: Any oppose? None. Motion carries.

ITEMS #4: APPROVAL OF MINUTES, MARCH 29, 2007

Mr. Swagerty: Next is Approval of minutes from March 29th. If you will look through there real quick, Tab number 4. Was there anyone from Ruidoso that we missed, we should've said Thank you for hosting us and having us.

Art Ortiz: Chief Born.

Mr. Swagerty: I'm sorry. Chief thank you for having us and hosting us, we appreciate it.

Chief Born: You're welcome, anytime.

Mr. Swagerty: Hey I like this. We will be down here again. Next time I'm going to get here so I can play a little golf instead of getting in so late. How many attended the work session yesterday. (Audience raises there hand). Oh good. So it was a good crowd. Sometimes when we travel around the state, you don't know how many people will show up and so it looks like it was a good attendance. Ruidoso is a nice place. So, if I don't have any questions or comments on the minutes I will ask for a motion to approve minutes for March 29th.

Mr. Perez: Motion to accept.

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

Sheriff Trujillo: Second.

Mr. Swagerty: Ok, all in favor?

Board: "Aye".

ITEMS #5: DIRECTOR'S REPORT

Mr. Swagerty: Good. Director's Report, Art.

Mr. Ortiz: Yes sir. I'll stand here as I hate to turn my back on these folks. Good Morning Mr. Chairman, Board Members, and Audience. Chief Born, Thank you for having us here in Ruidoso. I'd also like to begin by introducing Chief Val Panteeah from the Raman-Navajo Police Department. He is one of the new board members that was recently appointed by Governor Richardson and he will be the Tribal Representative. Mr. Panteeah has been Chief of Police in Ramah-Navajo since July of 1997. He went up the ranks with the Zuni Police Department to the rank of Chief. He also served as Tribal Councilman for the Pueblo of Zuni. Mr. Panteeah graduated from the New Mexico Law Enforcement Academy on March 13, 1981 and from the Federal Law Enforcement Training Center in February 1986. In March 1986, he completed the Bureau of Indian Affairs Command and Management Training. I'd also like to just read some of his achievements and affiliations. In 1980, Chief Panteeah was awarded the Bravery and Devotion to Duty Award by BIA Law Enforcement Services. Under his administration when he was Chief of the Zuni Police Department. The Department was awarded a Certificate of Achievement from the BIA Albuquerque area office. Mr. Panteeah also received a Certificate of Appreciation for outstanding services from the BIA Office in Albuquerque and in 1994, he received the Governmental Service Award from the Pueblo of Zuni. He received the Project Coordinator of the Year in 2005 from the BIA Indian Highway Safety Program and some of his affiliations. He was appointed to serve as a member and Vice President of the Zuni Public School District Board of Education from December 1997 to March 1998. He was appointed to serve as a member of the Zuni Public School Board of Education from 1989 to 1990 and served as a member of the University of New Mexico Gallup branch advisory board. He is also a member of the International Chiefs of Police and a former member of the National Native of Law Enforcement Association. At this time, I would just like to welcome Mr. Panteeah. We look forward to working with you and if you have any words.

Mr. Panteeah: Thank you.

(Audience Applauds)

Mr. Ortiz: Getting into the Director's Report on May 23rd the New Mexico Law Enforcement Academy held its Officer Memorial. Inducted into the memorial was Officer James Archuleta from the New Mexico State Police. We were honored to have many of the families of the fallen officers attend. They were presented with the Law Enforcement Memorial Pin which many of them were pleased and honored to receive. Also, I have recently have been appointed to the Advisory Board for New Mexico Tech, Playas Training Center. I visited the facility in May and I was very pleased with the facility and we are going to work together with the law enforcement community and the board to see if we can get some training for all law enforcement officers to utilize that facility. It is a reality based training center and it is a community that was purchased by NM Tech. It has homes, it has a bank, it has gas stations and New Mexico Tech has ownership of it and so they closed it off and do reality based training. They have a firing range, they have houses that are wired with cameras where officers can go into the house and engage in pop up targets and its very, very good. What we would like to do with the Officer Survival is, statistics show that an officer in his eighth year becomes complacent and we were thinking in year seven of getting those officers to go down to the Playas Training Center. Whoever went through the academy in 2000 to attend and get this training to enhance their skills in Officer Survival. So we are looking forward to working together with the law enforcement agencies and then in 2001 through each year, we are going to research and see how many people we've graduated from the academy and see if we can get them to attend. Board Members in your handout there in the last page, there is a letter from the Captain from Deming PD supporting the Playas Training Center. I know that some of the agencies in the southwest area part of the state, that it is very helpful. It is going to be an expensive thing. It will cost about \$1,000.00 per week per officer to send to this facility. So we are going to look to see what type of funding we can get to have the officers attend. Also, we are working with instructors around the state to try and contract on providing regional training throughout the state to make it easier for the agencies to get the requirements, to get their biennium training requirements and also to provide some Advance Training. We are in discussion with some contractors around the state, Scott Blackledge, Gilbert Najjar in getting that put together. The second quarter registry report was mailed out to agencies with a return date of May 17, 2007 to date some agencies still have not returned the registry as we require and we will submit a letter to these agencies asking them to comply. We have developed a contact list so we can periodically mail out the information to the agencies and if you would like to be on this list contact Suzanne Vigil and give her that information and she will put you on a mailing list. Something else we are doing at the Law Enforcement Academy is the Newsletter and we have a draft completed and we should be getting that sent out pretty soon. We discussed that yesterday at the work session and we want input from the law enforcement community. We are going to include happenings at the academy but we also want to hear from the law enforcement agencies that include positive stories on your officers and training ideas. So that draft should be coming out soon. Yesterday we did have a work session and that went very well. We had about forty people in attendance. We had twenty in the Forms Training and another 20 in the Discussion Work Shop and that went very well. Also just to advise you, I want to have Gene Varela stand, Gene has some extra CD's available regarding the Forms Training and the Reference Guide. So if anyone would like copies of that get with Gene during the break. At this time, I would just like to introduce some of the staff members for some of you agencies in the southern part. First we have Gilbert Najjar the Deputy Director, Scott Blackledge who runs the Advanced Training Bureau, Bureau Chief Mark Shea for Basic, Tammy Estrada his Secretary, Gene Varela from the CIRT Bureau, Ernest Holmes the Investigator, and then Suzanne Vigil, Executive Secretary. At this time, I am going to go ahead and call Scott Blackledge to give the report on the Advanced Training Bureau.

Mr. Blackledge: Good Morning Mr. Chairman, Members of the Board, Ladies and Gentlemen. The Advance Training Bureau, in addition to trying to provide advanced specialized training opportunities has also been tasked with auditing agencies for compliance with Biennium Training and Annual Firearms Qualifications. I

just want to touch on it. I've conducted eight audits so far this year and roughly half of them have been completely out of compliance. Not even close. Other agencies had been well above the standard most notably New Mexico Department of Game and Fish. Where the forty hour requirement is there and they are averaging probably one hundred fifty hours per officer. Clearly they have some more revenue than many other agencies do but there is a huge disparity and we are finding several agencies again just are not even coming close to meeting the standard. So we would like to draw attention to that. The one memo in your binder talks about one agency requested an audit. There was a change in the administration and they invited us in to come and take a look at their records and three of the four officers that were employed during that period were completely out of compliance. So again, we would like to emphasize the need for training. We do have more and more Advance Training opportunities coming up. We have contracted with Tac & Associates to provide one in-service class and we are looking at a couple more with them this fall again to try and provide more opportunities for you all to get to that training. On a more positive note, our revenue collection has become more of an issue for us because we do have to generate a significant portion of our operational budget and we have collected approximately \$82,000.00 in delinquent fees for the last three fiscal years. So we are making progress on that but again there is again almost about \$30,000.00 outstanding just for FY 07. So if you would just go back and check with your agencies and please make sure that you don't have any outstanding fees, we would appreciate it. It is significant because that money is used to bring in additional training opportunities and that is how we pay for a lot of the contracts that come through. A lot of requests come in for classes and we simply just don't have the revenue for providing that training so if you would, we would appreciate it. Are there any questions about the Advance Training Program? Mark Christopher could not be here today so I was just asked to talk about the Critical Incident Response Bureau. PST Class 102 graduated with 36 Telecommunicator. Regis Chavarria the new staff over there recently graduated from the Incident Command Systems Train the Trainer Program in Alabama. They have completed their first Public Service Telecommunicator in-service training. Again, they have a twenty-hour biennium training requirement and they have completed their first one and they have three more scheduled for the year. If there are any other questions of Critical Incident Response, myself or Gene will address them. Thank you.

Mr. Swagerty: Thank you.

Mr. Shea: Mr. Chairman, Members of the Board. The Basic Training Bureau what we have accomplished since the last meeting, we graduated Basic Training Class 172 on May 25, 2007. We started with thirty cadets, we graduated thirty cadets. We had started with forty who had tested or we had forty on our list to be tested. Thirty-three tested. I'm sorry looking at 173. 172 graduated thirty cadets of those five did not finish to take the certification exam because of injuries and we are bringing them back with 173. These injuries occurred during Defensive Tactics so they will come back for the Defensive Tactics block to complete that and take the certification exam. 173 started on the 25th of May, we started with forty scheduled to test. Thirty-three tested and twenty-one passed the final assessment and were accepted into the academy. We had one who did not show up the first day so we started the class with twenty. We currently have thirteen in the class and we are in week thirteen so we are almost 2/3 of the way into this class. They were on the Firearms Range for last week and into this week. Cert by Waiver # 61 will begin on June 18th and we are geared up to start that next Monday. We had thirteen scheduled to attend. We did a mandatory assessment of those and some of those retirees did not have to do the assessment but we have eleven that will be attending and we had two that failed the mile and a half on the assessment. One was off by about twenty seconds and one off by a little over thirty seconds. 174 will begin on July 23rd. So far we have thirty-four applicants who have applied and we will do our final assessment on July 9th to see how many of those will make it into the academy. We do our pre-assessments the first Tuesday of each month and we invite any of the agencies that are looking at sending cadets to 174 or beyond to

come up to those assessments so that they can run the mile and a half, three hundred meter, do their sit ups, push ups. Since Santa Fe does have a higher altitude and we do have an adjustment on the times so that they can perform and see where they are. I would highly recommend that if you are running those assessments at your agencies without the adjustment for altitude that you make sure that the cadet's prospective cadets, are not right there at their minimum time because if they get up to Santa Fe and they have a bad day or they are feeling and aren't prepared to adjust to the altitude that they probably will not make that mile and a half. So they have a little bit of pad there with their times should be well under what the assessment time is requiring. Now we do put our schedules for the basic academies for 172 and 173 are up on the website. Those agencies that have cadets in that class can go up to the website and download the full twenty week schedule for that particular class and check to see where their officers are in the curriculum. If they want to check to see if they are in a particular portion of the training, they can look at that and see we update that. We will have Cert by Waiver 61 up there and as soon as we finalize next week the basic training schedule for 174. We will have that posted so you will have an opportunity to look at it. Some of the things we are looking at doing is enhancing our firearms portion and Use of Force Patrol Ops. Training in the Basic Academy. Rather than just rely upon during our two week course of instruction on firearms, taking them out to the range and getting them prepared to shoot the certification course with 172 we have added some shooting on the move, some stress courses, some shooting from barricades that are normally is not part of the core curriculum because we feel that it is necessary that we give the officers tools. I know we are under constraints with the twenty weeks we have and the eight hundred hour curriculum to make sure that we cover the core curriculum but we do feel that in some of these areas it is important that we give them some additional training. We built in there to prepare them to return to the agencies successfully to work out on the street. We have purchased some additional training batons and strike bags so we can do some more one-on-one training with defensive tactics. As I pointed out before we have five cadets coming back with 172 and 173 because of injuries. We are working on trying to analyze where those injuries occur and see if we can make adjustments in the program so that we can do everything possible to prevent injuries from happening. Unfortunately when you are doing Defensive Tactics Training, there is no way that you are going to plan for all this eventualities. One thing we have done is we are building in a lot of the preparatory work into our physical training portion of the academy. So they do get some preratory Defensive Tactics Training prior to going into the defensive tactic skills. Learning how to fall properly and those types of things we are trying to get that type of skills built up so that when they go into the Defensive Tactics we don't get any injuries because they are not falling properly or some type of mechanics if they don't have that down pact. On the controlled response scenarios, we have expanded as we said we have expanded those to include Advanced Shooter Tactics. We are doing that using simunitions. We are using St. Catherine's, the vacant Indian School there in Santa Fe so that we can have some realistic training with buildings and also with our vehicles. So that we have got a secure facility that we can use to have them do that training. Basic 172 and 173, they did participate in the New Mexico Fallen Officer Memorial on May 23rd. Both classes elected to purchase wreaths and they did present the wreaths. I think that it is important that they see and show the respect to those officers who have fallen before them. It gives them kind of a wake up call as to what this profession is all about and the fact that they are putting their lives on the line and they may have to pay that price. So they know that when they are in the academy the lose sight of the fact that when we are doing training that it is to prepare them for the street and they will just work in the classroom or are not realistic. We want them to understand that what we do, we do for a purpose. We want them to be well prepared. We are still working on curriculum review. You will see I'm not going to read down on Item 20 all of these areas but we are moving forward with the eighteen blocks of instruction with the current curriculum so that in the future we will present to the board recommendations on updates to the curriculum. We do invite input from all agencies. Your cadets are coming back from the academy and if you find an area that you feel that they are not adequately prepared in, we would certainly like that

feedback so that we can review the curriculum and see if we are missing something and answer that to make sure that they are well prepared when they come back to you. Thank you Mr. Chairman, Board, any questions?

Mr. Swagerty: Thank you. Any questions? That has to be the longest report that we have had. That is great. That is very informative. Ok. Anything else?

Mr. Ortiz: No sir.

Agenda Item # 6 PUBLIC COMMENTS

Mr. Swagerty: This portion of our meeting we go into Public Comments. If there is any Public Comments what we try to do is hold them to a minute or two and you're more than welcome to come to the podium. Please state your name and go ahead with your comments.

Sheriff Coon: My name is Rob Coon and I am the Sheriff of Chavez County. What we need in our part of our country and I'm sure through out this state. As a Sheriff, we are in charge of court security. On the 20th and 21st I believe Sheriff Trujillo was hosting through the National Sheriff's Association, a Court Room Security Class that is a two day course. I know down Eddie, Lea and Chavez Count in our part of god's country, we need that real bad. I've hired, I've got nine people that work court security. They have and over half of them are retired officers that we have hired back to do nothing but court security. It has kind of been a trial by error an "OJT" type thing. If the academy could come up with some type of curriculum for a courtroom security, FLETC down in Artesia has a Federal Court House Room in their facility. I mean it looks just like you would see in the Albuquerque Federal Courts but they have nobody to teach a class on courtroom security. The Marshall's Service does but they won't provide that service to us. If there is any way the academy could come up with some type of curriculum just for courtroom security. We have had the Atlanta shootings, the Reno Judge shot and it is getting worse everyday. So if there is any way we could come up with some kind, you will pack the classes because I know that down in our part of the country where Sheriff Waller, Sheriff Coffman, we are all in the same boat and I know that there was a Captain or a Lieutenant from Bernalillo County that had offered their services a while back. I forgot their names, I can't remember but it has been a couple or three years ago. If you all could contract with somebody like that but please get us some kind of curriculum for courtroom security. Another thing on that, like if you hosted it in Roswell or Bernalillo County or you got to do it at like five o'clock till ten o'clock at night because those courthouses are being used in the daytime. We can do one down at FLETC. They got a courthouse build into their facility and it would be so nice to have some type of classes for that I'd certainly appreciate it. I'm sure that all of the Sheriff's Office throughout the state would appreciate it.

Mr. Perez: Why won't, why won't the Marshall the US Marshall?

Sheriff Coon: I've talked to Marshall Eden numerous of times and it is yeah we can get something going but he just never could get it going and I don't know why.

Mr. Perez: It could be a letter from the Director or the board might help.

Sheriff Coon: And I am sure he would. We just never have got on the same sheet of music but it is something that he can put it on once or twice but it is something needs to be done, you know periodically. More than once because that is a big deal now in the courts and we built a new courthouse and we have doubled our size and we run so many people through those courthouses and it is hard to get these guys

that are retired. You hate to waste your money to send them to a drug interdiction class because they are going to be in the courthouse. That is all they are going to do and they are going to have to do the minimum of the other stuff as far as their hours but it would be really nice to have something like that.

Mr. Swagerty: Thank you. Anyone else?

Lt. McPheeters: Mr. Chairman and members of the board. I am Lieutenant Keith McPheeters with the Farmington Police Department. I just want to discuss something that came up in the discussion during the work session yesterday. That having to do with some proposals that are being considered on the documents and testing required of cadets entering into the academy and those of the Satellite Academies. Changing the deadlines for some of the documentation to be forty-five days prior to entry into the Academy or Satellite Academy. Some of the agencies through out the state hire directly into an academy position and the requirement to have those documents ready and submitted to the Law Enforcement Academy forty-five days prior to that academy would mandate that we would hire those persons even earlier and would require to have information it mandates on those potential employees prior to their employment date with us. I understand the academies need to efficiently process these applications and the documentation required for the entry into the academy and to do that in a timely manner. The bulk of the issues coming from that are from the agencies who are hiring and placing their employees out on the streets for some period of time prior to entry into the academy. I just want to bring to the attention of the academy board that the proposal to extend that to forty-five days prior to entry into the academy will place a burden on those agencies like the City of Farmington who is hiring directly into the academy. It would mandate that we bring those employees in earlier or would place constraints on people not under our employ yet and we ask the board to give strong consideration when considering adopting a forty-five day rule. That they bare in mind that it does place a hardship on us. Here we are trying to do the right thing by fully training an employee, certifying them by the state as a certified law enforcement officer prior to the first day they ever dawn a uniform and go out on the streets. We are trying to do it right and it would submit that it is a penalty to those agencies trying to do business that way. We want to ask the board to give consideration to that when considering whether or not to adopt those new standards.

Mr. Swagerty: Thank you. Any other comments? No. Ok.

Mr. McCloskey: Just real quickly. My name is Mark McCloskey with the San Juan County Sheriff's Office and I just would like to echo what Lt. McPheeters just mentioned to you. We send our people through the Satellite Academy in Farmington as well and it is rare that we would hire someone three weeks before the academy begins. So that forty-five day submission of application documents would put a hardship on us as well. So I would like you to take us into consideration.

Mr. Swagerty: Anymore? Alright. Before we move into old business, usually if someone steps down like myself you do it at the end of the meeting but I wanted to say a few things to some people in the room that have been here and stuff. This is my last meeting. It's not that I don't want to be on here because it has been a privilege to be here for the last five and a half years. The Governor has appointed me to Deputy Secretary of Tourism. Coming from a little town in Red River where I was Mayor for years and years. I own a Hotel. It just fits right with what I have done for the last eighteen, nineteen years and so it is a big step for me and it is a great thing to get to go around the state. Like I said, I've been to Ruidoso one time and now this is twice and I plan on coming back here a lot more and everything. It has been a real honor and a privilege serving on this board and getting to know people. Dave Heshley, he is one of the first people, you know he took me to lunch right after that first meeting and started talking and when you listen to someone like him you listen and he has been real good and he has been a real friend

over the years and real helpful in this and I think you represent some of the greatest people in New Mexico, Men and Women. I've been very honored to be on this and I think we have a new Director that is a go getter and it's really nice. We have some new members and things but you know they'll get it and things and what is nice is you show up to the meetings and I've been on some commissions and some boards and other things and to watch you know it takes participation. Nobody knows what is going on unless you come to these meetings. You have your Public Comments for a couple of minutes and then things go from there. So I just encourage you to keep coming to the meetings. Show up to them. I'm glad that they move them around a little bit. We always do it out of Albuquerque and Santa Fe. This is nice to move around and things to see other parts of the state and to give everyone else an opportunity and things. Anyway I just wanted to say this while you were here. I've enjoyed this. It has been a real learning experience for me. So I have enjoyed it. So, thank you. Under Old Business, you know how Attorney General's are you know, they get on the PA and they start talking and the next thing you know there running for something who knows. We will just keep moving on. Gary is here though and he will be here in a little while.

**Agenda Item # 7 OLD BUSINESS- PSYCHOLOGICAL FORM CHANGES
(LEA 4) and FUTURE RULE CHANGE**

Mr. Swagerty: Under Old Business, Discussion of Psychological Form changes, LEA 4 and future rule change. Gil, you want to go ahead and do that.

Mr. Najar: Mr. Chairman, Board Members, and Members of the Audience. At the last meeting we made mention of several items. One of them was the intent to come before the board with a formal proposal for amending the psychological section of the Reference Guide or the NMAC, New Mexico Administrative Code. So for this morning the one item that we are recommending to the board for action is under Item # 7 and this is intended as a formal discussion item at the pleasure of the board. The Director requests consideration of amending existing NMAC rule 10.29.9.12 to clarify the procedures for obtaining second or subsequent evaluations where a psychological rejection occurs. Conflicts continue to occur and we have had three or four here recently in which a rejection occurred of an applicant. The applicant went and sought a second opinion without going through the appeal process. So that is the only provision at this point in time in our rules that allows somebody to go to a different psychologist after an initial rejection. We didn't receive the rejection information from the psychologist in a timely manner. So these individuals were in the third or fourth week of the academy before we recognized that there had been a violation of the rules. The comments that had been made by the law enforcement community are that it is not very clear in the existing rule that it is a violation of the procedures. So the amendment that we are proposing today for consideration is just language that clarifies that it makes it very clear what the procedures are if in fact an applicant for either the Cert by Waiver or Basic Law Enforcement Academy fail an initial psychological rejection what the steps and procedures are for that in order to do that legitimately. So if you will turn to your packets and we can go specifically. The entire rule, of part 9, the psychological section comes under that Police Officer part 9 section. If you go to the second page in your handouts 10.29.9.12 paragraph C, new title to paragraph C will be Psychological Rejections of Applicant and Subsequent Psychological Evaluations. Number 1 In the event an applicant received a psychological rejection, any subsequent psychological evaluation must be approved by the director through the defined appeal process as outlined and provided for in section D of this rule. Number 2 Any subsequent evaluation obtained independent of the appeal process will be rejected by the Director. Number 3 Any applicant receiving a psychological rejection may re-apply to a New Mexico Law Enforcement Academy, Law Enforcement Agency excuse me, twelve months from the signature date of the rejection. So that twelve months and those items in there already existed so we are not changing any time frames. It has always

been a twelve month waiting period once a rejection is received and you don't utilize the appeal mechanism. The other change would be simply to the rule change formerly paragraph C to now paragraph D. No changes to the actual appeal process itself. So this amendment would prohibit the applicant from obtaining that second or subsequent evaluation once rejection is received unless the evaluation is approved through that paragraph D of the appeal process. So we are asking that based upon formal discussion this morning at the completion of that discussion that the board consider moving the adoption of this amendment to public hearing at the next official board meeting of the New Mexico Law Enforcement Academy Board. Does anyone have any questions, I'll answer questions now.

Mr. Swagerty: Any questions from the board? (No response). No. Any questions from the audience? One, two. Ok.

Mr. Gartman: You may be asking what I am going to so I'll just wait.

Mr. McCloskey: Mark McCloskey, San Juan County Sheriff's Office. Gil, just for clarification, not to do with the appeal process but if someone is rejected, they wait for twelve months do they have to go through this approval by the Director to get a subsequent test after that twelve month wait period.

Mr. Najjar: No.

Mr. McCloskey: Because the way it is worded it says if you receive a psychological rejection any subsequent evaluation must be approved by the Director. So that really isn't the case.

Mr. Najjar: Right, any subsequent within a twelve month period.

Mr. McCloskey: You might want to clarify that.

Mr. Najjar: Ok. We can clarify that.

Mr. Garman: Good Morning. Dave Gartman, Deputy Chief, Lovington P.D. Gil, I have one question. Do we have any idea about what time frame we are talking for the appeals process to go through its cycle if they do choose or the agency chooses to appeal it?

Mr. Najjar: Suzanne can probably give us a better idea but generally it depends on the timeliness on the psychological narrative report being received by us and then what we do is we identify a reviewer, a psychological reviewer to review the initial testing information and rejection and then based on that then if they feel that a second evaluation is warranted because of some defect or deficiency in that process then at that point we identify the new psychologist that the applicant can use. Then it is up to the agency and the applicant to schedule that second evaluation but sometimes we don't get those reports for sixty days after rejection.

Mr. McCloskey: If we get the report to you expeditiously with a request for consideration.

Ms. Vigil: The applicant has thirty days from the date of the evaluation. He has to send a letter to the Director requesting to appeal the decision within thirty days. If it does take us more than thirty days to actually receive the evaluation we don't penalize the applicant. We still afford them the opportunity to appeal. After that happens we mail out a letter to the applicant as well as to the psychologist requesting

to review and usually it has not been more than, I've had any that have taken more than three weeks for the reviewing psychologist to actually render a decision.

Mr. McCloskey: So we are not talking a six month process.

Ms. Vigil: We are saying maybe a month and a half at the most. There are some cases where we will get evaluations right away. We are also sending out a letter with that information but we are also giving them courtesy calls so that you can schedule your second evaluation if your appeal is granted.

Mr. McCloskey: Thank you.

Mr. Swagerty: Any other questions or comments? Gil, now again, you wanted this for the next meeting. You want this on the agenda for a vote on.

Mr. Najar: For a Public Hearing.

Mr. Swagerty: For a Public Hearing.

Mr. Najar: Yeah, pending any modifications or amendments at the Public Hearing then we will request then that the board act on it.

Mr. Swagerty: So next meeting their will be Public Hearing on this item on the agenda.

Mr. Shandler: Can you memorialize that with a motion please.

Mr. Swagerty: Can I have a motion then that we will put the psychological form changes on the agenda for the next meeting for a Public Hearing.

Mr. King: So moved.

Mr. Perez: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None. Motion carries. I will turn the meeting over now to Attorney General King who has just been probably just talking himself to death, haven't you?

Mr. King: Yeah, I appreciate that. I did a little live local radio show to let people know we were in town and we appreciate all of you coming to the meeting directly. So we try and get state government out around the state a little bit and hopefully we are doing a good job with that.

**Agenda Item # 8 Old Business- Discussion 2008/2009 Biennium
Training Requirements**

AG King: Next item on the agenda is the Discussion of the 2008/2009 Biennium Training Requirements.
Mr. Blackledge.

Mr. Blackledge: Mr. Chairman, Members of the Board, Ladies and Gentlemen of the audience. As we mentioned earlier the Biennium Training Cycle is drawing to a close in December of 2007. So we are now bringing before you a formal request to consider the adoption of the new training cycle for the 2008/2009 Biennium Cycle. That is listed in tab number 8 in your binder and again the intent would be to bring this forward for formal discussion now so that it can be scheduled for Public Hearing and discussed and adopted at the next scheduled board meeting. In the binder itself, there is an example of our proposed change to the rule for in-service training requirement and just look at the history. Historically, we had had three categories of training. It was the maintenance level which could be twelve hours. Then it was Advanced Training for twenty and In-service for eight or specialized for eight and it became rather confusing what fell under which block. The last cycle we tried to amend it and cut it down to two paragraphs that was still somewhat problematic. Currently, with all the legislatively mandated training it is kind of consuming a large chunk of the forty hours of training. So to try and simplify this we have proposed language that would just say certified officer will have a minimum of forty hours and then we can delineate the legislatively mandated training. You must have this. You must have that on down the line. Some of the discretionary hours that our remaining we are proposing to include the NITSA standard, standardized field sobriety testing protocol. That is not legislatively mandated however it is a national norm and a national requirement for us and we are electing to continue that. That is applicable for those officers that are in uniform patrol that would routinely encounter DWI enforcement programs. It is not intended for plain clothes officers, narcotics, or detectives and so therefore those hours will become discretionary for those agencies. We are deleting the requirement for the Standardized Field Sobriety Instructor. We had included that in the last Biennium Cycle and realized that was probably an oversight. That would basically indicate that an instructor did not maintain his instructor certification he would be decertified and that was not the intent. The sixteen hours for the ITSA standard will be required for DWI Instructor re-cert but not part of the biennium. What we are proposing is a shift in our focus from firearms qualification to firearm testing. We have several federal court cases out there, Popow vs. Margate, Canton vs. Ohio that talk about the requirements of training. Popow Vs. Margate, as you probably know discusses realistic firearms training and the high courts rule that you have to have on going specific training dealing with issues such as shooting on the move, shooting in the dark, shooting at or re-shoot situations, decisional shooting as we call it and the academy level has neglected in the past to require that of agencies. Instead our focus was more on testing proficiency with firearms rather than emphasize the training portion and so what we are proposing then is now, kind of shift in the paradine so that we will focus more on the emphasis of requiring training and to offset that added expense we are proposing a reduced firearms qualification down the road. Probably in January we will come back to the board with a modified firearms qualification after we get input from the agencies out in the field but the goal right now is to kind of lend guidance to the agencies in the field addressing those firearms standards that the high courts have mandated since 79 and the academy has kind of left the agencies to their own deal. Some of the issues that have come up are qualifications with rifles and shotguns because they are becoming more and more prolific and the academy board has not addressed that because they weren't an issue in the past. So we are proposing right now a firearms training standard including decisional shooting and shooting on the move. Those types of issues that are delineated here and again, we would ask that the board to consider that for adoption or at least discussion for the Public Hearing down the road. Would the board like me to read through that verbatim? Is that necessary.

Mr. King: I don't think it is necessary. Although, were their copies made available for.

Mr. Blackledge: Yes, it is entirely in the binder.

Mr. King: I think that is alright. Are their questions of the committee? Comment's from the folks that are here? (None). I have one quick question Mr. Blackledge. It is partly because I am not quite so conversant with what the training requirements were. Prior to this change, was everybody still required to have forty hours of training? Does this change the overall amount that was broken into two different sections 20 and 20.

Mr. Blackledge: No sir. The overall requirement remains the same at forty hours. We are just trying to be a little bit more specific about what those forty hours should be.

Mr. King: I'm counting you guys in law enforcement that there is nothing unusual here.

Mr. Perez: You are talking pistols and rifles and shotguns, what about automatic weapons?

Mr. Blackledge: That wasn't included in this because the use of fully automatic weapons has dramatically reduced over the last five years or so. There is still several agencies issuing some machine guns out there for entry teams. I think that could be addressed in the discussion phase at the Public Hearing because initially we had listed handguns. Then as we got to thinking about it, that's not including rifle and shotgun. Do we want to consume more of the forty hours by mandating four hours of this and four hours of that. What I would suggest we entertain would be suggestions from the audience about saying ok, let's kind of delete the term handgun and just say eight hours of firearm training and then leave it to agencies to address the specific weapons that they issue. Require eight hours, four of it could be in handgun, two could be in shotgun, two of it could be in rifle, or fully automatic or whatever there needs are but highlighting the fact that it needs to be a shift towards training rather than testing.

Mr. Perez: Do state police officers on the highways carry automatic weapons?

Mr. Blackledge: The vast majority carry semi-automatic rifles and shotguns. Some of the team members for their special operations may carry full automatic weapons but again.

Mr. Perez: But a lone officer, I'm talking like the incident that they had in Los Angeles with those two bank robbers remember they..

Chief Segotta: Their not fully automatic. They are semi-automatic. It's the Colt AR 15 and now that we have just gone to the Smith and Wesson version of the 223 rifle as well.

Mr. Perez: Do you see a need for it?

Chief Segotta: Fully automatic, no, in fact I believe our entry teams have gone completely away from them too. We used to carry the MP 5's and now they are just using the smaller version of the AR 15.

Mr. Blackledge: There may be a few team members that may have an M 16 quote on quote. There out there but again the use has been pretty much regulated to semi-automatic only. The advantage of the 223 round really kind of negates the need for full auto weapons. We do have a request from some agencies out in the field that receive M 16 via the 10-33 program for a full auto instructor program and I am putting that together but I have only had one agency request it in the five years I've been back at the academy. It is just not a high need but I think if we amend this more generically to say eight hours of firearm training we could incorporate those agencies that have full auto weapons.

Mr. Perez: But there is nothing to preclude the different agencies if they think that they need it that they can't get it.

Mr. Blackledge: No, not at all and again and that is a good point, sir. These are the minimum requirements. We would encourage all agencies to get significantly more.

Mr. King: Any other questions?

Chief Panteeah: I was just kind of wondering if you know of any Special Operation Training, SWAT training that does familiarize officers or SWAT members with the use of full autos. Do you know if that program is included in that kind of training?

Mr. Blackledge: Some agencies, Heckler and Caucus is probably the most prolephic that is out there doing it, the firearms manufacturer out of Virginia now a days I believe and they are probably the most prolephic. They have a full Auto Instructor Program out there. They did incorporate it. The majority of the special operations training now a days in New Mexico is either through the Department of Energy Training Academy now is the Non Proliferation of Safety Institute and again they have pretty much deleted that from their program because their emphasis has shifted from MP 5 sub machine guns to M 4, M 16 type weapons. Again predominantly on some, the most recent special operations class was conducted by the Albuquerque Police Department SWAT Team. They did it in conjunction with the State Police and again they did not include full auto firing because the shift has gone to M 16 type semi automatic AR 15 type rifles as opposed to full auto ones but again, we are going to put on full Auto Instructor School for those agencies that would need it. The prerequisite would be that there be a Rifle Instructor who attends the full Auto School just to make it a faster course.

Mr. King: So any questions? So if we put this on the agenda for as an agenda item for a vote, would that be the right time to actually bring us this idea of taking out the handgun requirement and the eight hour training here or is that something that we have to do? I'll ask my attorney.

Mr. Shandler: Mr. Attorney General, today's purpose is just to see if you think it is something that is worthy of a Public Hearing. At that Public Hearing, public comment can be made about it and the board can modify the rule as proposed.

Mr. King: That's what I was going to say, so we can potentially change this at the public hearing which if we have a motion today we are likely to put it on the agenda for Public Hearing.

Mr. Shandler: Yes sir.

Mr. King: At our next meeting.

Mr. Blackledge: I would be happy to provide a draft of the new language for consideration at the Public Hearing if that is appropriate.

Mr. King: Why don't you, I think that would be good. Alright, in that case, the same thing, if we want to have a motion to put this on the agenda. I'm sorry, comment? Yes sir.

Mr. McPheeters: Again, I just want a chance to comment. I am Lieutenant Keith McPheeters from the Farmington Police Department. I just want to open for discussion to the board that I applaud and support

the academy in mandating this, very appropriate training methods for firearms used here in the state of New Mexico. I think that is an excellent move on our part. I just want to comment that I think it would be unwise to reduce the qualification course. If anything this mandatory training would improve proficiency on our existing qualification course and there would be no need to reduce the standards of the current qualification course because of this I think it would actually improve the proficiency. The movement to reduce that qualification course will allow for a person who are more prone to stress induced failure during the qualification course to perhaps be able to pass the qualification course that they would not have as it now exists. I would recommend to the board that when they consider these changes that they do in fact adopt a recommended mandatory training but give strong consideration to maintaining the qualification course as it exists. Thank you.

Mr. King: Thank you, I appreciate that.

Mr. Blackledge: Mr. Chairman if I may. Just this one clarification that we will address the firearms qualification rule change at a subsequent meeting probably in January after agencies have had a chance to kind of digest this and again I appreciate these comments. I agree with them but I just want to keep the two issues separate so that we can move forward with one item at a time.

Mr. King: Other comments? Yes sir.

Mr. McCloskey: Mark McCloskey again. In regards to Item # 5 on the four hours of ensuring Child Safety upon arrest, I realize that is mandated training that results in the last legislative session. I'm just curious as to how we came up with four hours. To me that seems excessive, especially every two years. How tough is that to get that done.

Mr. King: That is a good question, let me ask. Zach, do you know, did the legislation require four hours or it just requires training?

Mr. Shandler: I don't know about this particular one.

Mr. Blackledge: Yes sir. I apologize. Thank you for bringing that up for me that is a very good point. The legislation does not specify the number of hours. What it does specify is that the Department of Public Safety work in cooperation with the Children Youth and Families Department to develop the training. I've met with the Children, Youth and Families Department twice so far and the best consensus at this point is that the initial round of training for this first biennium cycle being a four hour program as a multidisciplinary approach involving Social Workers from Children Youth and Families as well as law enforcement officers. Subsequent training cycles which kind of moves it into the in-service side was suggested as a one hour block. Children, Youth, and Families at this point has offered to provide curriculum development for free through there contracts with the New Mexico State University and deliver that training for free as well after July. While it will be a four hour requirement, their will be no charge for the tuition or registration for the class this go around. Our plan also is to include that on our website so that any General Police Certified Instructor would be able to train that program. We agree that it would be lacking because they wouldn't have the input of the Children, Youth and Families in that meeting however, to train all officers in the state in a timely fashion we need to get this disseminated as accurately as we can. So agencies would have the option of downloading the training from our website and conducting it themselves or attending the free training provided through Children, Youth and Families and again in the 2010/2011 cycle, hard to believe it is that far out, then it would probably be reduced. Our attempt would be to reduce to one hour as a recurrent training issue. In the Basic Training programs we would probably

keep it at a longer period so that the new officers coming through would have a better approach. Thank you all.

Mr. King: Can we make sure whenever we have this discussion as a matter of adopting this to have somebody from Children, Youth and Families available to answer questions to then. I mean if they are part of the driving force in this.

Mr. Blackledge: I will ask them.

Mr. King: Yes.

Mr. Panteeah: I would also like to ask, were there any Tribal Social Services people involved in this or is this just the state?

Mr. Blackledge: Not specifically at this point. However, Children, Youth and Families is very cognoscente of the tribal issues and tries to bring in that at every opportunity. At this point, they are utilizing the New Mexico State University School of Social Work which is very from my understanding is very cognoscente of the pueblo and tribal issues. It is open to anyone and if there is somebody that you would like to suggest. I would be more than happy to invite them to participate in the development because our attempt is to be as inclusive as we can.

Mr. King: Good point because there are bound to be some other issues, additional issues of Native American families. Ok. Thank you, other questions or comments? Good discussion. Seeing none, I assume we need the same motion if we want to put this on the agenda for Public Hearing?

Mr. Shandler: Yes sir.

Mr. Swagerty: So moved.

Mr. King: I have a motion from Craig.

Mr. Perez: Second.

Mr. King: All in favor say "Aye".

Board: "Aye".

Mr. King: Ok. Thank you that is all the Old Business that I have on my agenda. Did you adopt anything new on the agenda while I was gone?

Mr. Ortiz: Just seven and eight.

**Agenda Item # 9 NEW BUSINESS- RATIFICATION OF CERTIFICATIONS
FOR LAW ENFORCEMENT OFFICERS**

Mr. King: So we are moving on to new business then. Next item on the agenda is Item number 9, Ratification of Certification of Law Enforcement Officers.

Mr. Ortiz: Yes sir. Mr. Attorney General, Mr. Chairman, Board Members, Ladies and Gentleman of the audience, the director has verified the Police Officers listed in tab 9. The listed officers beginning with certification number 07-0012-P to 07-0027-P and 96-0028-P have met the requirements and request the board ratify their certification.

Mr. King: Just as a matter of course, I don't know that I have that last number that you gave me.

Mr. Ortiz: The last one is 96-0028-P?

Mr. King: Yeah.

Chief Segotta: Yes here it is. It is in the middle.

Ms. Vigil: It's number three on the table sir.

Mr. King: Yeah, there it is. Ok, thank you I was just missing it. Alright, any discussion? Would you make a motion to adopt the certification?

Mr. Perez: I move that we adopt the certification.

Mr. King: I have a motion.

Mr. Swagerty: Second.

Mr. King: Any discussion? All in favor say "Aye".

Board: "Aye".

Mr. King: Any oppose? (No response). So we have adopted all those certifications. Thank you.

**Agenda Item # 10 New Business- Ratification of Certifications
of Telecommunicator**

AG King: Mr. Ortiz the next item of business then is number 10.

Mr. Ortiz: Yes sir.

Mr. King: Ratification of Certification for Public Safety Telecommunicator.

Mr. Ortiz: That is correct. Tab 10. Good Afternoon Mr. Chairman, Board Members, Ladies and Gentlemen of the audience. The Director has verified that the list of Public Safety Telecommunicator beginning with certification number 07-0038-PST to 07-0073-PST have met the requirements and request that the board ratify their certification.

Chief Segotta: Mr. Chairman, I make a motion that we adopt the certifications of the Public Safety Telecommunicators.

Mr. Swagerty/Mr. Perez: Second

Mr. King: It has been seconded. Any discussion? All in favor say "Aye".

Board: "Aye".

Mr. King: Any oppose. No response. We will show all of that list as adoption of the certifications of the last. Thank you, Mr. Ortiz. Alright, once again since I was not here, any other items of business for the agenda before we move on into disciplinary matters. Seeing none, Mr. Ortiz.

Mr. Ortiz: Yes sir. I just received a call from Betsy Salcedo and she is on her way. She will be here shortly. We have another little order of business that we would like to do and I know Mr. Swagerty has already made that announcement and we didn't forget you Mr. Swagerty. The Attorney General has something to present to you.

Mr. King: This is a good opportunity for us to do this while folks are here. We really appreciate the service that everybody does on the commission. We particularly appreciate the service of folks who aren't statutorily required to be here. So I just want to read this plaque. It says the New Mexico Department of Public Safety Law Enforcement Academy to Craig Swagerty, Citizen Representative in appreciation for your dedicated service to law enforcement officers in the state of New Mexico as a New Mexico Law Enforcement Academy Board Member and your many years of service and we want to thank you Craig for your service and particularly this morning.

Mr. Swagerty: Thank you very much.

(Crowd Applauds)

Mr. Ortiz: There is some other little goodies in the bag as well.

Mr. King: Is he supposed to take them out and show them off.

Mr. Swagerty: Is there a get out of jail free card or anything like that.

Mr. King: It looks like there is a shirt down there. Show them, we are waiting for Betsy anyway.

Mr. Swagerty: Very nice. Like I said, I appreciate this very much and it has really been a learning experience for me to be a part of this. Like I said, the thing when you do these things and you get on these things and as long as I've been here, it is the friendships that you meet and you make. I know I normally probably wouldn't make these friendships if I wasn't a part of this. So that is what is nice about it and moving on to something else is exciting for me. But I will still be around and I know I'll see Dave Heshley, and Art and people at the legislature and I know I will always see Attorney General King and some of you others around and things and so Thank you very much and I appreciate it.

(Crowd Applauds)

Mr. Ortiz: Do you want to recess until Betsy gets here?

Mr. King: Since we are waiting around a few minutes let's stand in recess subject to the call of the chair but probably ten minutes or something like that.

(Break)

Mr. King: Alright. Let's go ahead and reconvene and get started. The next item on the agenda begins the Disciplinary Item Matters and as most of you know but some folks may not know at this point I turn the Chair back over to the Vice Chair because our office presents these and so we feel like there is a conflict of interest for me to the Chair the committee while our office is presenting these so Mr. Vice-Chairman I am going to turn this back over to you and I am going to go sit. Thank you.

Mr. Swagerty: Thank you. Ok, since we have quite a few items on the agenda. What we are going to do is I am going to go ahead and let Betsy present these and we will go down the order there and then we will discuss these later and what we do is we go into Executive Session to discuss them and then when we come out we can go over each one, one at a time. That way because if not we could be here for days. So it just makes it a little more quick. We will give you time, if you have something to say, you will have your chance and everything but we are going to move right in that order ok.

Agenda Item # 11 Disciplinary Matter Aaron Barringer

Mr. Swagerty: Alright, so Betsy if you will start with Number 1 and Number 1 Disciplinary Matter of Aaron Barringer. Is Mr. Barringer here? No. Ok.

Ms. Salcedo: This is a matter being presented as a Stipulated Order of Voluntary Relinquishment of his Certification. He agreed to surrender his Law Enforcement Certification in exchange we would not proceed on the underlying matter. He agrees not to work in the area of Law Enforcement for at least five years. The terms of the agreement are multiple. I'm not sure if you have the agreement before you in your binders.

Mr. Swagerty: Yes we do.

Ms. Salcedo: If you look at page 2, paragraph 7, the terms are written out.

Mr. Shandler: We actually have a condensed version of it so but we have the different letters. So is there a letter you're pointing to.

Ms. Salcedo: No there is actually an agreement. It just states on the first page, "Agreement of Voluntary Relinquishment of Certification". Let me look at my folder. What's been provided to you is just a synopsis of the underlying allegations and the terms of the agreement are provided to you listed A – K and that is also listed in the agreement that you are going to sign off on. That is essentially this matter. Are there any questions.

Agenda Item # 12 Disciplinary Matter Joe Belmontes

Mr. Swagerty: None? Ok. Number 12 then. In the matter of Joe Belmontes. Is that right?

Mr. Belmontes: Yes sir.

Mr. Swagerty: You're present.

Mr. Belmontes: Yes sir.

Mr. Swagerty: Ok.

Ms. Salcedo: In the matter of Joe Belmontes, what I have in my file is that we are going to present this as a Default Order of Revocation.

Mr. Ortiz: Order of Revocation, not Default.

Ms. Salcedo: So the matter of Mr. Belmontes we are asking the board to enter an Order of Revocation, revoking the certification and resolving this matter in that way. He has been served properly with the underlying documents which is the Notice of Contemplated Action and a Notice of Final Decision. Essentially that is the disposition we are proposing. If the board wants to hear from him that would be agreeable.

Mr. Swagerty: Do we want to do this at this time or wait until after?

Mr. Shandler: I think you should hear from him at this time. I am unclear whether he has ever requested a hearing.

Mr. Swagerty: Ok. Mr. Belmontes, do you have anything sir?

Mr. Belmontes: Yes sir. I would like to thank the board for allowing me to speak today. If I may, in reference to this, if I may present two letters from my Sergeant and Lieutenant to the board and their consideration on this revocation, if that is possible.

Mr. Shandler: If I could ask, if I could see them first.

Mr. Swagerty: Yes, I was going to say if you.

Mr. Belmontes: First of all I would like to say that I am sorry for what I have done and my actions. I blame no one but myself. I understand that my actions should not have been done and I apologize to all Law Enforcement Officers who are here today and through out the state. What I am asking from the board is a reasonable punishment for my actions. I'm not asking to just throw it away. I know what I've done was wrong and I know I need to be punished for it. To take away my certification after being in certification for ten years and this is my career. I pretty much almost, I actually almost died for this career and have come back to it. I hope to continue my career in this. I have been administrative leave from my department since November. So it has been close to eight months and in that time I have been able, I have had time to think about my actions and for what I've done. Coming to the board today I realize that what I did was wrong and I promise that this action will never happen again. I will never be in front of this board again or in front of the Director's office or anything like that. Like I said, I've been on suspension for eight months and I don't like it, it was wrong. So what I am requesting from the board today is a reasonable action for what I have done but hopefully not revoking my certification. Thank you.

Agenda Item # 13 Disciplinary Matter Ronald Bitah

Mr. Swagerty: Ok. Thank you. Alright, number 13 Disciplinary Matter of Ronald Bitah.

Ms. Salcedo: In the matter of Mr. or Officer Ronald Bitah we have presented that matter before you for resolution. Essentially this is another Stipulated Agreement. We are asking that the board sign off on it through the order that will be provided to you. The terms of the agreement are contained at paragraph A through G in your binders. Those are the terms that are listed. Section would be completing an Ethics Course, completing a ninety day suspension starting today which would be the date the order becomes effective once it is signed. Counseling and Anger Management and an agreement that if he does violate this order that the board will proceed in taking administrative action and up to unlimited suspension or revocation. Those are the summary of the terms of this agreement. The allegation is also there before you in your binder.

Mr. Swagerty: Ok.

Ms. Salcedo: Is Mr. Bitah present?

Agenda Item # 14 Disciplinary Matter Shawn Clark

Mr. Swagerty: No. Moving on to Number 14. Matter of Shawn Clark. Betsy.

Ms. Salcedo: Yes. Again this is a Stipulated Order in the matter of Shawn Clark. He has met with the Director and he has been able to come up with a Stipulated Agreement and it will be presented to you as a 120 day suspension to a probationary period of one year, that he complete law enforcement training in Use of Force within 90 days of entry of this order and also Anger Management, complete sixteen hours of Community Service and that we usually ask that it be approved by the Director. So those are the terms of this agreement that we are presenting to the board in this matter which involves use of force. So, if there are no questions? That is what we are presenting.

Agenda Item # 15 Disciplinary Matter Jodie Crockford

Mr. Swagerty: Number 15 then. Jodie Crockford. Is Ms. Crockford here? No.

Ms. Salcedo: In the matter of Ms. Jodie Crockford, we are asking that this be entered as a Default Order of Revocation. She has not responded to any of the notices that were sent to her. We properly served her and we believe that the board entry would be a proper resolution of this matter of the Default Order.

Agenda Item # 16 Disciplinary Matter Melvin Randy Dorman

Mr. Swagerty: Ok. Alright number 16, Melvin Randy Dorman. Ok. Not present.

Ms. Salcedo: In the matter of Officer Randy Dorman. He has essentially agreed with the Director that he would serve a ninety-day suspension effective from June 14th which would be tomorrow. I am not sure why we made it that specific but essentially that is the terms of the agreement and he did meet with the Director. We don't have, I don't have information from the DWI case that he has had any priors. So that is a proper resolution is the ninety day suspension. That is that case.

Mr. Swagerty: Ok.

Mr. Perez: Excuse me.

Mr. Swagerty: Yes sir.

Mr. Perez: It talks about he was driving a motorcycle off the roadway.

Mr. Ortiz: Yes sir.

Mr. Perez: Does DWI apply if you are off of the highway? If you are just driving through the desert?

Mr. Ortiz: He went off a paved highway involved in an accident, not off roading but.

Mr. Perez: Ok. I understand. Is it still, is that still a violation if you are driving through the bushes, DWI does that count?

Chief Segotta: It depends on the status of the land I believe.

Ms. Salcedo: I think he was actually. He plead, No Contest so he was brought criminally before the courts and he did enter a plea. So we believe that in of itself, a violation the fact that he plead no contest to DWI in the first.

Mr. Ortiz: Right and he is the gentlemen that reported it to the academy on his misconduct.

Ms. Salcedo: He reported himself to the academy.

Agenda Item # 17 Disciplinary Matter Pamela Frie

Mr. Swagerty: Ok. Number 17 Pamela Frie.

Ms. Salcedo: Yes in the matter of. She is a Telecommunicator, Pamela Frie. We did serve her properly and she has failed to respond. We ask the board to resolve this matter and enter it a Revocation by Default and we will present those orders for your signature. The underlining allegations are there in the binders in the summary under misconduct and she admitted to actually engaging in behavior that affected her performance meaning advising on a dispatch, relating to a personnel issue. So a personnel issue and we believe the Default Order should be entered so that if she wanted to come forward she could come forward later but at this time she hasn't responded and we think it would be appropriate to revoke her certification as a Telecommunicator.

Agenda Item # 18 Disciplinary Matter James Gallegos

Mr. Swagerty: Ok. Number 18 is James Gallegos. Mr. Gallegos. No. Ok.

Ms. Salcedo: In the matter of Officer Gallegos, he was presented to this board at the last hearing in March. I believe in Rio Rancho. He was the Supervisor in a two officer involved, two officers were involved in an incident and they basically were performing duties when they were under the influence and when there was no real approval, they wanted to go and take care of a matter but they went about it by not getting any approval. They weren't assigned and it was just kind of a, what I understand and Mr. Holmes can talk about it more but we presented this matter to the board and the board rejected it. So we presented to Mr. Gallegos a revised offer which is 120 days and he agreed to that. He has signed off on this agreement and it would be also to an Ethics Course and to be screened for alcohol and drugs since

that was involved in the conduct and no new violations during the probationary period. Those are the terms of the agreement is 120 day suspension.

Mr. Swagerty: Ok.

Mr. Shandler: Let me just ask Mr. Holmes. In the minutes last time it talks about Gabriel Gonzales. Is he the other officer?

Mr. Ortiz: Yes.

Mr. Shandler: It looks like the board approved.

Mr. Holmes: They approved.

Mr. Ortiz: Suspension, 90 day suspension for Gabriel.

Mr. Shandler: 90 days.

Mr. Holmes: The reason for him getting 120 days because he was the considered the ranking not actually a supervisor at that point in time because they were both drinking but an officer with more experience that could have guided the other officer in the right direction.

Mr. Shandler: That is exactly what I wanted to remind you about.

Agenda Item # 19 Disciplinary Matter Floyd Garcia

Mr. Swagerty: Ok. Thank you. Ok then Number 19 Floyd Garcia. Mr. Garcia. Ok.

Ms. Salcedo: In the matter of Officer Garcia we entered a resolution and Stipulated Agreement to 180 day suspension beginning on the 2nd page of this order, a one year probationary period, alcohol counseling, Victim Impact Program and complete eight hours of community service. This also stems from a DWI that he was convicted for on March 19, 2006. We did locate one previous DWI arrest in 1986. That is why we are asking for more than 90 days. We are asking for 180 days on this suspension. We have indicated to him that the board is now from what we understand being more, taking these DWI's to more seriously in terms of the sentence or the disciplinary that is being imposed. In our estimation, if he were to have another DWI that it would be very likely he would be revoked. So we are trying to inform him that this type of action continuation will not be tolerated but as you would note, it occurred the prior one in 86 and this second one occurred in 2006. So that is a twenty-year period and that is why we think this would be an appropriate disposition for the board to enter.

Agenda Item # 20 Disciplinary Matter Kevin Gutierrez

Mr. Swagerty: Ok. Alright Number 20. Kevin Gutierrez. Sir.

Ms. Salcedo: In the matter of Mr. Gutierrez I believe he is present. We were able to come to an agreement. The agreement terms are contained in your binder which consist of a sixty day suspension, two year probationary period, complete four hours of Ethics Training, individual counseling and provide

that proof of that counseling to the Director, eight hours of community service and he is here if the board would like to hear or if he would like to address the board.

Mr. Swagerty: Ok. Would you sir?

Mr. Gutierrez: Mr. Vice Chairman, members of the board, Thank you for allowing me to come before you today. I want to just say that I am sincerely remorseful for my actions. I have had almost two years to think about them. I know they are far more wrenching than just to myself, and I know they are a black eye to law enforcement in general and to my family. I need to set a good example for my three children and my wife. I don't want to make any excuses for my actions. I simply just want to apologize for them and to let everyone know that I am dully remorseful for them and also humbly ask that the board consider and hopefully agree to the Stipulated Action that is before them today after they meet in session. I just want to say that I was with New Mexico State Police for approximately four years prior to the actions that took place. My actions that I committed, that I did. I want to say that this is my one and only ever disciplinary action that came before my agency. We were a real dedicated state police family. We made many sacrifices for the agency. I love the agency and I loved being a New Mexico law enforcement officer. I've since then gained employment with the Eunice Police Department. I was terminated from the New Mexico State Police and prior to that I served about four months on administrative duties and of course it was a severe punishment being terminated from my dream job. There are three letters within the Stipulated Agreement package with my current Chief, one from my current Sergeant, and one from our Dispatcher and also our evidence technician on my behalf. As I was saying, since the New Mexico State Police I have gained employment with the Eunice Police Department. I am viewed as a Senior Patrolman with the Eunice Police Department. I have since gone to Santa Fe and become a General Police Instructor. I've also become a certified Defensive Tactics Instructor. I love law enforcement. I don't every foresee myself making any type of decision or any type of action that would be, we are all human, we all make mistakes, I'm not going to say I am perfect but I don't see myself making any type of decision that would be even remotely, that would bring me back before the board ever again and I just ask for your consideration and I thank you for your time, Mr. Vice-Chairman, Members of the board.

Agenda Item # 21 Disciplinary Matter Rodney Harrison

Mr. Swagerty: Thank you. Ok. Number 21. The matter of Rodney Harrison. Mr. Harrison.

Ms. Salcedo: This matter is being presented to the board as a Stipulated Order of Agreement. The terms of the agreement are contained in binder under Director's recommendation. It was DWI. I don't believe we have any information about priors. It would be a 90 day actual suspension, one year probation, Alcohol Counseling for DWI Program and Ethics Training. Those are the terms and he has agreed to those. We are asking the board to enter that and this agreement today. Thank you.

Agenda Item # 22 Disciplinary Matter Rachael Hazen

Mr. Swagerty: Ok. Alright number 22, the matter of Rachael Hazen.

Ms. Salcedo: In the matter of Telecommunicator Rachael Hazen. She has agreed to a Stipulated Order of Suspension and Probation. The terms are contained in your binder. This was a DWI. It would be a ninety day suspension she has agreed to and a one year probationary period, to complete DWI School, and

obtain Alcohol Screening and Treatment. Provide that to the board and we are asking the board to approve this agreement. Thank you.

Agenda Item # 23 Disciplinary Matter Orlena Hooee

Mr. Swagerty: Ok. Number 23. The matter of Orlena Hooee. Yes ma'am. Did I pronounce that right.

Ms. Hooee: Hooee.

Mr. Swagerty: Hooee. Ok. Thank you

Ms. Salcedo: We are asking the board to review this matter. We were able to come to an agreement and we met on April 9th with Ms. Hooee and she agreed to a resolution of the matter which would be a ninety day actual suspension, one year probation, Ethics Training and Anger Management as well as eight hours of Community Service. We ask the board to enter this order as proper resolution of this matter. She is present I believe.

Mr. Swagerty: Ok. Yes. Do you have any comments or anything ma'am.

Ms. Hooee: No sir.

Agenda Item # 24 Disciplinary Matter William Kerin

Mr. Swagerty: Alright. Number 24. William Kerin. Mr. Kerin.

Ms. Salcedo: In this matter, Officer Kerin and the Director met informally and they were able to come to an agreement. This is DWI and it would be basically what we are offering, the other first time DWI violations will be a 90 suspension, a probationary period of one year, no further violations, take and complete Ethics Training Course and provide that to the director, within six months as well as Alcohol Screening and Assessment and perform any treatment that is recommended to provide that treatment to the Director, as well as eight hours of community service. So we are asking the board for entry of that order to resolve this pending matter. Are there any questions on that?

Agenda Item # 25 Disciplinary Matter Julian Lopez

Mr. Swagerty: Alright. Then 25 Julian Lopez.

Ms. Salcedo: Matter of Officer Lopez. We contacted him in terms of mailing him notice. He has failed to respond. We are asking the board for entry into the Default Order of this matter. At this time, I don't believe he is present. If there are any further questions?

Mr. Perez: How much did the total to in criminal offenses?

Ms. Salcedo: So you know, this also did go to court. He was charged criminally in court.

Mr. Ortiz: Over eleven hundred dollars.

Mr. Holmes: It was done.

Mr. Perez: Incrementally?

Mr. Holmes: Yes right.

Mr. Perez: Over a period of time.

Ms. Salcedo: So this also did basically did go to court. He was charged criminally for his conduct.

Agenda Item # 26 Disciplinary Matter Jose Martinez

Mr. Swagerty: Alright. Jose Martinez. Ok.

Ms. Salcedo: In this matter we have presented it as an agreement through a Stipulated Order of Suspension and Probation I believe. Officer Martinez is present. We presented this matter I believe at the last board meeting. The board rejected it at that time. We presented a different offer to Officer Martinez and he has agreed to it and that offer would be the terms that are contained in your binder. It would be a 90 day suspension, to a probationary period of two years, alcohol counseling recommended, he will submit proof of any alcohol counseling that is recommended by his therapist within ten days of completion of such counseling, he will attend a law enforcement course in Ethics, and no new violations during the probationary period. This is the agreement that we were able to come to terms with and he is present if the board would like to hear from him.

Mr. Martinez: First of all, Good Morning members of the board. I would like to start off by saying I am truly sorry from the bottom of my heart for my actions. I would just like for you to take into consideration the terms before you in this Stipulated Order and give me a second chance in my law enforcement career which was only about a year and a half. It started out and I love my job and I want to do it for the rest of my life. Thank you.

Ms. Salcedo: If the board has any questions for him probably this would be the time. They might have questions because this was rejected.

Mr. Perez: What department are you with?

Mr. Martinez: I am not with a department right now sir.

Mr. Perez: What department were you with?

Mr. Martinez: I was terminated from the Aztec Police Department.

Mr. Perez: and Angela Garcia how is she related to you?

Mr. Martinez: She is my cousin.

Mr. Shandler: If I could ask a question.

Mr. Swagerty: Sure.

Mr. Shandler: In the minutes from the last meeting there was concern from the board that you failed to report the incident truthfully. Tell, how would you respond to that statement? Let me try that again. Sorry. There was concern that you didn't report this incident truthfully initially. Tell us the background of that or why that may have happened or didn't happen.

Mr. Martinez: Um, the initial, when I was questioned by the Sergeant from the San Juan County Sheriff's Office I denied knowing any knowledge of the incident and they found the casing of the gun that was used in the bed of my pick up and I admitted to what had happened.

Mr. Perez: Who was driving the car at the time?

Mr. Martinez: My ex-girlfriend, Jennifer Lopez.

Mr. Perez: Was she drinking?

Mr. Martinez: No sir.

Mr. Perez: So you have your ex-girlfriend and your cousin in there and Angela had a, what kind of pistol or weapon did she have?

Mr. Martinez: It was a 38. I believe. I can't even remember sir.

Mr. Perez: You didn't know she had it?

Mr. Martinez: No sir.

Mr. Perez: Who did she shoot at or what was she shooting at?

Mr. Martinez: She shot in the air as we drove past a house.

Mr. Perez: Who's house?

Mr. Martinez: A gentleman by the name of John Candelaria.

Mr. Perez: Who is he and why did they?

Mr. Martinez: He was, he had been involved in an argument with my cousins earlier that evening.

Mr. Perez: Did she shoot at the house?

Mr. Martinez: No sir.

Mr. Swagerty: Ok. Any other questions for Mr. Martinez?

Ms. Salcedo: Are you currently employed with law enforcement?

Mr. Martinez: No ma'am. I am not. I have not been employed with law enforcement since February 11th of 2006.

Mr. Swagerty: Ok. Yes, Mr. Martinez.

Mr. Martinez: Yes.

Mr. Swagerty: One more question sir.

Chief Panteeah: In the investigation, was it determined that the shooting or this incident was gang related?

Mr. Martinez: No sir. Not at all.

Mr. Swagerty: Ok.

Mr. Holmes: I might also point out, he didn't mention it to you but he was highly intoxicated in the back seat of the car.

Mr. Perez: He said that.

Mr. Swagerty: Ok. Alright.

Mr. Perez: Excuse me, intoxicated from what?

Mr. Martinez: Sorry sir.

Mr. Perez: You were intoxicated on what?

Mr. Martinez: I was drinking alcohol that night.

Mr. Perez: No drugs?

Mr. Martinez: No sir.

Mr. Perez: Thank you.

Agenda Item # 27 Disciplinary Matter Rene Sandoval

Mr. Swagerty: Alright. Number 27 Rene Sandoval.

Ms. Salcedo: Officer Sandoval met with the Director and they were able to come to a resolution in this matter which is in your binder which is falsifying dailies. That type of, the details are contained in your binder as well but essentially we thought that because of what is an act of dishonesty we would agree to a 90 day suspension. This is being presented in that capacity to the board as well as an Ethics course to the board that she complete an Ethics course and that she complete an alcohol assessment within that thirty days of this order. She participate also she has agreed to counseling and provide counseling to the Director. She has agreed to a probationary period of six months and that any violations of this agreement would result in further discipline by the board. Those are the terms of the agreement. I don't know if she is present. It does not seem that she is. That is the resolution that we are presenting to the board in this

matter. Does the Director have anything to say that might enlighten us to the resolution? That is what we are presenting.

Agenda Item # 28 Disciplinary Matter Trina Shore

Mr. Swagerty: Ok. Number 28 then is Trina Shore. Ms. Shore. No.

Ms. Salcedo: Ms. Shore is a Telecommunicator. She has not responded to our notices regarding the underlying misconduct which deals with possession of narcotics to wit methamphetamines in addition, issuing worthless checks. Currently at least when we submitted this action there was pending criminal disposition. So I am not sure what her thought process is in terms of not responding to the board but that is the information I have on this matter and I would ask the board to enter into a Default Order at this time in the matter of Telecommunicator Shore. Are there any questions on that matter? No.

Agenda Item # 29 Disciplinary Matter Harland Soseeah

Mr. Swagerty: Ok. Harland Soseeah.

Ms. Salcedo: In the matter of Officer Soseeah. He has actually agreed. Actually we saw this matter at the last board meeting. He was present but you did not accept it. Apparently he left and didn't come back in time when rejecting the matter. He would agree to the resolution that the board recommended. This was a case I believe where there was a battery on his wife's friend, correct?

Mr. Ortiz: Right. He made a traffic stop on his wife's vehicle and her boyfriend was driving and he punched the boyfriend.

Ms. Salcedo: We initially proposed a fifteen day suspension but that was rejected. The board indicated perhaps a thirty day would be appropriate. A six month probationary period, Anger Management, Ethics Training and Alcohol Screening. I also met with him. He seems very amicable. I didn't see anything about his disposition. This would be a resolution. He is trying to get in with Gallup. I believe he said with Chief Stanley. So I remember this case and I am asking the board. This would be a resolution that would be appropriate. He does not have any prior Domestic Violence to my knowledge. We usually look into those types of matters. We ask the board to approve this agreement.

Mr. Shandler: In the minutes, Chief Schultz says, "Mr. Chairman, I would add that the baseline for these types of cases should be thirty days."

Agenda Item # 30 Disciplinary Matter Cornelius Thomas

Mr. Swagerty: Ok. Alright. Number 30 Cornelius Thomas. Present sir.

Ms. Salcedo: This is a matter being presented to the board after sending notice to Officer Thomas. We did not hear from him at all. That is why we are presenting this at this time as a Default Order of Revocation. However, the board can consider this matter and enter any order they deem appropriate. Nevertheless, we did take steps to inform him. He did not respond. This is the matter that is contained in your binder. The allegations are contained therein. It deals with the improper handling of evidence. Do you have any questions for him and if he would like to address the board then this would be the opportunity to do that.

Mr. Swagerty: Do you have anything sir?

Mr. Thomas: Yes.

Mr. Swagerty: Ok.

Mr. Thomas: Good Morning Vice-Chairman and Board Members, Thank you for the opportunity to be able to speak here today. I would just like to let you all know that I do still have a pending lawsuit with Ramah-Navajo Police Department in this matter. In the packet there are several reasons of why I have filed a suit. I would like to just inform the board that it is just the tip of the iceberg. There are so many other things that have occurred in that department.

Mr. Shandler: Let me interrupt and get to the point here.

Mr. Thomas: Yes.

Mr. Shandler: How come you did not respond to the board when they said they sent you these letters?

Mr. Thomas: I spoke with Mr. Ortiz. Myself and my Attorney have been getting, receiving these letters in a day, two day time. For this hearing I got the fax yesterday evening from my attorney saying he received the letter.

Mr. Shandler: Ok and now that you have received something would you like to start talking informally with the board Director.

Mr. Thomas: Yes.

Mr. Shandler: Mr. Ortiz what's your view on that?

Mr. Ortiz: Well there is an older pending case from 2000 I believe also and I believe this Notice of Contemplated Action is dealing with a more recent one. We have the documentation showing the numerous times we sent mail to him and got no response.

Ms. Salcedo: Essentially the board, we have these notices that we send out. We are not required to send out notices of today's hearing. We are only required to give them notice of the allegations but we do this in the event the officer has simply failed to respond, or ignore us. We do this as a way to say, you know what. We are moving forward. We are having a hearing we may default you. So we do this as a courtesy and so essentially informing Officer Thomas was a courtesy letting him know that today the board was going to review the matter since you haven't responded. So now he is here today. I would ask the board to decide do they want the Director to meet with him and go over this matter or alternatively I think it is proper for the board to enter a default matter but you would have to address that with counsel. Essentially this is a concern by the Director and myself which is times of notice and not of getting a response until the day of the hearing or after it is all done. Then we hear from the officer saying I did not get notice.

Mr. Ortiz: He did have counsel representing him and the letters were going to the attorney. So the breakdown of communication between him and his attorney is up to him and his attorney.

Mr. Swagerty: Ok. Do you have any comments on that Mr. Thomas?

Mr. Thomas: No but I do thank you for the courtesy call. That is why I am here.

Mr. Perez: Excuse me, what happened to that firearm? Where is it?

Mr. Thomas: Honestly, I couldn't tell you sir. I mean the last time I had it was when I turned it into evidence.

Mr. Perez: You do not have it?

Mr. Thomas: No.

Mr. Perez: What was the man arrested for?

Mr. Shandler: Let me stop you right there. This one is actually just a procedural item. We are not really into the substance. It is purely why didn't he respond and does he have the right to a hearing. So let's hold off on the subsidence questions because this is just a procedural case.

Mr. Swagerty: Till we decide further?

Mr. Shandler: Yes.

Mr. Swagerty: Any other questions for Mr. Thomas. No. Thank you sir.

Mr. Thomas: Thank you.

Agenda Item # 31 Disciplinary Matter Benjamin Torrez

Mr. Swagerty: Alright, Number 31 Benjamin Torrez.

Ms. Salcedo: This is a matter being presented to the board as a Default Order. We sent proper notice to Officer Torrez. He has not been, we have not heard from Officer Torrez. The allegations are contained in your binders and they relate to Domestic Violence. He also plead guilty to one count of Aggravated Battery and given a deferred sentence. We haven't heard from him. We are asking the board to enter a Default Order of Revocation and I do not believe that he is present today.

Mr. Perez: It is Domestic Violence you said.

Ms. Salcedo: Yes and he did plea to charges of Aggravated Battery. He was placed on supervised probation with a deferrment of eighteen months.

Agenda Item # 32 Disciplinary Matter David Whitzel

Mr. Swagerty: Alright then, Item 32, David Whitzel.

Ms. Salcedo: This is a matter that we were not able to present to the board. We thought we might be able to come to a resolution. That resolution has not been able to come to one. So this item should really be deleted from the agenda for today.

Mr. Swagerty: It should be what again?

Ms. Salcedo: It should be deleted. We should not address this matter.

Mr. Swagerty: Ok.

Mr. Ortiz: I spoke with his attorney on Monday and they declined the offer from the board.

Mr. Swagerty: Alright. At this time then.

Agenda Item # 12 Disciplinary Matter Joe Belmontes

Mr. Shandler: Can I interrupt for just a second?

Mr. Swagerty: Yes sir.

Mr. Shandler: I'm still just a little bit confused about number 12.

Mr. Ortiz: Mr. Belmontes?

Mr. Shandler: I'd like to hear more from the Director now that Mr. Belmontes has shown up. Any response to his comments today?

Mr. Ortiz: It was our consensus after meeting with him and his attorney in the Informal Hearing based on his statements. He was untruthful with us in the informal hearing. It was quite obvious. I then verified or called to verify his statements. I even made a trip to the Espanola Police Department to verify his statement that there was heavy rains and the roof at the Espanola Police Department caved in and flooded. So then the Officer's were then instructed, all officers to maintain evidence in their units. I found that to be not truthful at all. I viewed the evidence room. It was the old evidence room, at the Espanola Police Department. I was given a tour by the Sergeant showing that the roof had never caved in. It was never that damaged. That he had indicated in the Informal Hearing. I talked with other officers and they stated that directive was never given to them for them to store evidence in there units. I felt that due to his dishonesty, and lack of integrity that I could not, I would not feel comfortable as a Director to have him working in the law enforcement capacity and made the recommendation with Investigator Holmes and Betsy Salcedo to go with revocation.

Mr. Shandler: And just to work through the timeline here. So you did issue an NCA?

Mr. Ortiz: That is correct?

Mr. Shandler: And then.

Mr. Ortiz: And an Informal Hearing with him and his attorney.

Mr. Shandler: And then you issued a Notice of Final Decision.

Mr. Ortiz: Yes.

Mr. Shandler: And there was no request for hearing from him or Mr. Dan Croan?

Mr. Ortiz: Dan Croan. That is correct and I stayed in communication with Mr. Croan. Mr. Croan it was quite obvious, Mr. Croan during the Informal Hearing realized that his client was lying as well.

Mr. Shandler: Well.

Mr. Ortiz: During the informal hearing.

Mr. Shandler: Well that is your allegation.

Mr. Ortiz: Yes. He just kind of faded out of the picture.

Mr. Shandler: Again that is your allegation. Ok. Thank you for that.

Mr. Swagerty: Any other questions or comments?

Mr. Belmontes: If I may approach.

Mr. Swagerty: Yes sir.

Mr. Belmontes: Your honor on behalf of Mr. Ortiz's comments on that one. The letters I present to the board states from my Sergeant who has been Sergeant for the past since I started, for the past ten years. In his letter it shows and he has written and you can give him a call. That he does, and he has had evidence in his vehicle before. It is not something new. I am not being dishonest. I am not lying. Um, the evidence that, the evidence room that was there was the same evidence room that occurred on a homicide June 6th where the evidence room, where evidence was supposed to be put in that room and as of today, that evidence is missing, on a homicide. Evidence has been missing from that room constantly. I am not trying to be dishonest with him. You can call my Sergeant. I believe Mr. Ortiz has called him before during the hearings, Sergeant Rick Martinez. Like I said, he advised in a letter that this has happened and it is in the letter in his writing and he has a phone number there where you call him and ask him personally yourself.

Mr. Swagerty: Ok.

Mr. Shandler: Why didn't you request a formal hearing in front of a neutral Hearing Officer?

Mr. Belmontes: At that time when I spoke to Mr. Croan, my attorney, I was advised by him that it would cost me more to take him into court for a Formal Hearing and I don't have that money. I didn't know if I can present myself or if I had to be with a lawyer at the time. I assumed it had to be with a lawyer so I didn't have enough. I don't have the funds to be present with a lawyer. So I am presenting myself here today in front of the board.

Mr. Shandler: Ok.

Mr. Perez: Did you not realize that it was an administrative matter at that time and not criminal?

Mr. Belmontes: I realize that this is all an administrative matter yes sir.

Mr. Perez: But yet you said you thought you needed an attorney.

Mr. Belmontes: Yes sir.

Mr. Perez: You are a law enforcement officer you should know the difference between admin and criminal.

Mr. Belmontes: Well I wanted the lawyer there so he could help me in stating what we needed to do there.

Mr. Perez: Well why couldn't you honestly say what you, what had happened.

Mr. Belmontes: I did say what happened when I went to the first board meeting and when I went in front of Mr. Ortiz before. The first meeting, I did say what happened.

Mr. Perez: Thank you.

Mr. Belmontes: Yes sir.

Mr. Swagerty: Any other comments?

Mr. Ortiz: Just that I did follow up and contact these people. The former Chief, Chief Guillen, and his response were completely negative on Mr. Belmontes as well. Like I said, I went above and beyond to contact as many officers within the Espanola Police Department that worked with him to verify his story and could not get any verification from them.

EXECUTIVE SESSION

Mr. Swagerty: Ok. Then what I will do now then is ask for a motion that we go into Executive Session.

Mr. Perez: I motion that we go into Executive Session.

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

Chief Segotta: Second.

Mr. Swagerty: All in favor?

Board: "Aye."

Mr. Shandler: Hold on a second. If you can make sure that the minutes reflect that they are going into closed session for licensing matters. Can you use that buzz word? And also it has to be roll call.

Mr. Swagerty: Ok.

Ms. Vigil: Donald Gallegos (Absent)
Chief Schultz (Absent)
Sergeant Remington (Absent)
State Police Chief Segotta (Present)
Mr. Swagerty (Present)
Mr. Perez (Present)
Mr. Panteeah (Present)
Sheriff Trujillo (Present)

Mr. Swagerty: Ok. Also for the audience, for the record, when we go into Executive Session, only things discussed in Executive Session will be the matters on the agenda right here before us. Ok. Alright, we will go into Executive Session. We will let you know when we are finished and then you can come back. Thank you.

Board goes into Executive Session

Mr. Swagerty: We will call the meeting back to Order. We will have to do a roll call vote to come back out of Executive Session. So Suzanne if you can do that real quick, please.

Ms. Vigil: Donald Gallegos (Absent)
Chief Schultz (Absent)
Sergeant Remington (Absent)
State Police Chief Segotta (Present)
Mr. Swagerty (Present)
Mr. Perez (Present)
Mr. Panteeah (Present)
Sheriff Trujillo (Present)

Mr. Swagerty: Ok. For the record we only discussed personnel matters here that were on our agenda and everything ok.

Mr. Shandler: Just to be precise, these are licensing matters not personnel matters.

Mr. Swagerty: Licensing matters not personnel matters, I'm sorry. Ok. Alright, we will go over these one at a time then. Are first one is Aaron Barringer and Zach you want to go, I'll read them off and you go over the recommendations.

Mr. Shandler: Mr. Chairman you heard the testimony of, you heard a presentation from your prosecutor that this is an agreement of voluntarily relinquishment of certification and you have seen a synopsis of the agreement. Is there a motion to accept the relinquishment?

Mr. Perez: I move that we accept the Director's recommendation.

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

Sheriff Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Motion carries. Alright Number 2, Disciplinary Matter of Joe Belmontes.

Mr. Shandler: Mr. Chairman you heard your Prosecutor describe this case. You heard from Mr. Belmontes. I should state for the record and I want this in the minutes that his current employing agency. There is a Sergeant and a Lieutenant that submitted letters. So there has been a consultation with his employing agency. So make sure that is in the minutes. There is also a discussion about how it went through the process of the NCA, the Informal Hearing, the Final Decision but there was no request for hearing. I'll note for the record that your board rules allow, in fact I should get the citation. If you could put this in the record, 10.29.1.13 A, says "if the Police Officer does not mail a request for a hearing within the time and in the manner required by this rule, the board may take the action contemplated by the Director and such actions shall be considered final." So that is a board rule. There is nothing in the record that there was a request for hearing. Before I proceed, let me pause and ask the Director, so your recommendation in Notice of Final Decision is for Revocation.

Mr. Ortiz: That is correct.

Mr. Shandler: Did you have a time period within that recommendation?

Mr. Ortiz: We wanted to stay consistent. I think what it has been is a five year revocation.

Mr. Shandler: So the board does have the authority under your rules to take that action. The one thing that I would advise you on is that. There is a still a little unclearness, that is not a word, about the request for hearing. So, this is what I advise you to do, is to make a motion to approve a thirty days suspension. That will be converted into a five year revocation contingent on the officer not submitting a request for hearing. So to be perfectly clear, there is going to be a thirty day suspension, if the officer does not request a hearing, it will automatically convert into a revocation for the five year period. If the officer within that thirty day period, delivers a written request for hearing, then you will go through the hearing process and it will be up to the hearing officer to decide to hear the facts and ultimately the board whether revocation should occur. So if he does request a hearing then his discipline goes away temporarily pending a hearing. Do you understand that?

Mr. Ortiz: Yes sir.

Mr. Shandler: Do you understand that

Mr. Belmontes: Yes sir.

Mr. Shandler: That's my recommendation based on the facts that you heard today and I would ask for a motion to support that.

Sheriff Trujillo: I move to motion to support that.

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

Mr. Perez: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None. Motion carries. Ok. Number 13, Ronald Bitah.

Mr. Shandler: Mr. Chairman, you have heard from your prosecutor about this case and there is a recommended Stipulated Order for ninety days. I think that is in line with some of your previous rulings and previous hearings.

Mr. Perez: I move that we accept the Director's recommended Stipulated Order.

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

Chief Panteeah: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. In the matter of Shawn Clark.

Mr. Shandler: Ok. Mr. Chairman, you heard your Prosecutor present the facts of this case. There is also a synopsis in your packet. It does deal with an officer responding to a situation. I guess I would like a statement on the record whether you think that this is satisfactory conduct by an officer in responding to a situation.

Chief Segotta: Mr. Chairman, for the record, we feel that the actions of this particular officer are excessive. To use the type of force that was used in this matter and then to detain or handcuff an individual who is in custody or in control and apply pepper spray is also excessive and our recommendation to reject the director's recommendation.

Mr. Perez: That the order be rejected and that it be sent back for reconsideration.

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

Chief Panteeah: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Ok. Motion carries. Alright, Number 15 Jodi Crockford.

Ms. Salcedo: Before we move on to Item 15. On 14, Shawn Clark, what would be the proper, in terms of the proper resolution that the board might consider on Shawn Clark.

Chief Segotta: Is it appropriate for us at this point Zach to give our thoughts on that.

Mr. Shandler: Mr. Chairman sometimes the board the does give recommendations but then again you are not required to do so, and if you feel like you are not comfortable doing that in this matter then you can decline.

Mr. Swagerty: I think the board feels that there are probably a few more things here that need to be or some more information that they might need. It was in our opinion. It was pretty excessive and we thought the 120 days may not have been for the incident, may not have been enough for the incident. So we would just like to send it back to you and get a little more information on it.

Ms. Salcedo: Is there any particular information that the board is looking to obtain.

Mr. Shandler: I think the board thought it was very serious. So is there a mitigating reason why it shouldn't be taken as a very, very serious offense?

Mr. Perez: 120 days does not seem sufficient.

Ms. Salcedo: Ok.

Mr. Swagerty: Ok. Let's go to Number 15 then. Jodie Crockford.

Mr. Shandler: Mr. Chairman, this individual never responded, therefore you can by default.

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

Mr. Perez: I move that the Director's recommendation for Revocation by Default.

Chief Segotta: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: None oppose? Alright, motion carries. Let's move on to the matter of Melvin Randy Dorman.

Mr. Shandler: Mr. Chairman, at your last meeting you provided a general rule that DWI's first offense would be 90 days. This one was brought back to you from the last meeting and is now in accord with your 90 day rule.

Mr. Swagerty: Ok.

Mr. Perez: I move that we accept the Director's recommendation of Stipulated Order for a 90 day suspension.

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

Sheriff Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok, Number 17 Pamela Frie.

Mr. Shandler: Mr. Chairman, this officer or Telecommunicator never responded therefore you have the right to issue a Default Order.

Chief Segotta: Mr. Chairman, I move that we accept the Director's recommendation for Revocation by Default.

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

Mr. Perez: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Alright, Number 18 James Gallegos.

Mr. Shandler: Mr. Chairman you heard a presentation from your Administrative Prosecutor and also significantly you heard from Mr. Holmes, your Investigator about what happened at the last meeting. About the other officer and how this you requested a greater proportionality in the penalties due to responsibility and they have established the record that will satisfy that general rule.

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

Sheriff Trujillo: Motion to accept the Director's recommendation.

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

Mr. Perez: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok. Disciplinary Matter of Floyd Garcia.

Mr. Shandler: Mr. Chairman, you heard at your last meeting. Let me try that again. You heard a presentation from your Prosecutor and at your last meeting you announced a general rule of 90 days for first offense and at a previous meeting you said for a second offense you could go as high as double that or up to a year. Here the previous offense was twenty years ago so you're Prosecutor has chosen to

double the ninety day because this is a second offense and it is asking for a hundred and eighty day suspension.

Mr. Perez: I move that we accept the Director's recommendation for Stipulated Order for a hundred and eighty day suspension.

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

Chief Segotta: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok. Disciplinary matter of Kevin Gutierrez.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. You heard Mr. Gutierrez describe the situation as well and has stated remorse. You have the facts in the record and the recommendation from the Director is a suspension of sixty days.

Mr. Perez: I move that we accept the Director's recommendation of Stipulated Order.

Sheriff Trujillo: I'll second.

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

Board: "Aye".

Mr. Swagerty: Any oppose?

Chief Segotta: Mr. Chairman let the record reflect that I have recused myself.

Mr. Swagerty: Yes.

Chief Segotta: and provided no comment to the board on it.

Mr. Swagerty: Ok. Thank you. Motion passes then. Number 21 Rodney Harrison.

Mr. Shandler: Mr. Chairman you heard a presentation from your administrative Prosecutor. This is in accord with your general rule of a ninety day suspension for DWI.

Mr. Perez: I move that we accept the Director's recommendation of Stipulated Order of a 90 day suspension.

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

Sheriff Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok. Rachael Hazen.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. I believe that this was also at your previous meeting and your Prosecutor has come back to make this in accord with your general rule about DWI being 90 days.

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

Chief Segotta: I move that we accept the Director's recommendation of a Stipulated Order.

Mr. Perez: Second.

Mr. Swagerty: Ok, all in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Alright Number 23 matter of Orlena Hooee.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. The facts of the case are laid out in synopsis in your binder. The Director is requesting a 90 day suspension. This in accord with your previous decision that the crimes of alleged crimes of theft from sixty to ninety day range.

Ms. Salcedo: Just to clarify the theft wasn't by her basically the weapon had been mishandled and it came into the possession of a non-law enforcement.

Mr. Shandler: But also there was the unauthorized purchase of gasoline.

Ms. Salcedo: Oh yeah and the gas.

Mr. Shandler: It's by in-precise to call that theft but I'm trying to use that in umbrella term. I don't mean offense.

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

Mr. Perez: I move that we accept that Director's recommendation of Stipulated Order of Agreement.

Mr. Swagerty: Do I have a second?

Sheriff Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

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

Chief Panteeah: Mr. Chairman, I want the record to reflect that I reclused myself from this matter and also that I did not make any comment.

Mr. Swagerty: Ok. Good. Okay, number 24 William Kerin.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. This is a DWI first offense, 90 day suspension.

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

Mr. Perez: I move that we accept the Director's recommendation of Stipulated Order.

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

Chief Panteeah: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok. Julian Lopez.

Mr. Shandler: Mr. Chairman, Mr. Lopez did not respond therefore you have the right to default.

Chief Segotta: Mr. Chairman, I move that we accept the Directors recommendation of Revocation by Default.

Mr. Perez: Second.

Mr. Swagerty: I have a motion and I have second. All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Number 26 Jose Martinez.

Mr. Shandler: Mr. Chairman, you heard a presentation from the Administrative Prosecutor. You heard Mr. Martinez provide some information on this. The facts of the matter are laid out in synopsis form in your binder. There was some question and answer between the board and Mr. Martinez. The recommended decision by the Director is ninety days but I would like a statement from one of the board members that maybe you still have some more questions about this that you would like the facts to be greater, a greater development of the facts before you make a judgment.

Chief Segotta: Mr. Chairman, as Mr. Shandler said, we did have discussion on this. We have some concerns regarding the incident that occurred and the unwillingness initially of the respondent to admit

that there was some type of incident involving a firearm. In fact, I think at one point he admitted that he wouldn't have disclosed that had the casing not been discovered in the bed of the pick up truck or in the vehicle and that has brought a lot concern to the board and we would like to investigate that a little bit more. So we would want to reject the recommendation at this time.

Mr. Perez: I move that we reject the Director's recommendation and send it back for further information.

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

Chief Panteeah: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Okay Number 27 is the matter of Rene Sandoval.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. I believe this case was also heard in Rio Rancho. The board rejected a sixty day suspension. Board Member Schultz recommended a suspension of ninety days. That is consistent with your general rule of sixty to ninety days for crimes of Forgery or Stealing and so the Director has come to you with a recommendation with a ninety day suspension.

Mr. Perez: I move that we accept the Director's recommendation of Stipulated Order.

Chief Panteeah: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose?

Chief Segotta: Mr. Chairman, let the record reflect that I reclude myself on this matter and provide no comment.

Mr. Swagerty: Ok. Then Number 28 Trina Shore.

Mr. Shandler: Mr. Chairman, Ms. Shore did not respond therefore you have the right to default her.

Mr. Perez: I move that we accept the Directors recommendation of Revocation by Default.

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

Chief Segotta: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok, matter of Harland Sosseah.

Mr. Shandler: Mr. Chairman, you heard a presentation from your Administrative Prosecutor. This was also presented to you at your last board meeting at Rio Rancho and there is evidence or material in the minutes from that last meeting. The board rejected the fifty day suspension and made a recommendation for a thirty day suspension therefore, the Director has come forward with a proposal of a thirty day suspension.

Mr. Perez: I move that we accept the Director's recommendation and Stipulated Order.

Sheriff Trujillo: I'll 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. Ok. Number 30 then Cornelius Thomas.

Mr. Shandler: Mr. Chairman, you have heard a presentation from your Administrative Prosecutor and from Mr. Ortiz and Mr. Holmes about how they did send out the Notice of Contemplated Action, the Notice of Final Decision. You heard from Mr. Thomas saying that there may be some further factual development as to whether the attorney got it or whether the attorney relates to it. In the abundance of caution since Mr. Thomas has now appeared, I would advise you that to not revoke him by default and instead allow him to go through the process now that he appears, has appeared and to provide good information if he is still here, a mailing address so Mr. Ortiz and him can work on this matter to see if it can be resolved.

Mr. Perez: I move that we reject the Director's recommendation and that it be sent back for further handling.

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

Sheriff Trujillo: Second.

Mr. Swagerty: All in favor?

Board: "Aye".

Chief Panteeah: Mr. Chairman, I would like the record to reflect that I reclude myself from this matter and no comments were made.

Mr. Swagerty: Ok. Motion carries. Ok, Number 31, the disciplinary matter of Benjamin Torrez.

Mr. Shandler: Mr. Chairman, Mr. Torrez never responded and you have the right to default.

Mr. Swagerty: Ok.

Mr. Perez: I move that we accept the Director's recommendation of Revocation by Default.

Mr. Swagerty: Alright.

Chief Segotta: Second.

Mr. Swagerty: Second. All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? None, motion carries. Ok, in the matter of David Whitzel that one was deleted for counsel's office. We will hear that later?

Mr. Shandler: Mr. Chairman, we will see what the parties come up with.

Mr. Swagerty: Ok, scheduling of next meeting. Mr. Ortiz.

Mr. Ortiz: Yes sir. We are looking at Las Vegas for September 13th and also in our work session yesterday we were advised that the board would like us to notify them further in advance and plan out for next year and e-mail you a schedule with the quarterly board meetings, where they will be located and the dates.

Mr. Perez: Would that be at least six months ahead?

Mr. Ortiz: Yes, we will even go a year.

Mr. Perez: A year, excellent.

Mr. Ortiz: The beginning of next week you should get an e-mail from us for the board meetings for the next year.

Ms. Salcedo: Apparently, yesterday at the meeting, there was an issue about when we bring these matters to the board as a Stipulated Agreement that when the board says we are rejecting this agreement; however, we believe this may be a possible resolution and it is proposed that whether or not the board is going to at all. Apparently, yesterday it was discussed about allowing the Director to present that agreement or that proposal to the officer. Having the officer then sign off on the agreement and then presenting that written agreement to a designated board member for approval without re-hearing the matter and obtaining a quorum of the board. So, we are asking on whether the board can give us that authority at this time. Since it was yesterday discussed at that meeting and on the agenda I believe as a possible general subject.

Mr. Perez: I move that we accept that procedure.

Mr. Shandler: With all do respect, could I have an opportunity, I apologize for not being at the work session, I had another water quality commission meeting I had to go to. I'd like to study this proposal and see if it permissible under your statute and rules and I will get back to you.

Mr. Perez: I think that is a good idea.

Mr. Swagerty: Ok. I'll ask for a motion to adjourn.

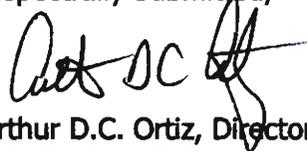
Mr. Perez: I make a motion that we adjourn this meeting.

Mr. Swagerty: Ok. All in favor?

Board: "Aye".

Mr. Swagerty: Any oppose? Come on let's stick around? Ok. Thank you. Ok, thank you.

Respectfully Submitted,



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

APPROVED:



Gary King, Chairman
New Mexico Attorney General