

NEW MEXICO LAW ENFORCEMENT ACADEMY
 REGULAR BOARD MEETING
 August 3, 2011
 9:00 a.m.
 Ruidoso Convention Center
 Ruidoso, New Mexico

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(1761K) SMH

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A P P E A R A N C E S

BOARD MEMBERS
 Gary K. King, Attorney General
 Raymond Schultz
 Mark Myers
 Nate Korn
 Robert Shilling
 James Coon
 Harry Betz
 John Gratton

ALSO PRESENT
 Zachary Shandler
 Ernest Holmes
 Matthew Jackson
 Monique Lopez
 Gregg Marcantel

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ITEM NO. 1: CALL TO ORDER

MR. KING: All right. It looks like the panel is all here, almost all here. So I'm going to go ahead and call the meeting to order this morning. Welcome everybody to the meeting of the New Mexico Law Enforcement Academy Board. I see that we have quite a few folks, I assume, from around the state, but maybe some folks from Lincoln County. We appreciate the use of the Lincoln County facility. It's always a good place. I was just telling the sheriff it's a good location so that folks from Southern New Mexico don't always have to drive to Santa Fe. So we're glad to be here.

ITEM NO. 2: ROLL CALL

MR. KING: I'm going to have roll call. I'll have everybody introduce themselves. I'm cognizant we have members present. For the new members, I'll ask you to say your name. I know Mr. Marcantel has a little bit longer presentation to introduce the new members to the board. So when we get to the Director's Report, we'll spend a little time on the new members.

MR. MARCANTEL: Thank you.

MR. KING: Just for purposes of roll call, I'll start with Monique. Everybody around the front

table will introduce themselves.

MS. LOPEZ: Monique Lopez, New Mexico Law Enforcement Academy.

MR. MARCANTEL: Gregg Marcantel, Director.

MR. KORN: Nate Korn, and I am a citizen-at-large.

MR. MYERS: I'm Mark Myers, board member.

MR. SHILLING: Robert Shilling, Chief of the New Mexico State Police.

MR. SCHULTZ: Ray Schultz, Chief of the Albuquerque Police Department.

MR. KING: New Mexico Attorney General.

MR. COON: Rob Coon, Sheriff with Chaves County.

MR. BETZ: Harry Betz, Chief of Police, Santa Ana Pueblo.

MR. GRATTON: I'm John Gratton, board member.

MR. SHANDLER: I'm Zach Shandler, attorney for the board.

MR. HOLMES: Ernest Holmes. I'm an investigator with the New Mexico Law Enforcement Academy.

MR. JACKSON: Matt Jackson. I'm the administrative prosecutor for the board.

MR. KING: So it looks like we have a quorum.

ITEM NO. 3: APPROVAL OF AGENDA

MR. KING: The next item on the agenda is approval of the agenda. They gave us only an amended agenda this morning. Monique, can you tell me what the amendments are to the agenda?

MS. LOPEZ: We added five more disciplinaries to the agenda. I put it in your binder, sir.

MR. KING: All right. So just some additional items in the disciplinary matters.

MS. LOPEZ: The ones that are highlighted are the additions to the agenda.

MR. KING: Everybody has had a chance to see that. Any other additions or modifications to the agenda? In that case, I'll take a motion to approve the agenda.

MR. SCHULTZ: I make a motion we accept the amended agenda as submitted.

MR. COON: Second it.

MR. KING: All in favor say aye.

(Those in favor so indicate.)

MR. KING: Any opposed?

It's approved.

ITEM NO. 4: APPROVAL OF MINUTES, JUNE 2, 2011

MR. KING: Everybody should have those minutes in advance. Any comments or additions to the minutes? So I'll take a motion to approve the agenda -- you can tell it's early in the morning. I will take a motion to approve the minutes.

MR. COON: I make a motion to approve the June 2, 2011, minutes.

MR. KORN: I second it.

MR. KING: All in favor?

(Those in favor so indicate.)

MR. KING: Opposed? The minutes from June 2, 2011, are approved.

ITEM NO. 5: DIRECTOR'S REPORT

MR. KING: I'll turn over the floor to Mr. Marcantel.

MR. MARCANTEL: Good morning, Mr. Chair, members of the board. On behalf of the Law Enforcement Academy, we hope that your stay in Ruidoso has been comfortable, and we appreciate you-all being here. Before I get into kind of the activities of the present and activities of the future, I would like to make sure we throw out a little more detail about the new members appointed by the governor.

1 MR. KING: Can I stop you for a second?
2 Can you hear Mr. Marcantel in the back? It's a
3 little unusual. I want to make sure that our
4 reporter can hear us. Can we turn that podium a
5 little bit sideways?

6 MR. MARCANTEL: If I can just sit at my
7 chair, I can project.

8 MR. KING: I think that will work.

9 MR. MARCANTEL: As I mentioned, I think
10 before we get into kind of the Academy's activities
11 of the present and activities of the future here, I
12 think it would be important to bring up a little bit
13 of detail about the two new members we have on the
14 board here.

15 First of all, I would like to start with
16 Mr. Gratton. He was originally born in Canada. He
17 came to the United States originally, I think, on a
18 track and field scholarship, spent some time here
19 after achieving a bachelor's, master's degree. He
20 decided to get back to Canada for a little while. I
21 think he did some teaching out there, teaching at the
22 public school level. He decided to come on back and
23 pursue a Ph.D. in the United States and finished that
24 up around 1978.

25 Since that time, Mr. Gratton is now a U.S.

1 Las Cruces Police Department for complex
2 investigations. He serves on an officer involved --
3 we call them officer involved shooting teams in the
4 metropolitan area, but it looks like the Las Cruces
5 area has kind of a more expanded approach to
6 in-custody deaths or a critical incident that happens
7 in the area by one of the contributing law
8 enforcement agencies.

9 He also teaches criminal investigation
10 subject matter with the Las Cruces Police Department.
11 He's an active co-chair with Crime Stoppers and the
12 ViCAP program. He's on the Sexual Assault Board of
13 Directors and New Mexico Intimate Partner Death
14 Review Team and holds a number of different
15 memberships with a number of highly recognized
16 organizations like the American Academy of Forensic
17 Science, International Homicide Investigators
18 Association and a number of others. So we think
19 Detective Myers is a great new addition as the line
20 officer for the board, and we think based on his
21 collective experience he's going to bring some
22 extraordinary insight. And we appreciate him being
23 with us. So if you don't mind, kind of a round of
24 applause.

25 To the meat and potatoes now. The

1 citizen. He has served as a faculty member,
2 department chair, and dean. For the past 12 years he
3 has served as vice president for instruction in both
4 Texas and New Mexico junior colleges. His duties and
5 responsibilities have included the oversight of
6 criminal justice programs and law enforcement
7 training programs in both Texas and New Mexico. So I
8 think he's real suited with a great deal of insight
9 based on his experience.

10 He's been married for 38 years to his wife,
11 Peggy, and they have two children. One daughter,
12 Alicia, is a doctor in Fort Worth, and he has a son,
13 Brian, who is an attorney out in Houston. They have
14 two grandchildren, and I understand one on the way,
15 so soon to be three. So we welcome Mr. Gratton to
16 the board and appreciate you being here.

17 MR. GRATTON: Thank you, sir.

18 MR. MARCANTEL: The next is Detective Mark
19 Myers. I have known Detective Myers for many, many
20 years. He's about a month shy of 20 years with Las
21 Cruces. He spent the bulk in criminal
22 investigations. In 1995 when I first met him, I was
23 working on a RICO case down in Las Cruces, and he
24 entered into criminal investigations. He's done a
25 great job there. He's one of the go-to people at the

1 activities since our last meeting on June 2, the Law
2 Enforcement Academy has reopened its four instructor
3 positions for Basic and CIRT Bureaus. They are being
4 reviewed. We don't know what they're going to look
5 like, the quality of candidates yet, but we have got
6 the process going.

7 The 2012-2013 proposal for biennium
8 requirements is on the agenda today. That proposal
9 includes the training that's required from House Bill
10 93 and Senate Bill 77. That's incorporated in there.
11 We are presenting modifications to Section 10.29.9 of
12 NMAC. They were originally, as you might recall,
13 presented to the board as a discussion item back in
14 December before I came on board here. So you would
15 remember it better than I. The proposal is to adjust
16 the training blocks to kind of a more logical
17 sequence and correct some of the language and some of
18 the syntax and errors that were in that section. So
19 we're requesting that the board move both that
20 biennium training and the NMAC publications to public
21 hearing possibly at its next meeting.

22 You'll note in your handouts that the
23 advanced in-service training has been very active.
24 We have 209 students attending the training that's
25 represented in your handouts for a total of 6,660

1 contact training hours.
 2 You'll see in the handouts Mr. Elliott
 3 Guttman, our legal staff attorney, has been
 4 characteristically very active throughout the state
 5 doing what Elliott Guttman does best. He's really
 6 been a very busy man. The same as to Agent Coss and
 7 the Advanced Training Bureau. They have developed a
 8 child abuse investigative training curriculum in
 9 collaboration with Senator Garcia's office and CYFD
 10 to meet the mandates of Senate Bill 77. The
 11 curriculum and Power Point presentation have been
 12 posted on the web site for the agencies out there to
 13 utilize.

14 Class 973 is underway and will be conducted
 15 all the way through August 19 of 2011. We currently
 16 have 16 attendees in that particular training. The
 17 Advanced Training Bureau staff have also refurbished
 18 the firearms range with the New Mexico National Guard
 19 and currently are in the process of renovating the
 20 classroom as well. The Advanced Training Bureau has
 21 purchased some nationally-accredited curriculum for
 22 revamping our public safety telecommunicator academy
 23 curriculum and our post-academy in-service training
 24 officers. This particular purchase involves the
 25 inclusion of CAD software into the practical

1 In regard to our misconduct complaint
 2 management, you will see a breakdown of pending
 3 misconduct cases. Pursuant to your direction, the
 4 board's direction, following our last meeting, we did
 5 a few weeks ago -- I don't remember exactly when --
 6 provide the board via e-mail a misconduct case status
 7 report. If you recall, that particular report
 8 indicated we had a backlog of about 80 cases at that
 9 time. Since that last report, we have successfully
 10 resolved a number of these cases, roughly around 19.
 11 Some didn't make the cutoff for today, but you'll see
 12 12 in your books. And that effectively achieves
 13 about a 24 percent drop in those numbers that we
 14 originally sent over.

15 Just for a little bit, I want to publicly
 16 acknowledge my appreciation for former director Art
 17 Ortiz. He did an excellent job. He was very
 18 passionate about pursuing these misconduct cases and
 19 what those cases meant to the law enforcement
 20 community's standards of ethics and those sorts of
 21 things. He did an exceptional job. He left me in a
 22 very good position. We are, at this point,
 23 reexamining or examining maybe, what I should say,
 24 would be a better new business model.

25 Some things, through bringing in some

1 exercises. So we think that's going to bring an
 2 added benefit to the statewide law enforcement
 3 telecommunicator community.

4 They have purchased Netbook computers to be
 5 used by BPOT and certified waivers and PST students
 6 for training while at the Academy. This will reduce
 7 some of the pressure on paper and allow the students
 8 to access and be able to query their classroom
 9 information in better ways. We think they would be
 10 very useful.

11 As far as the Basic Bureau, basic training
 12 No. 182 is originally staffed -- was originally
 13 staffed with 44 cadets. We had two no-shows and one
 14 back-out the first day for personal reasons, so that
 15 leaves us now with 41, and it looks like a strong 41.
 16 They're into Week 7. The first exam covered Blocks
 17 1, 3 and 4. That's basically intro to the academy,
 18 ethics, physical and emotional readiness. The second
 19 exam was the use of force and medical implications.
 20 The class average for the first exam was running
 21 about 85.7. The class average for Exam No. 2 ran
 22 91.5. Also, many of you will know here that the
 23 Public Safety Telecommunicator Class 116 recently
 24 graduated last Friday, and it was attended by 30
 25 students.

1 technology, moving towards kind of a docket-based
 2 file management system where we have a central file
 3 system, and we are sharing with all of the parties in
 4 standing, the AG's Office and whatnot, files in
 5 digital form where we have a central file that's
 6 complete and always complete and ready for hearing.
 7 We're doing weekly staffing now with the AG's Office.
 8 So we're looking every week at cases and staffing
 9 them and problem solving those things together rather
 10 than kind of a hit and miss telephone and e-mail
 11 thing. We think that's helping a little bit.

12 So, we think, as we move forward with
 13 bringing in the technology, looking at just some
 14 changes to our work flows and our business model,
 15 that we'll bring some more efficiency into the
 16 system. But I think it's important to say that I
 17 inherited a very good foundation.

18 Regarding, kind of wrapping it up, future
 19 activities, the next PST class, No. 117, is scheduled
 20 for September, September 12 through 30, to be exact,
 21 of 2011. The next BPOT, Basic Academy 183 is
 22 scheduled for January 9, 2012. That will run through
 23 June 8 of 2012.

24 Some other things, we have been successful
 25 in garnering the cooperation of an executive working

1 group that we're pulling together to provide the LEA
2 with insight and consultation on some program
3 development. Primarily, we're going to ask the
4 executive working group, which is comprised of
5 sheriffs and chiefs, to take a look at three
6 particular programs that we're interested in that we
7 think will benefit our law enforcement community in a
8 statewide community at large. One is Transitions
9 with Honor. The secretary spoke to that. We want to
10 take a look at what we can do to provide better
11 access of our returning combat veterans who had like
12 training in the military and experience and create a
13 better base that our entire law enforcement community
14 can draw upon to bring into the ranks of professional
15 policing throughout the State of New Mexico.

16 The other is, we want to take a look at a
17 defensible position on what our basic training
18 curriculum looks like. We want to make sure these
19 hours we have assigned to basic training curriculum
20 are defensibly attached to a job task analysis. So
21 the working group will be looking at our latest job
22 task analysis, which is roughly 2002, and take a look
23 at refreshing that. I don't see us financially able
24 to do another JTA, but I do think there's a
25 defensible way we can take a look at roughly a nine

1 year old JTA and have experts look at that and
2 identify currently what tasks exist that are
3 necessary and what may be added and take a look at
4 that point at assigning hours to those and see what
5 those hours look like. So that's the other thing.

6 The other thing we're interested in looking
7 at is executive cert. by waiver, something that will
8 speak to those certification by waivers of retired
9 law enforcement officers that are coming to the state
10 to take executive ranks. So those are the three
11 things we will ask that working group to do.

12 The Academy instructor positions
13 descriptions are currently being reevaluated in the
14 process of adjusting pay bans to reflect better the
15 extraordinary responsibilities that they have to the
16 law enforcement community. That's going very well,
17 and we suspect that that will go well and end up
18 well, and those pay ban adjustments will be made a
19 little more appropriate for what they do. We are
20 going to return those positions back to commissioned
21 status because we think they need to be actively
22 engaged in the law enforcement community in a task
23 way to keep their skills that they teach fresh as
24 well. So we will be returning them to a commissioned
25 status.

1 In closing, I would really like, if you
2 don't mind, to publicly acknowledge the entire New
3 Mexico Law Enforcement Academy staff. That staff,
4 Ladies and Gentlemen, I'm getting my sea legs here,
5 are currently working under roughly 50 percent of
6 what their normal staffing allocations are. And even
7 in that particular environment, they continue to
8 attach themselves to something very much bigger than
9 themselves, and that's their responsibilities to
10 train our statewide law enforcement community, and
11 they're doing -- given what they're up against, they
12 have done some extraordinary work.

13 If you don't mind, I'll close it up and
14 wrap it up. But any of the New Mexico Law
15 Enforcement Academy staff that are currently here
16 today with us, I would ask that they just please
17 stand.

18 That's really it on my end, unless there's
19 any questions.

20 MR. KING: Questions, Sheriff?

21 MR. COON: It's not a question. It's a
22 comment. I was so surprised the other day to get a
23 letter from Phillip Gallegos. I've got a deputy in
24 this recruit class now, and I got a letter from him.
25 And you hate to see it. Oh, my God. What did he do?

1 It was an update on what he's been doing, his status
2 with his grades, because I never get to see this guy
3 since it's a Monday through Friday academy now. But
4 he give me his tests scores, what he's strong on and
5 what he's weak on. I don't know if any other
6 administrators got the same letter that I did, but it
7 was nice and refreshing to know that they have
8 individualized these guys and are sending
9 correspondence back letting us know how our guys are
10 doing. I appreciate that, and it was certainly
11 unexpected, but certainly appreciated.

12 MR. MARCANTEL: Mr. Chair, Members of the
13 Board, just in response to that, again, that's
14 indicative of the work that's going on at the
15 Academy. That particular bureau chief is teaching a
16 great deal of those courses himself and still finding
17 the time of measuring the success and status of those
18 students and trying to get back with you. And thank
19 you for the comments. And I'll make sure it gets
20 back to him.

21 MR. KING: Any other questions?

22 MR. KORN: I have a question. I have a
23 question about the disciplinary backlog. Do you
24 have -- and I know you're trying to get your arms
25 wrapped around this. Do you have a goal in the

1 future to wrap up these cases? With the ones from
2 2010, 2009, there's about 40 plus cases, which is
3 about 25 percent of all the cases that were presented
4 that you inherited.

5 MR. MARCANTEL: Mr. Chair, Members of the
6 Board, that's a very good question and important
7 point, I think. We still have roughly five cases
8 that date back to '09 and '08. That's pretty
9 phenomenal. The bulk of our cases are in 2010 and
10 2011. The goal would be to make sure that what
11 actions were taken clear up that backlog and make
12 sure the actions the board is taking is relatively
13 connected to the actions and decisions that are being
14 made by the law enforcement organization. I find it
15 very difficult to understand that you have something,
16 an unauthorized act, that occurred in 2008, and we're
17 now faced in 2011 with taking some sort of an action.
18 If it's a suspension, we're now putting that
19 suspension into the management responsibility of the
20 organization that's now already dealt with it.

21 It's a high priority that we get within,
22 hopefully, 90 days. We're setting up in our work
23 flow. We're setting up some time lines that we want
24 to make sure that we're holding ourselves accountable
25 for from the moment that we receive the files, that

1 ITEM NO. 6: PUBLIC COMMENTS
2 MR. KING: The next item is public comment.
3 MS. LOPEZ: Nobody signed up.
4 MR. KING: No hands raised either.

5 OLD BUSINESS

6 ITEM NO. 7: NMAC PART 9 RULE CHANGE PROPOSAL
7 MR. KING: The next item is Old Business,
8 NMAC Part 9. Mr. Najjar, it seems like it may be best
9 to go ahead. I don't know how loud your voice is.
10 There are wheels on the podium, so you can move the
11 podium.

12 MR. NAJAR: Mr. Chairman, and Board
13 Members, I'm Gilbert Najjar of the Law Enforcement
14 Academy. And I did get feedback that I spoke too
15 fast. If I do that again, let me know, and I'll slow
16 down.

17 As the director noted, this is one of the
18 items that we are going to request that the board act
19 upon and move to public hearing at your next board
20 meeting. This was first introduced as a discussion
21 item at the December board meeting, and it consists
22 of our recommendations for modification of Title 10,
23 Chapter 29, Part 9. Some of it is just existing
24 errors that were in the adoption originally, some
25 cosmetic changes, for lack of a better description to

1 it goes into a docket system. And we are going to
2 have times that we're expected to make a decision on
3 how the case is going to be handled and then times
4 when it hits an informal hearing and so forth. So
5 we're hoping to bring that into a more realistic
6 picture. It's very much a problem, and I appreciate
7 the question, sir.

8 MR. KORN: Just if I could make a comment.
9 If you can get it to the board in 90 days, it would
10 be phenomenal for the accused officer and good for
11 society that we're looking after as a board.

12 MR. MARCANTEL: Mr. Chairman, and Members
13 of the Board, that's a two-fold goal. We have a
14 primary responsibility to the citizens-at-large and
15 holding the ethical standards we need. But at the
16 same time, we have to be sensitive to the new process
17 that the accused officers are being placed in. So
18 those are the two primary motivating points to get
19 the goal met in the future.

20 MR. KORN: Thank you.

21 MR. KING: Any other questions?

22 Seeing none, we don't have to take any
23 action on this. Thank you, Mr. Marcantel, for your
24 information.

25 MR. MARCANTEL: Thank you.

1 it, and then a reorganizing and restructuring of the
2 curriculum so it makes more sense logically, that the
3 blocks fit together in sequence. In addition, you'll
4 see in here -- and I'll walk through each specific
5 section as we go through this -- we have, through the
6 legislative process, it seems like every year, had
7 additional mandatory training requirements placed
8 upon officers both in service and in the basic
9 academy.

10 Those changes to date have not been adopted
11 into the basic curriculum. So they have existed for
12 a number of years such as the domestic violence
13 requirement. So now we're just basically going
14 through and incorporating them into the black and
15 white parts into the New Mexico courts, so they're
16 here in writing since we have been teaching them in
17 satellite academies. Blocks 9 and 10 are untouched.
18 And when I get to the House Bill 93, I will explain
19 why we're not recommending any changes, but for
20 public hearing there may be recommendation at that
21 point.

22 On Page 1 in your binders under Section
23 10.29.9.8, Police Officer Minimum Standards of
24 Training, Block 1, Introduction to the academy,
25 you'll see we have an addition in No. 7, cultural

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1 diversity, from Block 9. It's being moved to this
 2 part of our curriculum. So that's the change there.
 3 And on some of these, I'll note that there has been
 4 discussion on this, that we increase hours, we reduce
 5 hours, and on a couple of these, there was not an
 6 existing lesson plan in place so we have added that.
 7 At the back of this material there in your
 8 binders, you'll see a couple of tables, and I'll walk
 9 through the additions and subtractions and how we
 10 ended up with the numbers specifically and those
 11 recommendations. And some of these also came from
 12 audience participation where it was recognized, such
 13 as in the emergency vehicle operation training
 14 especially with large classes of 40 to 50 officers,
 15 that sometimes the actual behind-the-wheel driving
 16 time for the officer could be as small as a half hour
 17 of actual driving training. You'll see an increase
 18 of 16 hours of driving course practicum. And that
 19 was to respond to the criticism of lack of amount of
 20 time that the officers were actually getting on the
 21 driving force. I'll revisit that as we get to that
 22 section. That's the first change.
 23 Under letter B, Introduction to law
 24 enforcement in New Mexico, you have an addition. No.
 25 6 there, it's not an addition. It's cultural

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1 diversity from Block 9 to this block. The hours
 2 remain the same and no change in that.
 3 Page 2, this has been one of those cosmetic
 4 fixes that originally when we established the ability
 5 for individuals to utilize the cycle ergometer test,
 6 in order to pass the physical fitness requirements,
 7 one aspect of that, we had contacted and worked out
 8 an arrangement with University of Texas El Paso, and
 9 they're allowed to do some of the testing. They
 10 later said they were not interested in that. We
 11 removed them. The laboratory will continue to do the
 12 testing for us, so that's just a deletion of that.
 13 On Page 3, you'll see where it's in the
 14 same section, Item No. 3, we have made an addition
 15 based on feedback from the board and from our
 16 audiences in the past to add a block of instruction
 17 called officer suicide, and that subject matter is
 18 specific to the law enforcement officers themselves
 19 committing suicide. And the discussion of that, it
 20 was felt that it was important that we visit that
 21 topic and that be part of our curriculum so that we
 22 can address those issues related to the stress
 23 involved in the career and that those things can be
 24 addressed with the cadets starting off their career.
 25 That's an officer suicide additional lesson plan.

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1 Block D, Laws and procedures, under No. 9,
 2 moving from Block 11, juvenile law and justice, No.
 3 10, juvenile laws and their problems, from Block 11.
 4 No hours are impacted there. Same hours are coming
 5 over. Here we have included one of the statutory
 6 requirements that wasn't in this administrative cop
 7 PAC, crimes motivated by hate, which is required by
 8 state statute. So that's included now in the
 9 curriculum.
 10 On Block 5, patrol procedures, you'll see
 11 that another one in the legislative mandated
 12 requirements, missing persons and AMBER Alert, has
 13 been now adopted under this section. And you'll see
 14 that we have moved hazardous materials, eight-hour
 15 block, no changes in the hours from Block 8, to this
 16 section where it didn't fit in Block 8.
 17 If you'll drop down then to letter G, Block
 18 7, Motor vehicle law enforcement, you'll see again
 19 one of the items required by state statute -- I think
 20 this one was from last year -- Item No. 8 under
 21 letter G, off highway Motor Vehicle Act, three hours.
 22 And so that now is just being adopted even though we
 23 have been training on that.
 24 Move to Block 8. The change there really
 25 is the moving of the hazardous materials out of this

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1 section, and the other two sections here, the
 2 collision and the accident report forms, remain in
 3 this section. So that's the change to Block 8.
 4 Block 9, as I previously noted, we sent
 5 cultural diversity to Block 1, and we placed Spanish
 6 language, 16 hours, into Block 2 leaving perceptions
 7 of human behavior by itself here. And I'll talk
 8 about that a little more in the other presentation.
 9 Under letter K, Domestic issues, you'll see
 10 here where we removed juvenile law and juvenile under
 11 problems, and the addition of ensuring child safety
 12 upon arrest, which is again a statutory requirement,
 13 has been added to this. And then the domestic
 14 violence and domestic violence simulation practicums
 15 are what remain in Block 11.
 16 Dropping down to Block 16, this is where we
 17 have added those additional hours and specifically
 18 identified the courses of driving that we want the
 19 individual officers to have had practical experience
 20 on. So you'll see that highlighted which says, "With
 21 a precision closed course and a precision open
 22 course," and that part of the section there. And
 23 you'll see under -- if it's not noted, but under the
 24 total of hours, it goes from 40 to 56.
 25 And if you'll make your way to, it should

1 be on Page 9, letter F, and this section here is
 2 being modified so it is consistent with 29-7-6 state
 3 statute. The previous language, as you'll see here
 4 noted, "Discharged under any other than an honorable
 5 discharge from any of the armed forces of the United
 6 States." So the language you see below that is what
 7 is in state statute, so we're bringing New Mexico
 8 administrative code into really a compliance with
 9 what is directly quoted under state statute. And
 10 that makes reference to the discharged under
 11 dishonorable conditions or under honorable
 12 conditions.

13 And I believe this will be the last noted
 14 change. On Page 14, at the top of that, that is
 15 under 10.29.9.16, Renewal of certification, it's
 16 under Paragraph C. And over on Page 14, about the
 17 middle of the paragraph it begins with the line, "In
 18 the event that a certified law enforcement officer's
 19 or dispatcher's period of separation due to active
 20 military service exceeds two years, the individual
 21 must complete a certification by waiver training
 22 program with the exception of having to submit any of
 23 the required application forms or physical fitness
 24 testing requirements." And so the discussion that
 25 had come before the board was occasionally officers

1 of the individual, their employment status at least
 2 coming back was not affected, we had not considered
 3 or even discussed what if they did fail certified
 4 waiver. So that has not taken place, so I don't have
 5 an answer for you.

6 MR. SCHULTZ: You may want to double-check
 7 just having dealt with them several times in the
 8 past. Sometimes items they're not interested in,
 9 they may be very interested in.

10 MR. NAJAR: Okay.

11 MR. KING: Good point. Thanks, Chief.
 12 Anything else?

13 So my understanding is that at the next
 14 board meeting, this will come before us for -- as a
 15 hearing basically; is that right? We'll either make
 16 changes or there will be some public comment on the
 17 rules. Will this be published? Zach, can you tell
 18 me?

19 MR. SHANDLER: The process is, the board
 20 looks -- you're looking for a motion to authorize
 21 staff to publish this and set up a rule-making
 22 hearing at the next quarterly meeting.

23 MR. KING: The motion today will be to
 24 publish this as part of our rule-making process, and
 25 then we'll complete that process at the next

1 are called up to active military service. And so in
 2 some instances, although it's rare, their deployment
 3 can exceed two years, sometimes three years, and we
 4 have seen at least one officer who was deployed for
 5 six years. So the direction that we were given was
 6 that in that event when something like that occurs,
 7 and we have exceeded our two-year window, then as
 8 that person is released from active service, that
 9 they come back and then be sent to the three-week
 10 certification by waiver course so they can reactivate
 11 their certification at that time.

12 These are all items submitted for your
 13 review and consideration. And I believe that's the
 14 last item that we have for recommendation to the
 15 board. Yes, it is. And with that, I'll stand for
 16 any questions on any of the sections we have just
 17 covered.

18 MR. KING: Questions for Mr. Najjar?

19 MR. SCHULTZ: Under the last section you
 20 just talked about, have we just verified that there's
 21 no problem having folks who come back from active
 22 military having certified by waiver? And what do we
 23 do should they fail the certified waiver?

24 MR. NAJAR: Since the only feedback we
 25 asked about since it did not affect employment status

1 quarterly meeting?

2 MR. SHANDLER: You're exactly right.

3 MR. KING: There will be an opportunity.
 4 Mr. Najjar, if you find out something needs to be done
 5 to this language, we can find that out at the next
 6 meeting.

7 MR. SHANDLER: You're exactly right.

8 MR. KING: I will accept a motion that we
 9 request staff to publish these changes and that we
 10 set it at our next meeting for adoption.

11 MR. KORN: I make a motion we accept these
 12 changes and set it for the next meeting for adoption.

13 MR. GRATTON: I second the motion.

14 MR. KING: We are going to publish the
 15 changes and then we will change them or adopt them.
 16 All in favor say aye.

17 (Those in favor so indicate.)

18 MR. KING: Any opposed? Thank you,
 19 Mr. Najjar.

20 ITEM NO. 8: BIENNIUM 2012-2013 PROPOSAL

21 MR. KING: The next item on the agenda is
 22 Biennium 2012-2013 Proposal. Mr. Shea.

23 MR. SHEA: Mr. Chairman, Members of the
 24 Board, before I go over the biennium, just a quick
 25 note. At your table, you'll see a CD that is the

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1 2011 Reference Guide for each board member. Our two
2 new board members, if you want a printed copy, I can
3 print one. It reflects the changes of the board, any
4 administrative code changes that have occurred since
5 the 2010 Reference Guide was published. The only
6 other item of interest in there is on the forms, we
7 added Form 16. And it came to our attention that we
8 were requiring a notarized copy of a driver's
9 license. Driver's licenses are picture IDs. Under
10 the laws for a notary, you can't notarize a
11 photograph. We went to Item 16 so we can verify the
12 driver's license in the driver's license process.

13 With regard to the 2010-2011 biennium, as
14 you're aware, it ends December 31 of this year for
15 2011. We start a new cycle January 2012, and it will
16 continue through December 31 of 2013. In preparation
17 for the proposed changes, you have -- also that was
18 left with you today, I had put together a survey that
19 had gone out to all law enforcement chiefs and
20 sheriffs and department heads, and it also was placed
21 on the web site. So anyone else interested in giving
22 us input into the biennium training cycle, their
23 responses were recorded. And I have given you a copy
24 of all those recorded responses.

25 I sent those to 147 agencies. And with

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1 those who responded to the web site and the law
2 enforcement agencies, we got 38 responses back. That
3 sounds pretty small, but that's probably triple the
4 number that I get back when I send out a paper
5 survey. So I'm pleased that we did get some
6 feedback, and it was very valuable feedback. I want
7 to especially address Sheriff Coon, who was one of
8 our respondents, that we are getting feedback from
9 our chiefs and sheriffs and those that are involved
10 in training. Those tempered some of the information
11 that you will see as I will go through the proposed
12 rule change. Again, this is a discussion item. Our
13 recommendation will be that it go to rule making at
14 the next board meeting.

15 So if you turn to Title 10, Chapter 29,
16 Part 7, In-service training requirements, 10.29.7.8,
17 obviously, where the current rule indicates
18 2010-2011, all of those have been changed in the rule
19 change proposal to 2012-2013. Normally what we do,
20 and we have continued with this particular proposal,
21 is we incorporate all of the changes that have been
22 required by statute into the biennium so we can make
23 sure all agencies are in compliance with what the
24 statutory requirements are for training of all
25 officers and public safety telecommunicators.

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1 If you go to Paragraph A, Item 5, that's
2 just a change of language here. When the rule was
3 originally adopted, the legislature had adopted the
4 statute ensuring child safety, but a statute number
5 had not been applied, so the change is to refer to
6 the actual statute. The number of hours requested
7 remains at one hour.

8 If you go to the next one down, No. 6,
9 again, here's a linguistics change, approved to
10 accredited, and this is firearms. This is not
11 required by statute, but this is what the board had
12 adopted with the last training cycle. And we're
13 recommending that we remain with a requirement for
14 firearms training and keep it at four hours. What we
15 have done, though, is we have added language. If you
16 look, it says, "No more than one hour training shall
17 be classroom lecture. A minimum of three hours
18 training, divided equally between day and night
19 training, and shall consist of practical exercises
20 using live fire, Simmunitions, Air Soft, or other
21 firearms training systems."

22 When we originally proposed this in the
23 2010-2011 biennium and kept it at four hours of
24 training, two hours day, two hours night, there was
25 some ambiguity as to how much of that is going to be

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1 classroom and how much of that is going to be
2 practical. Our goal is to make as much of it
3 practical as possible so that the officers get
4 practical experience rather than sitting in a lecture
5 format and watching Power Points to meet their four
6 hours of firearms training. So that was the reason
7 for that language to be placed in there.

8 Under Item 7, where it had a minimum of
9 three hours of academy approved training for the off
10 highway Motor Vehicle Act, we have eliminated that.
11 It is incorporated into the basic academy and the
12 cert waiver training. So anyone coming back in law
13 enforcement or coming into the profession as any
14 officer will get the training, but the law has not
15 changed during the 2010-2011 cycle. All certified
16 officers should have received that training.

17 So now we're going to maintenance mode. So
18 we have eliminated that and put it back to the
19 agencies if they need to refresh that training since
20 there is no changes in the law, the application of
21 the law. We have eliminated that to try to reduce
22 some of the overhead that we're putting on agencies
23 with their 40-hour biennium in-service training. We
24 replaced it with a minimum of two hours of child
25 abuse incident training pursuant to Section 29-7-7,

1 and you see a question mark because the statute
2 number has not been given for that yet. That's
3 Senate Bill 77 as required child abuse training.
4 Senate Bill 77 did not specify any hours on that
5 training.

6 In the survey, if you go back and look at
7 the survey, the majority concurred with that. There
8 was a significant number of respondents that
9 suggested that it only be one hour. Looking at the
10 curriculum that we have in place and we have had in
11 place, we felt that two hours would be appropriate,
12 that one hour would not be sufficient to really talk
13 about child abuse and investigation of child abuse
14 cases.

15 Under Item 8, a minimum of four hours has
16 been removed, and we reduced that to, "One hour shall
17 be in missing persons and AMBER Alert training
18 pursuant to," and again, we have eliminated just the
19 reference to the Law Enforcement Training Act and
20 Missing Persons Information and Reporting Act since
21 it's now in statutes. We replaced it with the actual
22 statute number. Again, the four hours was in place
23 with the last two-year biennium cycle, so all
24 officers in the state should have received four hours
25 of training on AMBER Alert and missing persons. So

1 So the language that we're proposing is a
2 minimum of, and again, we'll have a number for you at
3 the next board meeting. We're looking at four to
4 six. We originally had proposed four. It's looking
5 like between four and six is what we can do.

6 "Classroom instruction hours shall be in interaction
7 with persons with mental impairment pursuant to
8 Section," and again, the statute number has not been
9 put in place yet, so that's not there. "Completion
10 of a minimum of two approved live scenarios and four
11 approved recorded scenarios shall be required for
12 practicum compliance in de-escalation skill
13 proficiency." This is required by the statute under
14 House Bill 93. So we do have video training, and
15 Deputy Director Najjar will go through how we're
16 setting it up, but it does require scenario training.

17 Item 10, "A minimum of two hours shall be
18 in academy accredited legal update training to
19 include changes in New Mexico state statutes and
20 recent state and federal case law." It's been two
21 cycles that we have not required legal update. Most
22 agencies assume that it is a requirement of the
23 biennium. It has not been in the last two cycles.
24 We felt that appropriate to put it back in. The
25 response I got to the survey was overwhelming that

1 now we're in maintenance mode, and we have dropped
2 that down to one hour to maintain and refresh since
3 there have been no changes in the law. So that will
4 keep them refreshed on those topics.

5 Next page on Item 9, "Remaining hours may
6 be in maintenance or advanced training areas." We
7 have replaced that with, you'll see, "A minimum of,"
8 and then there is, in parentheses, no hours. And
9 Deputy Director Najjar will discuss House Bill 93 and
10 curriculum development that we're currently going
11 through trying to define how many hours will be
12 appropriate to meet what is mandated in the statute
13 that came out of House Bill 93.

14 So that hour is not in there, and the
15 survey went out. We set that at four hours, and the
16 respondents that came back on the survey were pretty
17 much in agreement that four hours was adequate.
18 There were a lot that wanted to take it back to what
19 the statute specified, which was a minimum of two
20 hours. If you read that statute, they're requiring a
21 considerable amount of training, and they're also
22 considering practical exercises. And we felt that
23 two hours was next to impossible to cover all the
24 topics for dealing with the mentally impaired in just
25 two hours and do practicals.

1 this was a good idea. A lot of them were asking that
2 we make it four or eight hours of legal update
3 training, but we're -- obviously, this is setting a
4 minimum. Any agency can exceed that minimum, if they
5 want to do additional training. We're trying to set
6 guidelines for agencies for the biennium cycle.

7 Item 11, "Remaining hours may be in
8 maintenance or advanced areas from the following
9 general topic areas. A, Ethics, use of force, report
10 writing, critical instant management, defensive
11 tactics, communications skills, or emergency vehicle
12 operations; B, First line supervisors and
13 mid-managers; ethics, principles of supervision,
14 field training and evaluation, performance
15 appraisals, coaching, mentoring, vicarious liability,
16 or communication skills. C, Agency executives and
17 command staff; ethics, leadership, policy
18 development, strategic planning, goal setting,
19 budgeting, human resource managing, or employment
20 law." In the past two cycles --

21 MR. KING: I'm going to interrupt because
22 my copy, Item No. 11 has remaining hours "may" and
23 "shall." So the question is whether you want it to
24 say "may" or "shall."

25 MR. SHEA: Let me look at what I'm reading,

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1 Mr. Chairman. I don't know why we have a
 2 typographical. The survey put "shall" in there, and
 3 in the feedback we got back from the survey, there
 4 was a significant number of respondents that did not
 5 want it to be mandatory but suggested. So again,
 6 this is a discussion item. So I will leave it to the
 7 discussion of the board and the audience as to the
 8 direction that the board and the law enforcement
 9 community would like us to go with that.

10 MR. KING: Let's deal with that right now.
 11 Is there -- it strikes me since you are, even at this
 12 point in time, going to be somewhat flexible in how
 13 you set that up, that the "may" is all right. You're
 14 right. You put "shall" in there and you have to have
 15 something on each one of those.

16 MR. SHEA: Mr. Chairman, the response was
 17 negative toward the fact that, one, it limited agency
 18 heads in the type of training that they may need for
 19 their local jurisdictions; two, with budgetary
 20 constraints, they may not be able to afford training
 21 in specific topic areas. So we would like it -- when
 22 we looked at the last two training cycles when it was
 23 totally discretionary, and then we looked at the
 24 partial audit that we did last year, we saw a lot of
 25 the training that was occurring really was a matter

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1 of not meeting the needs of the communities from the
 2 standpoint of providing officers with refresher
 3 training or professional staff development. And
 4 there was always the complaint from mid-managers and
 5 agency executives that we're requiring all the
 6 statutory training that really is geared towards line
 7 officers, and we're not giving any direction to our
 8 supervisors or mid-managers and executives on areas
 9 of training. So that's why we had gone back to a
 10 minimum system.

11 MR. GRATTON: Mr. Chairman and Mr. Shea, if
 12 we put that as "may," they wouldn't have to do any of
 13 those; right?

14 MR. SHEA: If we put it as "may," it would
 15 be suggested, not mandatory. They would not be
 16 required to do training in those areas, only
 17 maintenance or advanced training. So it would open
 18 it up. It would only be a suggestion.

19 MR. GRATTON: Thank you.

20 MR. KING: Any suggestions on that? To
 21 tell you the truth, we should treat "shall" as a
 22 typo, but I'm not sure we shouldn't redraft that
 23 sentence a little bit. That being the case, when we
 24 get to questions, we will come back to this.

25 MR. SHEA: Thank you, Mr. Chairman.

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1 Under Part B, you will see in Paragraph 3
 2 that language that had addressed optional areas, the
 3 recommended topics of human trafficking
 4 investigations, curriculum developed by the AG's
 5 Office, which is putting it into the mandatory
 6 column. We struck that language out because it was
 7 redundant at that point. Under Items D and E, of
 8 course, the dates are changed to reflect the
 9 2012-2013 training cycle.

10 10.29.7.9, this is the in-service training
 11 requirements for public safety telecommunicators.
 12 Again, the dates are changed in all the paragraphs to
 13 reflect the new cycle. Under House Bill 93, it also
 14 required dealing with the mentally impaired training
 15 to be delivered to our public safety
 16 telecommunicators also. So A-1, a minimum of, again,
 17 a number has not been placed in there because we're
 18 still flushing out the curriculum and finalizing it
 19 so there will be a minimum of interaction with
 20 persons with mental impairment pursuant to, and
 21 again, the statute number has not been given. So
 22 that will be included once we know it.

23 Under B, it's just the way we
 24 re-paragraphed it. The B is removed, and included
 25 under A is now, The remaining training may be in

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1 advanced and specialized training/education or any
 2 maintenance training area which is designed to
 3 improve upon or to add to the knowledge, skills, and
 4 abilities of the telecommunicator. Again, then the
 5 paragraphs, as they follow, are changed from C to B
 6 and all the way through E with the date changes.

7 So those are the proposed changes for
 8 discussion today and the recommendation that we go to
 9 rule making at the next board meeting. With that,
 10 I'll stand for any further questions.

11 MR. KING: Okay. Questions?

12 MR. KORN: I have a question, Mr. Chairman,
 13 not on the proposed rule making, but on the CD you
 14 introduced. Do you have a summary sheet of what's
 15 changed between 2011 and 2012?

16 MR. SHEA: No, I don't have a summary sheet
 17 but I would be more than happy to develop one and
 18 e-mail it to all board members.

19 MR. KORN: I think that would be very
 20 helpful. Thank you.

21 MR. SHEA: I will do so.

22 MR. KORN: Thank you, Mr. Chairman.

23 MR. KING: Other questions? I'm going to
 24 jump back.

25 MR. SCHULTZ: Mr. Chairman and Mr. Shea,

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1 just a point of clarification -- and I know it's
2 important to the Attorney General -- that is,
3 internet exploitation of children for child abuse
4 just for clarification purposes.
5 MR. SHEA: Correct.
6 MR. KING: Other questions?
7 I had a chance to think about what I raised
8 a little bit ago because it sort of applies to Item
9 No. 11. It would actually be in 10.29.7.8 A-11 just
10 so it's on the record. The same question really
11 applies to 10.29.7.9 B, which is both of those say,
12 The remaining training may be in advanced and
13 specialized training and education, et cetera, if we
14 say that. If you have "may" there, then it would
15 imply that the training might not have to be in
16 advanced and specialized training. It might be in
17 paint ball. That could be so broad that it would say
18 it doesn't even have to be an advanced area of
19 training. It should be remaining hours "shall" be
20 and fix the sentence so it says those areas may
21 include ethics, et cetera. Do you know what I mean?
22 So I think we ought to say -- maybe we
23 should have the "shall" and "may" and break the
24 sentence a little bit so that it says, The remaining
25 hours shall be in maintenance and advanced areas, and

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1 then those topics may include, and then you would
2 have that list. Does that make sense to everybody?
3 MR. GRATTON: Mr. Chairman, would it help
4 to add D and list other possibilities after C that
5 would encompass the other possibilities that we might
6 consider in place of those three items? I think we
7 need "shall" in there rather than "may" because "may"
8 opens it up for interpretation. We should list the
9 other possibilities that the agencies thought should
10 be beneficial to the officers.
11 MR. SHEA: Mr. Gratton and Mr. Shea, if I
12 may. If we kept it at "shall" and then added D, and
13 then put in the language that Mr. Gratton has
14 suggested, put in language such as "or other
15 accredited" and if we use the term "accredited," that
16 means there's going to be a review process for the
17 training that will be used to meet the biennium
18 training service process. If they submit it to the
19 Academy for accreditation, it will be appropriated.
20 Putting "accredited" would give us some review of any
21 training that is not on this list that is delineated
22 for line officers, mid-managers, and executives.
23 MR. KING: Do we need to have this language
24 a little more clear before we publish this? So shall
25 we fix this now? Do you have a feeling for that?

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1 MR. SHANDLER: Mr. Chairman, it's better to
2 have the language to your satisfaction prior to
3 publishing it.
4 MR. KING: Okay. So here's going to be my
5 suggestion then. On that Line No. 11, you're going
6 to strike the word "may" out there and leave the word
7 "shall." So it will say, Remaining hours shall be in
8 maintenance or advanced areas from the following
9 general topics areas.
10 Now, I think with Mr. Gratton's
11 recommendation that that sentence is okay. So it
12 will be A, B and C, those sentences will stay the
13 same. And then there's already a comment in the end
14 of C. After the comment, you'll insert "or," and
15 then you'll insert Subparagraph D. And say that
16 again, Mr. Shea, what you said?
17 MR. SHEA: Or other accredited training.
18 And if we want to, by saying accredited training,
19 that indicates that it has to be submitted to the Law
20 Enforcement Academy for review and issuing of
21 accredited number. I don't know if we need to add
22 any disclaimer to what that other accredited
23 training. I think all agencies are cognizant of what
24 they would need.
25 MR. KING: I don't think so. We would fix

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1 that, once again. I'll read it one more time.
2 Remaining hours shall be in maintenance or advanced
3 areas from the following general topic areas. A, B,
4 and C will stay the same, and insert at the end of C,
5 D, other accredited training. I think that's okay.
6 MR. SHEA: Mr. Chairman, going back to
7 10.29.7.9, A-2, your recommendation was to change
8 that "may" to "shall" also?
9 MR. KING: Well, it was, but I'm noticing
10 since the "may" is not underlined, that's the
11 language.
12 MR. SHEA: That was in the 2010-2011 cycle.
13 MR. KING: I think the reason that that
14 works in that one is because you actually have an
15 "or" in that sentence after your first clause. It's
16 just not broken into A, B and C. Remaining training
17 may be in advanced training or specialized training
18 or any maintenance education, et cetera. The "may"
19 is all right because it delineates between those two
20 clauses right there. I'm not going to recommend that
21 we change the language in 29.7.9 unless there's some
22 concern.
23 Is there any comment on the change to item
24 No. 11? Is that okay with you guys? Since we're
25 going to publish this, I don't think that we have to

1 add that as an amendment to this. At the next
2 meeting, if we make changes, we have to vote on each
3 individual change. Since we're going to publish
4 this, I think the motion is going to publish this
5 with this change in it. Other questions?

6 MR. SHANDLER: The number of hours isn't
7 clear. Is that a policy decision the board needs to
8 make today or is that something else?

9 MR. SHEA: The number of hours will be
10 based upon the subject matter experts that we have
11 brought together in committee to determine the
12 minimum required to meet the mandate of House Bill
13 93. That and Deputy Director Najar will speak to the
14 process that we are going through with House Bill 93.
15 So that's why originally that number was set at four
16 for the officers and two for the dispatchers. But
17 with the subject matter experts giving us input into
18 exactly how much time would be required to
19 effectively meet the requirements of the statute,
20 that was left blank at this time until we get that
21 determined.

22 So that the short answer is, the
23 recommendation would be that when -- if we publish
24 it, and I'll defer to even the board as to whether we
25 need to put a number in there or whether we can leave

1 place a hold and move forward.

2 MR. KING: So let's deal with 29.7.8, Item
3 No. 9. The recommendation there is to insert the
4 number "4" in that language as a minimum number. I
5 think you're right. If we set four in the rule, then
6 the Academy staff or whoever is setting the
7 curriculum could make it more than that. And we can
8 certainly have -- we can still have that discussion
9 the next meeting. If you decide that four is not a
10 good number, six is a better number, we can have the
11 discussion and modify it.

12 MR. SHEA: Mr. Chair, the concern, of
13 course, with putting a minimum number is that there
14 are those agencies, because the House Bill 93 does
15 not mandate the curriculum be developed by the
16 Department of Public Safety Training Recruiting
17 Division, any agency can develop their own
18 curriculum. If we -- and I think our language is
19 solid when we talk about accreditation, so it gives
20 us the latitude as the Academy to accredit
21 curriculum.

22 So if somebody submits a curriculum that's
23 two hours, but the content cannot be taught in two
24 hours, then it can give us the latitude to talk to
25 the agency that developed that curriculum and get

1 it open knowing there will be a number at the time
2 that it goes to rule making, I'm not sure what would
3 be the appropriate response.

4 MR. KING: I appreciate Zach raising that
5 question. I'm reticent to publish this with a blank
6 in it. It doesn't give the public a good idea. We
7 can even put a number in there, four or six, or Zach,
8 you can comment on this. Can we add a note when we
9 publish that the number will be four or six and that
10 will be a topic of discussion?

11 MR. SHILLING: Mr. Chairman, since it uses
12 the word "minimum," if we plug in "minimum," the SEAs
13 will say it's between four and eight, so we will be
14 okay with four.

15 MR. SHEA: Since we're dealing with a
16 minimum, we can set it as we establish curriculum.
17 Then the curriculum will be driven by the number, not
18 the number driving the curriculum. So that way if we
19 have a minimum, if the curriculum is going to take
20 more time, we have that flexibility.

21 MR. SHILLING: Based on your comment two is
22 insufficient. It's more like four to six.

23 MR. SHEA: Four for the officers, and two
24 for the dispatchers.

25 MR. SHILLING: Mr. Chairman, I recommend we

1 that cleared up at that level because we would not
2 accredit it. The content could not be taught in the
3 number of hours that would be recommended. Four-hour
4 minimum, that will give us the latitude to deal with
5 the curriculum as it's developed.

6 MR. KING: Okay. So the recommendation is
7 for four. Is there any other comment on that? So
8 that's the number we're going to put in there. When
9 we have our motion to publish this, we're going to
10 include the number "4" there in Item No. 9.

11 And then, I'm sorry, Mr. Shea. You said
12 for 29.7.9 A-1, that should be two or four?

13 MR. SHEA: Two, Mr. Chairman.

14 MR. KING: Any comment on that? Questions?
15 So that number will be two. For the
16 record, it will be the written number "two" and
17 parentheses and then "2." The same thing, written
18 number "two" and parentheses. So other questions or
19 comments on this rule?

20 So the motion will be similar to the last
21 motion. The motion will be to direct staff to
22 publish this for formal consideration at our next
23 quarterly meeting, and it will be put on the agenda
24 for the next quarterly meeting for adoption. Do I
25 have a motion?

1 MR. SHILLING: Mr. Chairman, I will make a
2 motion that LEA staff will be directed to publish
3 Title 10, Part -- I'm looking at the wrong one --
4 Part 7 for rule adoption at the next board meeting.

5 MR. KING: Okay. Is there a second?

6 MR. SCHULTZ: Second.

7 MR. KING: All in favor say aye?

8 (Those in favor so indicate.)

9 MR. KING: Any opposed?

10 Thank you, Mr. Shea.

11 MR. SHEA: Thank you.

12 MR. KING: Before we go on to our next
13 agenda item, I promised everyone we would take a
14 10-minute break. We will take a break until 10:24.

15 (Recess from 10:12 a.m. to 10:26 a.m.)

16 ITEM NO. 9: HB93 TRAINING REQUIREMENTS

17 MR. KING: Let's call the meeting back to
18 order. The next item on the agenda is the discussion
19 of House Bill 93, Training Requirements.

20 Mr. Najar, are we going to have something,
21 or is this discussion?

22 MR. NAJAR: Just discussion, Mr. Chairman.

23 MR. KING: Okay.

24 MR. NAJAR: The next item on the agenda, we
25 did the initial presentation on what House Bill 93

1 additional requirement of House Bill 93, that the
2 basic academy must consist of a minimum of 40 hours
3 in these topic areas. I'll explain a little more how
4 we're going to arrive at meeting that requirement.

5 In the legislation, there was already hours
6 built into these requirements. For officer
7 in-service training, they had built into it a minimum
8 of two hours. For dispatch telecommunicators it was
9 one hour. For sheriffs and chiefs and chairs, a
10 minimum of two hours. And there was a glitch that
11 you had to be trained in this by July of next year,
12 so you didn't have the entire biennium. The
13 de-escalation practicum is kind of what required a
14 little more work and made this a little more complex
15 than what appears at least from the legislation.

16 So if you turn to the next page, you'll see
17 that we have broken it out into four areas. The
18 complexity is driven by the fact that those topic
19 areas and those general requirements are required of
20 each group even though they differentiate two hours
21 and one hour, but it does not minimize or reduce the
22 topics being required that they be taught.

23 So how do you develop a core curriculum
24 that presents training on all those topic areas with
25 minimum number of hours and then you reduce it for

1 required in providing education and training for law
2 enforcement officers to facilitate Interaction with
3 Persons with Mental Impairment is the name of the
4 act. In your materials, you'll see the actual
5 legislation there. It's fairly short and simple.
6 However, it becomes a little more complex in trying
7 to establish exactly what the requirements are as
8 directly related to the training that we need to
9 provide for the officers.

10 The page after the legislation kind of
11 gives you a summary of what the training requirements
12 are. And we have kind of identified them initially
13 here that the training just consist of interaction
14 with persons with mental impairments, training that
15 involves crisis management, crisis intervention,
16 confrontation de-escalation practicum. So general
17 terminology is used. We are trying to translate that
18 into specific topics.

19 In addition, the legislation before that
20 identifies seven specific topic areas. And so we
21 know that mental illness must be taught,
22 developmental disability must be taught, PTSD,
23 posttraumatic stress disorder, dual diagnosis,
24 autism, youth in crisis and traumatic brain injury
25 all must be taught as part of this requirement. The

1 each of the other groups? So the requirement is
2 across the board for all the groups that this
3 information be taught. So that's where the
4 complexity comes into play for that, trying to figure
5 that part out.

6 There's a chart on the next page, which is
7 a recommendation for right now, within the curriculum
8 Blocks 9 and 10 that I made reference to earlier.
9 There is the current instruction that the majority of
10 the academies are already presenting the curriculum
11 with that structure. What happens here is that we
12 took the four existing accredited crisis intervention
13 curriculum, which are your 40 CIT contribution, we
14 looked at all four of those, and developed from that
15 framework of those curriculums this recommendation
16 that you see here for a total of 40 hours.

17 So these topic areas, Introduction to
18 Mental Illness, include all the sub topic areas for a
19 total of 14 hours; the Crisis Communication Skills, a
20 total of six hours; Legal Issues in Mental Illness,
21 that total comes to a total of eight hours in the sub
22 topic areas; Mental Health Issues, that's new to the
23 academy environment. With our practicums, we bump
24 that up to 50 hours. But because the existing hours
25 between Block and 9 and 10 is already sufficient, it

1 does not increase the total number of hours.
 2 This is what we present to the nine
 3 satellite directors and get a consensus that this is
 4 standardized basic training academy curriculum and
 5 dissemination of the information to the special
 6 interest groups to make sure they're providing us
 7 feedback and not necessarily approving, but at least
 8 supporting the recommendations that we're going to
 9 make for the basic 800-hour curriculum change. That
 10 process will come back to you for the first part of
 11 2012 for the New Mexico Administrative Code, not
 12 prior to that for the basic training hours.
 13 Over on the next page then, I just wanted
 14 to lay out for you a bit of the complexity because of
 15 what is required by HB93. What we are utilizing on
 16 the 50-hour curriculum is on the left-hand side. As
 17 we total those hours up, where we're looking at 12.5
 18 total hours to cover similar training topics for
 19 in-service training for the chiefs and sheriffs and
 20 telecommunicators, so that's where a lot of the work
 21 is taking place is getting that to a manageable
 22 number of hours. And that's where the 40 to 60 hours
 23 is.
 24 We don't have an expectation that officers
 25 be able to diagnose anybody in the field. We just

1 by next July.
 2 MR. COON: My guys are going to deal with
 3 this, not me, as far as out on the street. I mean,
 4 I'm a little baffled why. I don't mind going to
 5 class, but I would like to go with my guys because
 6 it's the exact thing they're going to learn.
 7 MR. SCHULTZ: I could maybe answer that for
 8 you. The original legislation had chiefs and
 9 sheriffs doing the entire 40-hour class. So as a
 10 compromise, the hours were reduced, and the chiefs
 11 and law enforcement officers would do it sooner,
 12 unless you would like to do the 40 hours.
 13 MR. COON: I'm fine.
 14 MR. KING: Other questions of the
 15 committee?
 16 Actually, maybe more a comment. I'm
 17 curious, Mr. Najjar. If you-all have done any
 18 analysis on sort of the additional costs of training
 19 for this, maybe it can be worked in. But at some
 20 point in time, I think it would be good if the staff
 21 would sort of start thinking about the additional
 22 incremental cost of doing these things if the
 23 legislature is asking to do so next year. And maybe
 24 the board can do that and make a recommendation to
 25 the legislature if they keep piling on requirements

1 wanted an awareness level in these areas so the
 2 officer can recognize the areas and deal effectively
 3 and use those proficiencies we will teach in the
 4 de-escalation so they can manage and stabilize and
 5 make all these interactions safe.
 6 So that, in summary, is where we're headed
 7 with this. We will have the second part of this
 8 process back to you. And if there is an adjustment
 9 that needs to be made from four to six hours, we will
 10 present it to you at that time as well.
 11 With that, if you have questions.
 12 MR. COON: On number two, two hours for
 13 mental in-service training and jumping down to four
 14 for the chief law enforcement officer, they're
 15 exactly the same.
 16 MR. NAJAR: Right.
 17 MR. COON: Why is one mandated by July 1,
 18 2011, and the other one not?
 19 MR. NAJAR: In the construction of the
 20 legislation -- and they met with us on this -- it was
 21 their interest group that they were dealing with at
 22 the time that felt they wanted to push the CEOs of
 23 the agencies harder than the line officers. That was
 24 the only basis I'm aware of why it's mandating the
 25 chiefs and officers and CEOs of agencies achieve this

1 for training, that they need to give additional
 2 funding to the Academy so they can actually do that.
 3 MR. SHILLING: Mr. Chairman, a question
 4 quick in my head. Your earlier presentation takes
 5 the basic block of instruction of 800 hours to 824.
 6 If you implement this as described, how much more
 7 time does that add to the basic academy?
 8 MR. NAJAR: Not any additional time because
 9 we're modifying Blocks 9 and 10 for those hours.
 10 MR. SHILLING: This won't impact it any
 11 more?
 12 MR. NAJAR: Right.
 13 MR. SHILLING: Thanks.
 14 MR. KING: Maybe, for instance in this
 15 case, you've been able to do this without
 16 significantly increasing the cost or whatever. But
 17 actually, it doesn't require any comment from you.
 18 But I would like for you all to think what
 19 additionally this is costing us for training and let
 20 me know at a minimum, unless the board knows, so in
 21 the next legislative session we can allocate.
 22 MR. NAJAR: Mr. Chairman, in fact, this
 23 will increase training costs significantly, not
 24 necessarily from the classroom instruction, but from
 25 the practicums because the scenarios we want the

1 officers to go through really require a trained actor
 2 and companies like Crisis that provide professional
 3 actors. New Mexico State University uses
 4 professional actors. We use the College of Santa Fe
 5 in Santa Fe for professional actors in order to run
 6 these scenarios with illness, mental impairment,
 7 individuals with mental impairment. Just estimating,
 8 we know it's going to be probably 20 to \$25,000 for
 9 actors. That's not even calculating for in-service
 10 training requirement. It's going to have a huge
 11 impact on our cost for training.

12 MR. KING: Okay. Actually, I'll ask Zach.
 13 Will you remind me for the next meeting I might want
 14 to put on the agenda just a letter on resolution or
 15 something from us to the legislature what it's going
 16 to cost? Because that's a good point. Last year, I
 17 got to go down to the Federal Law Enforcement
 18 Training Center, and they hire actors when they're
 19 training people in the practicums for checkpoints or
 20 whatever because they need people that are bilingual
 21 and trained to act like drug runners and all those
 22 different things, and there's an expense to that.
 23 The legislature needs to know that when they require
 24 training, there are costs associated. My guess is
 25 they don't increase the budget for the Law

1 of running the Public Safety Telecommunicator basic
 2 training academy, a task undertaken by myself and
 3 Mark Shea primarily due to low staffing levels. We
 4 are running out of people in the building. It kind
 5 of shifted over to us. I found it pretty intriguing
 6 and naturally a pretty challenging program not coming
 7 from a public safety telecommunicator background.

8 We conducted our first PST 113 with veteran
 9 communication operators around the state to make that
 10 a success as well as many other agencies that were
 11 supporting us. In that process, though, we noted
 12 that we started looking back, and to the director's
 13 earlier point, that some of the curriculum was based
 14 on a job task analysis dating back to '99. So we
 15 started thinking about the validation of the
 16 curriculum.

17 Well, the curriculum has been continually
 18 updated. The validation of the curriculum may be
 19 lacking, and we were uncertain, again not necessarily
 20 being subject matter experts in that particular
 21 field. So what we did, we started out doing
 22 research. And actually, there was one that just
 23 really rose to the top, and actually, only one that's
 24 offered in the U.S. that meets all of these needs.
 25 And that's the core training curriculum that you have

1 Enforcement Academy.

2 MR. NAJAR: Mr. Chairman, they didn't.

3 MR. KING: Thank you.

4 MR. COSS: Mr. Chairman, Brian Coss with
 5 Law Enforcement Academy. I want to add to your
 6 comment about the increased costs to the law
 7 enforcement agencies and the Academy. It would be --
 8 if we're going to train X number of officers, there's
 9 going to be a lot of training being conducted
 10 in-house as well. So that expense is not just borne
 11 by us. It's borne by all law enforcement agencies.

12 MR. KING: Good point. I would like for us
 13 to work on something so they know what we're doing.

14 ITEM NO. 10: PST CURRICULUM

15 MR. KING: No. 10, PST Curriculum, Brian
 16 Coss.

17 MR. COSS: Mr. Chairman, Members of the
 18 Board, what I have before you today is just an item
 19 for discussion. We'll be moving forward as we
 20 proceed with these meetings for rule making and rule
 21 change down the road.

22 Before you, you should have a binder I left
 23 for you on the desk and a thick book. I wanted to
 24 give you a little insight. In December of 2010, the
 25 Advanced Training Bureau assumed the responsibilities

1 sitting in front of you, that textbook, if you will.
 2 This is a program that was assembled by Professional
 3 Pride, a company out of Back East, and they have
 4 actually done a tremendous job with this program.

5 It is nationally validated, so our job task
 6 analysis needs are reduced. If we can't come up with
 7 the money to fund the job task analysis for our law
 8 enforcement officers, which is probably somewhere
 9 around a quarter of a million to get that done, then
 10 I know -- and that serves 5,600 certified law
 11 enforcement officers in the state -- I know we're not
 12 going to be able to get that money for
 13 telecommunicators, which number is somewhere around
 14 2,300, I believe. I was looking for my backup, for
 15 the person who would have the number, and he's gone.

16 So when we started looking into this
 17 curriculum a little bit deeper, we found out it was
 18 nationally validated, it was vetted by all of the
 19 major communications, emergency communication centers
 20 and organizations around the U.S., but it was also
 21 based and accredited through college advanced
 22 training, if you will, and being taught in the State
 23 of Florida and State of New Jersey as the state
 24 standard. So we moved forward with the curriculum
 25 and were able to purchase it, and this is what you

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1 have sitting in front of you. It's a dynamite
2 program. It's 640 hours of curriculum all told. Our
3 public safety telecommunicator safety class is six
4 weeks, 120 hours, so we have the balance of that, and
5 we start pushing out advanced training and more
6 in-service training and biennium training. And it's
7 sitting here and ready for us.
8 So to say this course in the curriculum is
9 comprehensive is an understatement. It's down to
10 audio calls that are embedded in the videos -- or
11 Power Points, I'm sorry, that reinforce the learning
12 objectives as the instructor is going through from
13 DVDs, and it's a comprehensive program. Each student
14 will end up with a textbook that you have sitting in
15 front of you. They come to a basic class. It's more
16 than the binder with the Power Point slides, three
17 slides per page, and they operate again. They
18 receive, in the basic class, 120 hours of it, but the
19 textbook will remain so that they can continue to
20 move forward with advanced training and that sort of
21 thing and have the material with them all the time.
22 If one completes the 640 hours, we are
23 talking about professional development which is
24 lacking for them in at least a statewide level.
25 There's recognition within the agencies and that sort

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1 of thing, but not necessarily from a state or
2 national level. If they complete the 640 hours, they
3 can take an academic test and psychomotor test, if
4 you will, a practicum and become nationally certified
5 by the National Emergency Communications Center, a
6 fairly well-renowned organization across the U.S.
7 So again, I think it enhances them in its
8 building blocks. It allows them to continue with
9 their professional development within their careers.
10 So we offer that book for you so you have an
11 understanding of what it's all about. We encourage
12 you to do that.
13 I've got to tell you that from a bean
14 counter, this costs about 20 bucks more per student
15 than the handouts that I was providing them before,
16 which was Power Points, three slides per page, blah,
17 blah, blah. It increases the core delivery in the
18 basic core curriculum. The binder you have in front
19 of you, these are the topics for discussion. The
20 first couple of pages that you have there are
21 proposed. And again, this is just discussion. We're
22 not into anything that we need to make a motion on.
23 I just want to offer it for public comment.
24 This breaks the basic telecommunicator
25 program into 15 unique units. The first unit is

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1 introduction. It covers New Mexico Administrative
2 Code requirements for certification and in-service
3 training requirements, history of emergency
4 communication, professional, introduction into
5 interdisciplinary instant command system, that once
6 was thought to be a fear-related program,
7 interdisciplinary approach to ICS, instant command
8 center, and then introduction to police
9 communications, introduction to emergency medical
10 dispatching, or EMD, and introduction to fire
11 communications. And that's kind of a brief summary
12 of the sub categories, if you will, and initial
13 block.
14 Unit 2, call receiving, and I have some
15 handouts, if you're interested. You're more than
16 welcome to grab some to read up on it a little more,
17 but you guys have them sitting in front of you.
18 There's 20 components in Unit 2. It's all about call
19 receiving. Unit 3 is enhanced 911 systems, some of
20 the technology and a little bit about education.
21 Unit 4, principles of law as a public safety
22 telecommunicator, and that's kind of their criminal
23 law, if you will, unit.
24 Unit 4-A is high performance team police
25 radio communications. 4-B would be terrorism, which

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1 again, some of these segments are currently missing
2 which you'll see when we compare and contrast to our
3 current New Mexico Administrative Code, high
4 performance team fire communications teams. Unit 6,
5 high performance team medical communications. And
6 then unit 7 being emergency radio lifeline to the
7 responders.
8 Now, you'll see that these topics and the
9 wording is a little bit different when we compare to
10 the New Mexico Administrative Code because it comes
11 directly from this curriculum that's already
12 purchased and we're ready to move forward with. Unit
13 8, accountability responsibility and liability for
14 telecommunicators. In Unit 8, there specifically No.
15 3, the need for quality assurance evaluations. I
16 think it's paramount in all of public safety, but
17 this starts at the very basic level for our
18 telecommunicators to help reinforce that through the
19 years to demand that of their supervisors and their
20 agencies. We have the ability to go, Okay, this went
21 well and this didn't go well, and how do we fix it?
22 I think those are important points. Unit 9 is crisis
23 intervention, dangerous opportunity. Unit 10 is
24 stress management for wellness, and that's
25 specifically for the public safety telecommunicator.

1 Unit 11 is the NCIC block, and right now
 2 that's the only one that you see an hour attached to.
 3 None of this other information so far has any hours
 4 attached to it. And I'll talk about that here in
 5 just a second. But that's reduced from 32 hours, or
 6 it was once 32 hours. It's now reduced to eight.
 7 Unit 12, will have practical application of core
 8 abilities. In other words, we're documenting. And
 9 when we move to this, it will spell out precisely
 10 what the performance expectations are, if you will,
 11 of these practicums. But in the past, it's all been
 12 kind of a law enforcement influence or heavy
 13 influence in the way telecommunicator operators lack,
 14 but somewhat lacking in the fire and EMS or animal
 15 control or public utility and all the other things.
 16 Unit 13 then would be administrative time. That will
 17 be block tests, your introductions, any of the
 18 housekeeping type things that you might need to do.
 19 Now, Unit 14 and Unit 15, while still being
 20 considered a basic skill set, would become optional
 21 courses depending on whether or not that agency needs
 22 them such as medical emergency dispatch. We offer a
 23 32-hour medical emergency dispatch course. If the
 24 agency's communication service needs them, we will
 25 have it there, and we will call that, for lack of a

1 to do.
 2 I didn't want to put them in a shell that
 3 is limited by hours. I didn't want them to do that.
 4 You just tell us what you need, what your
 5 expectations are, and we come back in and start
 6 plugging in. At this point, I'm not able to answer,
 7 Is it going to fit it into 120 hours? I'm not sure.
 8 I think we're probably just going through these
 9 numbers loosely. I think we're probably pretty
 10 doggone close. I don't see a change one way or the
 11 other.
 12 Under the next tab, you have what are
 13 current New Mexico Administrative Code 10.29.10.8.
 14 You'll see the blocks are a little bit ordered
 15 differently. And again, when we get to rule making
 16 down the road, this will just make things cleaner.
 17 This will make things more logically flow. This does
 18 have all your hours and how they're mandated.
 19 Basically, you go through these bullet by bullet when
 20 you have a chance. We're meeting and exceeding every
 21 standard on the book right now in a more progressive
 22 way.
 23 The next tab, you just have an example of
 24 one of the Power Point slide shows that's here just
 25 so you can kind of have a more in-depth understanding

1 better term, post-academy class. They can attend the
 2 basic training academy and get the foundation there
 3 and then move on to the EMD course.
 4 Unit 15 then would be the National Crime
 5 Information Center of 32 hours. If they need the
 6 operators to be full access certified, they will
 7 still have the ability to do that. What we're
 8 finding, the number of the communications operators
 9 coming to the basic telecommunication class are
 10 certified in NCIC, but by rule we're required to
 11 cover 32 hours of subject. It's not to say they're
 12 not learning more from it, because they are, but some
 13 of it can be redundant.
 14 What's the effect on all these hours going
 15 to be? And I'm certainly not at a point where I can
 16 tell you. I don't know if it's going to be shorter
 17 or longer. Once we got this curriculum, I got hooked
 18 up with public safety officials around the state,
 19 from law enforcement representatives, from
 20 communications operators and their respective
 21 supervisors, communications trainers to fire
 22 representatives and EMS representatives, and they are
 23 the ones that help us cull out this is the core.
 24 These are our expectations out of this curriculum of
 25 what we need our communication operators to be able

1 of it. The program -- when we received it, nothing
 2 about this program is locked. None of the Power
 3 Points are locked. You have the ability to adapt any
 4 of them, and that's what they are expecting us to do.
 5 And that's what the subject matter experts in these
 6 particular areas will be doing as we continue to move
 7 forward.
 8 But it just kind of gives you insight into
 9 the depth of the program is really what I wanted to
 10 try to be able to explain to you this morning, laying
 11 a foundation, if you will, to get back to communicate
 12 with your folks, get some feedback and get back with
 13 me, and we can continue to move this process forward.
 14 Whether this moves into a special board meeting
 15 between now and the fourth quarter meeting or whether
 16 we wait until the December meeting, the fourth
 17 quarter meeting, and move for rule change the first
 18 of 2012. My overall operational plan is to roll this
 19 out in the 2012 calendar year starting with our first
 20 telecommunicator class in 2012.
 21 Lastly in your binder you have the
 22 objectives. If you're going back and discussing with
 23 your agencies, Well, you know what is really included
 24 in this? Well, you'll have the ability to go back
 25 and show them exactly what the objectives are. So as

1 we continue to move with this, hopefully you guys
2 will have a little more understanding of this so when
3 we get to discussion, you'll be more familiar, and
4 second, you can get more feedback from your agency
5 representatives so you can give us more feedback so
6 we can continue the process and move forward. Stand
7 for any questions.

8 MR. KING: Questions?

9 MR. SCHULTZ: APCO approved?

10 MR. SHANDLER: Yes. As you -- or when you
11 push it to supervisors, they're going to recognize
12 the author of this program and the organization.
13 It's been around 22 years. So it's not fly-by-night.

14 I guess that if I haven't listed enough
15 benefits, the last one, I guess, I would offer to you
16 is that this is updated by the organization annually,
17 but the current book you have sitting in front of you
18 is the fifth revision. When it's time to make a
19 change, they make a change, and they are electronic
20 changes to the original purchase price. I have 120
21 and teach four telecommunicators classes, about 40
22 folks each, and I have a commitment from them. So I
23 don't buy a bunch of books, but it's updated
24 annually, which again is something that we haven't
25 done from the dispatch side of the shop.

1 MR. SCHULTZ: Yes.

2 MR. COON: It looks like he made it all the
3 way through and did fine?

4 MR. SCHULTZ: He sure did.

5 MR. COON: Fine.

6 MR. KING: So those certifications, I think
7 our previous executive director used to read the
8 numbers, but it's 11-0102-P, and it looks like
9 they're sequential through 11-0161-P. So the motion
10 is to adopt those certifications. Do I have a motion
11 to adopt those certifications?

12 MR. KORN: I would so move.

13 MR. MYERS: Second.

14 MR. KING: All in favor say aye?

15 (Those in favor so indicate.)

16 MR. KING: Opposed? Those are adopted.

17 ITEM NO. 12: RATIFICATIONS OF CERTIFICATIONS FOR
18 PUBLIC SAFETY TELECOMMUNICATORS

19 MR. KING: Item No. 12, Ratification for
20 Certifications for Public Telecommunicators.

21 MR. MARCANTEL: Yes. You will find the
22 comprehensive list for those telecommunicators who
23 have met the basic training requirements for
24 certification. Those numbers range from 11-0038-PST
25 through 11-0059-PST. We would respectfully request

1 MR. KING: Okay. Any other questions? I
2 suppose we'll work on generating a new rule unless
3 there's any objection. I'm not seeing any. It seems
4 like a good idea. Thank you, Mr. Coss.

5 MR. COSS: Thank you, sir.

6 MR. KING: The next item on the agenda is
7 new business. I'm assuming that there's no -- I
8 didn't ask if there's any other questions or other
9 items of old business.

10 NEW BUSINESS

11 ITEM NO. 11: RATIFICATION OF CERTIFICATIONS FOR
12 LAW ENFORCEMENT OFFICERS

13 MR. KING: New Business, No. 11,
14 Ratification for Certification of Law Enforcement
15 Officers. Mr. Marcantel.

16 MR. MARCANTEL: I'll project my voice. Tab
17 11 will be a comprehensive list of those
18 certifications from those organizations and
19 departments that have successfully met the
20 requirements, the training requirements for basic
21 police officer certification and respectfully request
22 those certifications be ratified by the board.

23 MR. COON: I have a question. Chief
24 Schultz, I see Jordan Grady, the one with the
25 eyesight that we were talking about on the board?

1 the board to ratify these certifications.

2 MR. KING: Questions? Make a motion to
3 ratify.

4 MR. KORN: I would so move, Mr. Chairman.

5 MR. GRATTON: I second.

6 MR. KING: All in favor say aye.

7 (Those in favor so indicate.)

8 MR. KING: Opposed? The certifications are
9 adopted as well.

10 ITEM NO. 13: PRESENTATION-PROPOSED LAW
11 ENFORCEMENT ACADEMY

12 MR. KING: The next item on the agenda,
13 three items on the agenda, I think, left before we
14 get to the disciplinary matters, one presentation by
15 the Dona Ana Community college and two presentations
16 by McKinley Sheriff's Department. So you know, it's
17 about 11:00. Are those presentations 15 minutes, 30
18 minutes? Dona Ana County.

19 MR. DEROURN: It will be fairly short,
20 Mr. Chairman.

21 MR. KING: I just wanted to see if we can
22 get those out by noon. Item No. 13, Proposed Law
23 Enforcement Academy, Dona Ana Community College.
24 Introduce yourself, and we will go from there.

25 MR. DEROURN: Good morning, Mr. Chairman.

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1 My name is Richard Derourn. I teach at the Law
 2 Enforcement Criminal Justice Program at Dona Ana
 3 Community College. We are known as the branch campus
 4 for NMSU. Our program takes a different direction
 5 than that of the main campus at New Mexico State
 6 University in the fact that we tend to focus on the
 7 practitioner rather than theoretical in our efforts
 8 at training. Our goal is to service the community
 9 and to meet the needs of the community.

10 One area that we have been kind of missing
 11 in action in has been involved in a police training
 12 process within our institution. There's a lot of
 13 reasons for it. I can just tell you we have been
 14 missing in action, but the program has grown to a
 15 point where we are ready to expand.

16 On my memo, I presented why another academy
 17 is needed when two other academies exist in the area.
 18 And I'll ask -- I ask two other questions. How can
 19 the two academies exist side by side together? Can
 20 we continue to function considering the monetary
 21 constraints that we now face, budgetary constraints
 22 we now face? And secondarily, what differences or
 23 capabilities do these academies have between them
 24 that they are so different that they cannot be
 25 combined into one entity. I'm not suggesting that at

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1 this point. I'm just asking these questions. Hence,
 2 our desire to go ahead and ask the board for input on
 3 our process of pursuing the idea of starting an
 4 academy based through the community college.

5 One thing that we can offer is a permanent
 6 facility that we can maintain that reduces the cost
 7 for police officers. It's a Power Point
 8 presentation. Our academy would, in fact, meet the
 9 New Mexico Law Enforcement Academy standards and
 10 those required by law -- mandated by law. What we
 11 have is a primary cohort of officers going through
 12 800 hours of training.

13 I'm going to skip through a couple of these
 14 and move to Page 3 of the slide presentation to show
 15 what our general strategy has been for this process.
 16 We would look at taking in open enrollee individuals
 17 that would qualify. They would have to meet the same
 18 criteria that any peace officer in this state who
 19 applied as a police officer would have to meet. That
 20 is oral exam, written examination, physical fitness
 21 qualifications, psychological testing, medical
 22 testing, background check before moving forward. We
 23 really don't want to hand a weapon to someone who is
 24 not suitable to handle a weapon. This is not a class
 25 where someone attends in flip-flops and shorts.

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1 Taking an example from the military, we're
 2 taking a look at having a primary academy cohort
 3 going through the standard 800 hours mandated by the
 4 state and allowing the academy to split at the end.
 5 That is, individuals that are sponsored by police
 6 departments or the sheriff's department split into
 7 their own advanced individual officer training
 8 program so that they can go ahead and use the medium
 9 barrel weapons, pit maneuvers, tactics strategies
 10 each agency desires. The third would be, of course,
 11 they are ready to work at a local agency where they
 12 can insert these officers into the field officer
 13 training program.

14 Why Dona Ana Community College? Well, one
 15 thing to consider is Gen Y. I know a group of you
 16 here are managers. I myself have had that experience
 17 as field officer out of Oceanside, California. I
 18 worked as a field supervisor, so I'm familiar with
 19 it. It can be kind of interesting from time to time.
 20 Gen Y, the new generation coming in, we have to be
 21 able to keep their the interest, the new generation
 22 coming in with both feet. They're retaining
 23 students, keeping them engaged, developing learning
 24 strategies in a method they most desire and
 25 introducing them to an interdisciplinary process to

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1 be affective and successful in the law enforcement
 2 environment. It's a paradigm shift. We have to
 3 deliver you the 20th century officer in the 21st
 4 century environment. So we're going to shift a
 5 little bit in what we're presenting and how we're
 6 doing it.

7 We are veteran friendly. So we add to
 8 their educational backgrounds or their momentum to
 9 move forward in education by adding credits. We do
 10 this with current officers, by the way. We have a
 11 long-standing agreement since 2008 with the New
 12 Mexico Law Enforcement Academy. We actually grant
 13 officers college credits for attending the current
 14 academies with the goal of helping them move forward
 15 in the educational process, and it doesn't matter
 16 what institutional process. We like them to come to
 17 ours, but they may go to others. We are efficient
 18 and flexible. We can shift classes very quickly. We
 19 can move the curriculum very quickly. We know how to
 20 establish a curriculum major to make sure the
 21 information being taught is consistent and we can
 22 assess it.

23 We're also taking a look -- in talking with
 24 Mr. Najar, we talked about several issues in this
 25 regard of reducing some of the classroom hours to

1 hybrid process using on-line technologies. We are
 2 experts in this regard. We can develop the
 3 curriculum for you on-line and will be willing to
 4 share with other agencies and other academies
 5 throughout the state to develop the programs in
 6 growing as a whole in this regard. We're also
 7 looking at incorporation of 165 current CLIA
 8 standards, quality standards associated with safety
 9 academies. And this is something that's at the very
 10 forefront of our effort as incorporated into these
 11 standards and our academy process.

12 Moving forward, I'm going to move to Page
 13 4, and talk about cost benefit. We can combine the
 14 resources now being expended in our county by
 15 agencies. We know some agencies cannot put on an
 16 academy every year. Our goal initially is to place
 17 an interim academy or place an interim academy where
 18 in those times when cities cannot put on an academy
 19 we will have the time and scheduling ready to have an
 20 academy in place. Localized state-of-the-art
 21 training is our goal. We use Perkins funds and also
 22 use private funding such as Target, plus Blue Program
 23 that allows for funding law enforcement training
 24 within local communities. It's a very positive
 25 program through Target, one of many organizations we

1 Hartsfield. He's one of our instructors.
 2 MR. COON: Yes.
 3 MR. DEROURN: I was going to tell Chief
 4 Betz, David Levine from the International Law
 5 Enforcement Academy has joined our ranks. We are
 6 picking up quality personnel. We have one of the
 7 largest criminal justice programs in the state, by
 8 the way. Anyway, our seat count averages 890. We
 9 have about 1,300 students in our program. We're
 10 quite large. We are a rapidly growing institution at
 11 this particular point.

12 We have facilities for vehicle operations.
 13 The nearby Arroyo Seco Raceway is available to us on
 14 a rental basis. How are we going to get vehicles?
 15 We're going to get rental cars from the University of
 16 Texas El Paso. They use those vehicles. They seem
 17 to do so quite successfully. Our underwriters are
 18 currently reviewing this through the state to
 19 determine what other limitations we have to place on
 20 the process, but that's how we're going to do that.

21 We also have some allied agencies. The
 22 Dona Ana Sheriff allowed us to use the sheriff
 23 tentatively. That's been a positive meeting. Would
 24 Sheriff Garrison please stand? So we will firm that
 25 up to make sure that still stands. And we have New

1 are seeking funding from.
 2 Growth pathways in education aid in the
 3 retention of personnel. Remember, some of these
 4 individuals are going to be willing, and they will.
 5 Gen Y will do it. If any generation will do it, it's
 6 Gen Y, those that are born from 1985 to 1990. They
 7 will join. They are actually what you would call
 8 paid volunteers. They're paid volunteers. They vote
 9 with their feet. They get involved, want to be part
 10 of something, want to be challenged, want to be
 11 mentored. If we offer education on top of it, they
 12 will stay with you and invest in them a little bit.

13 Specialized and customized training we can
 14 provide through the academy process, which we are
 15 creating a law enforcement institute if we are
 16 successful in this regard. We can provide this
 17 training at a significantly reduced cost to the local
 18 agencies. I know it costs them quite a bit.

19 How will we fund this, you're probably
 20 asking? If you look at Page 5, it talks about no
 21 positions lost with any agencies. We'll probably use
 22 the majority of the instructors that exist within
 23 agencies that we do now. A lot of our instructors
 24 are local or retired officers that work for us.
 25 Sheriff Coon, I think you know Dennis

1 Mexico State University Police. Chief Chavez, you're
 2 hiding here somewhere. I know you're around. He has
 3 offered his expertise of personnel to assist us in
 4 the process.

5 Some of the costs associated with this to
 6 the students will be significant, but we found
 7 through financial aid and the way we have structured
 8 this through two semesters, starting in one semester
 9 and finishing in the second semester, what we call a
 10 mini semester setup. The financial aid will cover
 11 the costs associated with the tuition, cost of
 12 uniform, use of a firearm, lease of firearms vendor
 13 who can provide us with weapons if the student can't
 14 afford to purchase one. And it's coming out -- it's
 15 starting to ring out between 3,000 and \$3,300 per
 16 student at the current time in our estimates of costs
 17 to the student, out-of-pocket cost to the student.
 18 Think about it. Agencies will not have to pocket
 19 this cost. Open enrollees will. VA is happy to see
 20 the program emerge, if this does occur. So they're
 21 very happy with us and will cover it for returning
 22 veterans.

23 Physical fitness will be by New Mexico
 24 State ROTC. And with physical fitness training,
 25 trainers associated with our sports program to aid us

1 in injury reduction and that is retention, keep the
 2 trainees in. And we are working on maintaining our
 3 local time line so that it is affective.
 4 We have a lot of enabling characteristics.
 5 As you can see on Page 6, we have an advisory board
 6 in place that will expand to cover the academy.
 7 We're seeking qualified trainers. We will have
 8 consistent assessment. We can provide extensive
 9 on-line resources in development. Again, we're not
 10 here to replace the Las Cruces and Dona Ana County
 11 Sheriff's Academies. If anything, to supplement, a
 12 supplement process.
 13 Page 7, slides were designed to show some
 14 of our sources, but that's our DACC East Mesa
 15 facility. This center is located in the East Mesa
 16 area of Las Cruces currently headed towards Phases 6
 17 and 7, which we're moving into. Construction should
 18 start in 2012. There's some dedicated spaces that
 19 are being created in that facility to facilitate
 20 year-round training for defensive tactics, for
 21 physical fitness training inside, that is inside the
 22 facility. So it will be large enough to accommodate
 23 that. It will be a permanent structure and permanent
 24 facility in place.
 25 On Page 8, I speak to the issue of

1 agencies if this does occur without having walls.
 2 We're tearing down walls and have the officers train
 3 together. When you do the felony stop, they know the
 4 processes. They will be backing up another officer
 5 from an agency nearby and practice the same
 6 practices. It's a group of people that they can pick
 7 from.
 8 It's publicly funded. We're doing it
 9 through FFE funding. We have a fiscal manager that
 10 keeps us in the black. Our parent organization,
 11 NMSU, is nibbling away at our funding because they're
 12 a little bit in the red, but we have successfully
 13 stayed in the black area. We are looking at a
 14 part-time process in the development of police
 15 officer training. That is, if we are successful and
 16 allowed to do this. We are looking for an extended
 17 academy for individuals working at a job now and
 18 don't have a current job prospect with an agency and
 19 can go through an extended program. And it takes 40
 20 weeks to complete on a part-time basis. And these
 21 individuals will come out work-ready at the end of
 22 that process.
 23 We're looking at creating a regional
 24 process that will provide training for our local
 25 agencies and officers. Again, curriculum development

1 articulated college credits for the academy. The
 2 academy will provide the entering student 33 college
 3 units that can be applied towards an Associate's
 4 degree, what's called our Law E degree. This can
 5 articulate to four degree pathways through New Mexico
 6 State University through the College of Extended
 7 Learning. What happens to most officers whenever
 8 they leave the academy process or college, they do
 9 not continue because of the odd work hours. The
 10 advantage is that they can do all of the classes
 11 necessary for the officers to complete their degrees
 12 on-line as with our Law E degree program. So they
 13 can achieve a Bachelor's degree in individualized
 14 studies in four areas: Homeland security, EMS
 15 management, crime analysis, and criminal
 16 intelligence. That's achieving a four-year degree
 17 through that process.
 18 Finally, there are some soft benefits to
 19 what we propose. Mutual sharing of resources through
 20 agencies. We hope in the future, as the program
 21 develops a track record and moves forward, if we're
 22 allowed to do this, that you would have mutual
 23 sharing of resources through the Las Cruces Police
 24 Department and sheriff's office in our county. We're
 25 hoping for some linkages in cross-pollinations in

1 is something that we can do to assist the state with,
 2 and we're glad to share anything we develop. I say
 3 that, but the office of development may want to stop
 4 me a little bit. Well, we have some intellectual
 5 rights to that. I'll say for now that's our intent.
 6 Hopefully, we can help the state develop model
 7 strategies. Some of the processes you were talking
 8 about, these guys are right on the button on this.
 9 They know what they're talking about. Again, we
 10 would be another resource to draw into your pool to
 11 help you. We're determined. We focus on the
 12 practitioner, not on the theoretical. That's our
 13 goal is to go through this process, create some
 14 quality officers.
 15 I've gone through it very quickly, but if
 16 you have questions at this point, I would like to
 17 entertain them. And also, if possible, get some
 18 feedback from you. Shall we continue?
 19 MR. KING: Any questions for Mr. Derourn?
 20 MR. KORN: I do have a question. Sir, how
 21 do you pronounce your name?
 22 MR. DEROURN: Derourn.
 23 MR. KORN: I should say that I'm a
 24 proponent of all education, but I do have a question.
 25 You're showing so many benefits of your program that

1 you think would assist the agencies and would want to
2 join with you so that they could get their students
3 enrolled and pick from a pool of people that they
4 wouldn't have to pay for. But I gather the other
5 agencies are not talking about joining with you. And
6 you have superseded them; is that correct?

7 MR. DEROURN: Yes and no. I can answer
8 that yes and no. Initially, we were approached on
9 this by the City Manager for the City of Las Cruces,
10 the prior City Manager Terrence Moore, in this
11 regard. And that's what started our process forward
12 in this regard. So the City of Las Cruces initially
13 had indicated yes, they would want to join with us
14 along with the sheriffs. The sheriff, Todd Garrison,
15 the last time I spoke with him in this regard, and
16 also, the undersheriff, Chuck Franco, when he was the
17 undersheriff, they were very interested in joining us
18 with this. So that's why they opened our facility
19 for our use as far as firearms training and some of
20 the other facilities. So they didn't really show an
21 objection.

22 Currently, Chief Williams, the new chief
23 for the Las Cruces Police Department, wants us to
24 slow down. He says, Hold up. You have to establish
25 a track record first. Let me see what you're going

1 they can create an existing pool to draw from.

2 MR. KORN: My second question, there
3 obviously would be costs from the Law Enforcement
4 Academy to monitor your progress and that sort of
5 thing. Do you have a plan for offsetting the Law
6 Enforcement Academy cost that might be involved?

7 MR. DEROURN: Are you asking me about a
8 contract basis? I'm sorry. I'm not quite
9 understanding the question.

10 MR. KORN: Well, as I understand it, the
11 Law Enforcement Academy would have to monitor your
12 curriculum.

13 MR. DEROURN: That's true.

14 MR. KORN: That would incur costs.

15 MR. DEROURN: Yes, and we have expanded our
16 costs.

17 MR. KORN: Have you expanded the Law
18 Enforcement Academy budget?

19 MR. DEROURN: No, I have not. I see what
20 you're saying. I understand what you're saying.
21 Actually, that's what Mr. Najar will have to sort
22 out, I guess. We hadn't touched on that in our
23 discussions.

24 MR. KORN: Thank you.

25 MR. COON: Sir, is this an 8:00 to 5:00

1 to produce and look at your product and then we will
2 talk turkey.

3 MR. KORN: In other words, to cut to the
4 quick, the other two agencies haven't joined you at
5 this time?

6 MR. DEROURN: No, we haven't sought that
7 actively yet. We were just trying to develop it.
8 It's taken us a good part of a year to a year and a
9 half to just get through our own bureaucracy to have
10 the programs recognized by the university, the
11 curriculum recognized.

12 MR. KORN: I have to compliment you on your
13 presentation, but I wonder if this might be more
14 appropriate after you have feedback from other
15 agencies and they want to join with you. Otherwise,
16 there are going to be three competing academies in
17 kind of -- it's a large area by the state's standard,
18 but it's smaller by population.

19 MR. DEROURN: This is true. This is why I
20 spoke of the intermediate process. Las Cruces was
21 for awhile not going to run an academy along with
22 Dona Ana County Sheriffs because of fiscal
23 constraints. But remember, this was costing quite a
24 lot of money to do this. Hence, the interim process
25 that would fit in between them by Chief Williams and

1 academy, or is this, I'll take my best weekend class
2 and go to a three-hour class and go to an
3 anthropology class, or is this an 8:00 to 5:00 class
4 or five-day-a-week class or academy?

5 MR. DEROURN: This is probably going to be
6 like 0630 to 1700 type class every day.

7 MR. COON: It's a continuous academy?

8 MR. DEROURN: Yes, sir.

9 MR. COON: They don't go to another class
10 after they take firearms or something like that?

11 MR. DEROURN: No. This is a full day.
12 They will be in full uniform.

13 MR. COON: They are dedicated to this
14 academy?

15 MR. DEROURN: Yes.

16 MR. GRATTON: I represent a campus that's a
17 similar academy. I think it's crucial that you
18 establish relationships not only with Las Cruces, but
19 with the outside surrounding areas. We have found
20 that in our process, we have a very strong
21 relationship with Lea County, but also with Eddy
22 County and Clovis and Carlsbad, et cetera. Those
23 relationships are essential if you're going to do the
24 academy.

25 The second question is related to Sheriff

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1 Coon. We started at 6:30 and go to 7:00 at night for
 2 five days. Do you have housing? Where are you going
 3 to house your cadets, if you get approval? Do you
 4 have space on your campus that will enable these
 5 cadets to live on campus while they're going through
 6 the curriculum?
 7 MR. DEROURN: The college has campus
 8 housing. It's available. It's somewhat thin at this
 9 particular point only because of the fact that they
 10 need to make an assessment of expanding housing. But
 11 that would be available to a student enrolled because
 12 they would be enrolled as full-time students as part
 13 of our system with New Mexico State University. We
 14 have that capability of providing student housing.
 15 MR. GRATTON: Thank you.
 16 MR. KING: Other questions?
 17 MR. SHANDLER: This is to the presenter and
 18 Mr. Najjar. I looked, but couldn't find. What is the
 19 checklist? What is the burden the presenter has to
 20 establish before the board can award a satellite
 21 academy?
 22 MR. KING: That was going to be my
 23 question. I'm curious about the nuts and bolts.
 24 MR. NAJAR: We have an accreditation manual
 25 for satellite academies. That's what we're going to

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1 do at the end of this month. There is a process, and
 2 that checklist does exist and has all the hoops that
 3 they have to jump through in order to receive an
 4 accredited regional academy status from the board.
 5 MR. SHANDLER: Just to follow up, if the
 6 board -- and they're the policy makers, I'm not. If
 7 they decided to vote, what would be the process? Do
 8 you then have to accredit them or are they already
 9 ready to go and the academy staffs you?
 10 MR. NAJAR: It would require a lot of work
 11 on our part. It would be an on-site visit. They
 12 would have to verify their list of approved
 13 instructors for the curriculum. We would have to
 14 approve approved curriculum they're proposing to
 15 teach, the duration of the academy and specifically
 16 look to see that the facility classrooms are
 17 appropriate for the instruction, the firearms range,
 18 it's appropriate and available to them, the driving
 19 track, where they're going to conduct the defensive
 20 tactics.
 21 It's an item on the checklist we have to
 22 visually inspect on-site. The obstacle course for
 23 entrance/exit would have to exist. And that
 24 sometimes can be -- if you don't have a cooperating
 25 agency assisting you, that can be a six-figure item

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1 for that. Those are the kinds of things, if the
 2 recommendation came from the board today, then we
 3 would engage in that and eventually come back to a
 4 recommendation to the board whether for approval or
 5 disapproval of the location based on those factors
 6 and that criteria that is involved in that process.
 7 MR. SHANDLER: Mr. Chairman, that would
 8 apply to the next agenda item as well, the same type
 9 of analysis?
 10 MR. NAJAR: Yes.
 11 MR. KING: Let me follow-up because I'm not
 12 real sure about the process either. I don't remember
 13 if we have done this since I've been chair. Is there
 14 really an action for the board to take today, or does
 15 an agency that wants to create an academy do some
 16 application to the Law Enforcement Academy board
 17 staff, go through all of those steps you've talked
 18 about and such and come before us for some approval?
 19 Do you have to have some approval, say, today to go
 20 ahead and file the paperwork with the LEA staff?
 21 MR. NAJAR: The purpose of both
 22 presentations today is to get guidance from the Law
 23 Enforcement Academy board how to proceed, to proceed
 24 formally with a request from us and let us engage in
 25 the process and come back with the recommendation, or

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1 in the past, the board has chosen to not consider any
 2 new regional academies for the State of New Mexico.
 3 And this was the point at which that direction was
 4 given to those. I think Central New Mexico
 5 University Community College was the last one that
 6 made an application. And at this stage of the
 7 process, they were just advised that the board was
 8 not considering opening any regional academies. I
 9 think that's part of the feedback process they're
 10 seeking as well whether to formalize that to a
 11 request for us.
 12 MR. KING: Chief Shilling.
 13 MR. SHILLING: Mr. Chairman and Members, I
 14 have a little bit of an inside track because I sit in
 15 budget meetings at DPS and see the day-to-day issues
 16 that we're facing there with budget constraints. I
 17 think we would be remiss in moving anything forward
 18 at all without a significant fiscal impact study to
 19 the Department of Public Safety, LEA as well, in
 20 opening any new satellite academies because, again, I
 21 have intimate knowledge of the budget hurdles that
 22 they're facing as we move forward given current
 23 economic times.
 24 I'm a huge supporter. I'm a graduate of a
 25 satellite academy at Western. And Mr. Chairman and

1 sir, I would be kind of intrigued if you engaged with
2 them in any conversations because just up the road is
3 WNMU, which has a satellite academy, what their take
4 is, and why they don't seem to be servicing the
5 southwest part of the state if that's indeed the
6 case.

7 MR. KING: On that track, it seems to me if
8 you were coming to us with a proposal that said we're
9 going to consolidate, and I'm not sure who runs the
10 other academies, the Dona Ana County one and the City
11 of Las Cruces academy, and they're going to put all
12 the resources into Dona Ana Community College, so
13 you're reducing the satellite academies, but
14 centralizing that. That would be a good thing. We
15 haven't had any comment on that because I haven't
16 asked them yet, but from Dona Ana County or City of
17 Las Cruces, if they want to weigh in on that. But it
18 seems to me that would be a more interesting
19 proposal, too, if you're going to actually
20 consolidate some other academies and get that academy
21 to scale.

22 MR. DEROURN: I understand. If I may
23 comment. The only reason we headed down the path,
24 the City Manager approached us in that regard. It
25 was a dormant program. Something we considered. But

1 MR. MARCANTEL: If I can suggest just a
2 couple of things, maybe a consideration for the
3 board. I think the issues would be for any new
4 program, one would be what are the prospects of
5 sustainability if we establish a new program, we
6 invest ourselves into that. What evidence is there
7 that that program will be a viable sustainable
8 program that will sustain the law enforcement
9 community into the future? That would be one thing
10 to ask.

11 The other thing, and I would agree just
12 from the perspective of just sitting in the same
13 meetings, we also -- from our perspective, we have to
14 have a consideration on the back end business impact
15 on this because it does create a new program. A new
16 academy is going to require a lot of work and
17 man-hours on our time to make sure that, one, we get
18 them up and running, and then there's the recurring
19 pressure on our budget and resources to make sure
20 that they're in compliance and those sort of things
21 recur. Those seem to be, Mr. Chair, the two main
22 issues that probably might be the strong points for
23 consideration for the board. And I'm not sure today
24 so far whether or not that information is satisfied
25 to the board in terms of those questions.

1 we were building our program currently. We hadn't
2 been pursuing it at this point. We thought that the
3 mutual benefit would be there. I don't know. I
4 haven't talked to Sheriff Garrison for awhile, and
5 it's been awhile. And I know he's been busy, and
6 I've been busy working on various programs. If
7 anything, we need to find out on that if they want to
8 join or if we would be something else separately.

9 MR. KING: It's an interesting idea. Other
10 questions from the board currently? I don't know
11 exactly what step to take next. Mr. Najjar, do you
12 have any recommendations? Like I said, I don't
13 recall that I was specifically involved in the
14 discussion where we encouraged people not to present
15 to the board. I don't know if that predates me or if
16 that was something I wasn't thinking about. I
17 hesitate to put these guys through the hoops of
18 incurring more expense and you two of going through
19 the checklists to see if they even qualify or not if
20 indeed there was some feeling from the board we're
21 just not going to approve new satellite academies.
22 But we do have pretty much a new board. There are a
23 lot of new members on the board, so that may be a
24 topic for discussion. But I don't know that we are
25 prepared to discuss that weighty topic.

1 MR. KING: So here's what I'm thinking.
2 I'll throw this out for the board. We have another
3 presentation for another potential satellite academy.
4 And it's going to be my intention to take a little
5 break before we do that. I thought we could wrap up
6 this part of our meeting before noon, but I don't
7 think we can do that. I think with the break, we can
8 wrap up by 12:30.

9 Maybe we can get both of those
10 presentations, and then I would like to ask the staff
11 to maybe do a little white paper for us on the issue,
12 and then we could discuss it in a more effective
13 manner maybe at our next meeting for that topic
14 because it would be helpful for all of you guys if we
15 would develop a policy within the board. But I think
16 it would take, like I said, a little more thought and
17 maybe some preparation by the next meeting for us to
18 have some policy to say either we're just not going
19 to approve new satellite academies except under
20 limited circumstances, or yes, we're interested in
21 looking at new satellite academies. But these would
22 be the requirements that somebody would have to show
23 us before we approve that, so there would be more
24 direction for folks interested in doing that instead
25 of just coming before us.

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1 One of those considerations, there must be
 2 some budget analysis and needs analysis before we
 3 consider that. Could you guys do -- once again, I'm
 4 asking you to spend some time on that. But could you
 5 do a little two-page white paper on, Here are the
 6 issues that the board would have to --
 7 MR. MARCANTEL: Mr. Chair, yes, absolutely.
 8 That would be useful in terms of future requests for
 9 the board to have on hand. If I may, just a caveat,
 10 the niche Dona Ana is speaking to, providing some
 11 central pool of candidates, as we consider the
 12 returning veterans and what impact that's going to
 13 have in terms of employment, I mean, to give credit,
 14 I think that that's a very good thing for us to work
 15 together on for just that topic.
 16 MR. KING: Chief Schultz?
 17 MR. SCHULTZ: I do have a question. The
 18 question would be, What code of conduct will you be
 19 following for the students? For example, most of the
 20 satellite academies and the main academy in Santa Fe
 21 has a code of conduct. When the student violates
 22 that, they get removed from the academy. How would
 23 you enforce that to remove the student from the
 24 program?
 25 MR. DEROURN: For example, we have a

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1 nursing program, we have a radiographer program,
 2 digital stenography. If there's a violation within
 3 those programs, the student can be removed. The same
 4 process would apply to us. We would align our code
 5 of conduct and align it with the New Mexico Law
 6 Enforcement Academy and maintain that code in a
 7 similar manner.
 8 MR. KING: All right. Any other questions?
 9 I think we're going to hold any other action in
 10 abeyance certainly at least until we hear the other
 11 presentation.
 12 I am going to declare a 10-minute break.
 13 Let me ask staff, are there plans for lunch? Are
 14 people going to work through lunch?
 15 MS. LOPEZ: We're on our own this time
 16 around.
 17 MR. KING: What I'm trying to do, there are
 18 people here who are sitting and waiting for the next
 19 segment. Will the plan of the board be to take a
 20 lunch break?
 21 MR. MARCANTEL: Whatever the favor of the
 22 board would be, Mr. Chair.
 23 MR. KING: I don't want you to faint in the
 24 afternoon, so my guess is we will take a lunch break.
 25 MR. SHILLING: Why don't we do a 45-minute

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1 lunch break and come back at 12:30.
 2 MR. KING: We can do that, too. We can
 3 break for lunch now and start again at 12:30.
 4 MR. SCHULTZ: Do the two presentations, and
 5 then the issues left are the misconduct.
 6 MR. MARCANTEL: Before you break, may I ask
 7 for a moment of silence? The president of the FOP
 8 sent me a text that three Rapid City, South Dakota,
 9 officers were shot within the hour, one was killed
 10 and one is paralyzed. So we might ask for prayers
 11 and a moment of silence.
 12 MR. KING: We're impacted by that. Let's
 13 take a moment of silence for those officers. Thank
 14 you, Mr. Marcantel.
 15 I think that's the only question. Let's
 16 take a short break. This will be the plan, a
 17 10-minute break just because if I say five minutes,
 18 it will be 10 minutes.
 19 (Recess from 11:44 a.m. to 11:56 a.m.)
 20 MR. KING: Let's go ahead and finish our
 21 presentations on our new business, and then I do
 22 anticipate that we'll take a lunch break. Sheriff
 23 Coon had a good idea.
 24 ITEM NO. 14: PRESENTATION-PROPOSED LAW
 25 ENFORCEMENT ACADEMY

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1 MR. KING: That being said, let's go to
 2 Item No. 14, the proposal on Law Enforcement Academy
 3 on McKinley county. So the representative from
 4 McKinley County, be sure to introduce yourself. I
 5 know you've got sort of two presentations.
 6 MR. LEONARD: Don't worry. Mr. Chair, Law
 7 Enforcement Academy Members, I'm Andre Leonard.
 8 We're going to do a proposal on a regional academy.
 9 This is Chris Escamilla.
 10 MR. ESCAMILLA: Basically, we had a
 11 satellite academy out of the UNM branch back in 2001.
 12 It went dormant. We would like to bring it back. We
 13 are a rural agency. The closest academy is two hours
 14 away. Within 40 miles of our range, we have seven to
 15 eight different agencies. That's including local
 16 PDs, two sheriffs' offices, tribal agencies and
 17 pueblos. So locations have already been worked out.
 18 County facilities can be arranged to
 19 conduct academies and classrooms, physical fitness.
 20 We can work with UNM who has said yes, we can bring
 21 the academy back. We have talked to directors and
 22 student services and things of that nature, and
 23 they're behind us with providing classrooms, which
 24 includes a gym, areas for defensive tactics and
 25 weight room, and can give us personnel, along with

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1 the location.
2 McKinley County Sheriff's Office is going
3 to be the primary provider, the director and
4 dedicated staff for the academy. We're not going to
5 look outside the standards rather than running an
6 accredited academy by the standards of the State of
7 New Mexico.
8 What we're looking at is everybody's
9 hurting right now on budgets. It's a 30-minute drive
10 or 40 miles to get to the academy. Agencies, rather
11 than paying room and board, can send their cadets
12 home at the end of the night and return to their
13 families, and they are covering gas which cuts down
14 on gas for our agencies. We are accredited through
15 the New Mexico accreditation program for McKinley
16 County Sheriff's Office. So we're looking at nothing
17 more than doing an academy that will benefit our
18 community in our rural area rather than sending
19 somebody two hours away, worrying about room and
20 board, and getting that officer back on weekends.
21 These departments have touch with their
22 officers. They know what they're doing and where
23 they are at all times and return home nightly. It
24 will be Monday through Friday, an 8:00 to 5:00
25 academy. Since we don't have travel time from Santa

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1 Fe or two hours to Farmington and back home, we can
2 run a Friday academy and send them home on weekends
3 to return them home. You guys covered most of our
4 unanswered questions with the previous presentation,
5 so I don't have much left. I'm open for question.
6 MR. KING: Sheriff Leonard, do you want to
7 say more, or do you want to ask questions?
8 MR. LEONARD: We have the Navajo Police.
9 It's a big part of our area. Gallup Police have
10 offered a letter of support, Navajo Police have
11 offered a letter of support, and New Mexico Senator
12 George Muniz has been in contact with the executive
13 director for the academy board expressing his support
14 for that also.
15 MR. KING: Questions of the committee now?
16 You're right, we did get a chance to address the
17 broad issues. But I think there may be some issues.
18 MR. COON: Does Tubac still have the
19 academy?
20 MR. LEONARD: I'm not quite sure about
21 that. Sir?
22 MR. ESCAMILLA: They have an academy, but
23 not a class since 2008. When they graduate out of
24 Tubac, they have Arizona certification. And usually
25 by the time they come over to the New Mexico side,

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1 they have a had couple years under their belt, and
2 it's difficult for them to go through the program.
3 MR. MYERS: These other agencies, if you
4 had your satellite academy up and running, would it
5 be a dramatic increase in officers on the street?
6 Are they not sending people to Santa Fe?
7 MR. ESCAMILLA: We have been in contact
8 with the Gallup Police Department and the tribal
9 agencies within New Mexico. We have been in contact
10 with Grants and Milan Police Department and Cibola
11 County Sheriff's Department. They are hurting on
12 costs for room and board for sending cadets to Santa
13 Fe. It is easy on our budgets to pay for gas and
14 travel every night. And with a lot of these
15 agencies, budgets aren't going up, and the hiring
16 process is getting difficult. And the pool is
17 getting shallower, and we're looking for areas
18 outside. It does benefit local police departments
19 within our radius to have a satellite academy.
20 MR. MYERS: You think it would increase
21 actual officers on the street?
22 MR. ESCAMILLA: We do.
23 MR. KING: I have a few questions of my
24 own. One is, you said that the McKinley academy that
25 was there previously, that you would just have --

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1 it's already accredited. But I assume that there
2 would be some reaccreditation process?
3 MR. ESCAMILLA: That was my blunder. Our
4 department, McKinley County Sheriff's, is recognized
5 as an accredited department through New Mexico State.
6 We went through the program. It just helps in our
7 background. But yes, we have to go through Mr. Najjar
8 as far as, I guess, reaccrediting since we did have a
9 satellite in our area.
10 MR. KING: Mr. Najjar, do you have an idea?
11 Do you have to start from zero essentially for an
12 academy that hasn't operated since 2001? Is that
13 what you said?
14 MR. ESCAMILLA: I believe that's when it
15 was.
16 MR. NAJAR: Mr. Chairman, since the
17 previous academy was under the University of New
18 Mexico police, then yes, it would be a brand new
19 process for either the sheriff's office or the city
20 to get accredited.
21 MR. KING: This is more a comment, I think.
22 I just jotted it down. As we're considering whether
23 we should allow new academies, the issue of how far
24 it is to a new academy may be an important issue.
25 This is a question I have for some of the members of

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1 the boards that have police agencies.
2 Is it a good idea to have an academy where
3 everybody can go home in the evening or one where
4 everybody stays? I see utility of them not going
5 home every day, not cost benefits. But what do you
6 do like at APD? Does everybody go home at the end of
7 the academy?
8 MR. SCHULTZ: That's correct. Everybody
9 goes home at the end of the day.
10 MR. KING: There's no issues there?
11 MR. SCHULTZ: No.
12 MR. KING: One of the things I mentioned to
13 Sheriff Leonard was that I know that the AGs at our
14 last Western AG's meeting last month had Larry Echo
15 Hawk, who I think is the head of the BIA or whatever
16 they call that in interior now, but there's a new
17 federal law that relates to training and
18 accreditation of tribal law enforcement officers. I
19 think it's called a Federal Law Enforcement Act.
20 MR. LEONARD: That's correct.
21 MR. KING: They're going to try and make it
22 so Native American officers don't have to go to the
23 training academy in Artesia. There are issues in
24 North Dakota about sending them to New Mexico. So
25 they're trying to accredit academies around the

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1 country that are training tribal officers so that
2 they can get their accreditation without going to a
3 Federal Law Enforcement Academy. This might even
4 impact our state academy. We may want to be
5 cognizant of that as we go along. It would be
6 another pool of officers that might be able to train
7 at a local academy and train as tribal officers, not
8 as, say, county officers or state officers or
9 whatever. But they could potentially do that at even
10 an academy like yours potentially in an area where
11 there's a lot of Native Americans that might train as
12 potential officers. We ought to look into what the
13 potential for that is, I suppose.
14 Chief Shilling?
15 MR. SHILLING: I apologize. But as I
16 mentioned earlier, and the question I have for you, I
17 graduated from the Western Satellite Academy, and a
18 lot of guys I graduated with went to work in the
19 Gallup and McKinley area. That satellite academy,
20 are you not seeing graduates that are coming out of
21 there?
22 MR. ESCAMILLA: It's been dormant for 10
23 years?
24 MR. SHILLING: At Western?
25 MR. ESCAMILLA: We're not getting a pool

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1 out of that area. We used to recruit from that area,
2 but they haven't gone down to recruit. So driving
3 five hours to recruit, it's not cost affective.
4 MR. SHILLING: Half of my graduating class
5 went to work in that part of the country. I was just
6 curious if you're still seeing numbers out there.
7 MR. ESCAMILLA: As a matter of fact, some
8 of the ones we recently hired, the last batch, and
9 that was about six years ago, they came up from the
10 Silver City area. So we haven't seen anybody coming
11 out from the satellite academies in the south part
12 for about five or six years.
13 MR. GRATTON: How many are going to San
14 Juan?
15 MR. ESCAMILLA: San Juan conducts a lot of
16 classes, big classes, 20, 25. But they, like us,
17 have several small departments within their immediate
18 reach. I think they have six or seven within a
19 50-mile radius of them.
20 MR. MARCANTEL: Just as a point of
21 clarification, and just for the record, I support any
22 program that is sustainable and has value to the law
23 enforcement community. But just to make sure that
24 there's no confusion objectively, in terms of travel
25 times and those considerations, I want to just make

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1 sure it's clearly understood that the basic LEA here
2 in Santa Fe provides housing and food. There is no
3 travel. So when folks do send them, they're only
4 going back home on the weekends. So not a real big
5 impact, but I just want to make sure all the facts
6 are on the table for the consideration.
7 MR. KING: But in those cases, and I think
8 this is an argument we have heard before, that they
9 spend a lot of time away from their families.
10 MR. MARCANTEL: No doubt. That's a very
11 valid point, I think, they're speaking to.
12 MR. KING: Interesting recruitment issue.
13 Other questions for Sheriff Leonard?
14 In that case, once again, I think we'll do
15 the same thing. And I'm open to taking any
16 recommendations from the board right now, but I'm not
17 really prepared to take a vote on something like this
18 right now without some analysis by staff. And so if
19 I'm not seeing any motions, then I'm going to move on
20 to the next item. But we will take it up.
21 Sheriff Leonard, I see we have you on for
22 another item for discussion. Go ahead.
23 MR. LEONARD: Yes.
24 MR. KING: Go ahead.
25 MR. SHANDLER: Before we start this, you're

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1 deferring the item and you're asking the staff to do
 2 a white paper for the next meeting?
 3 MR. KING: Yes, that's what I was thinking.
 4 MR. MARCANTEL: Mr. Chair, that's what we
 5 understood.
 6 MR. KING: This is an item of old business
 7 on our agenda for our next meeting. I'm sorry to
 8 have to make the folks come back for another meeting.
 9 I think we probably need to have a policy on sort of
 10 what we do in order to approve a new academy or not
 11 approve a new academy, but I don't think I'm prepared
 12 to agree to a new academy right now. If I had to
 13 vote today, I would vote no actually. That's one of
 14 the reasons I'm telling you guys. That's been our
 15 policy, not to approve new academies.
 16 I think you both made good arguments. I
 17 think Dona Ana Community College may necessarily want
 18 to come back and see what the two local agencies
 19 think about that, for instance, but I would like to
 20 know what our staff thinks about how much it would
 21 cost us in additional resources to support more
 22 academies, for instance.
 23 MR. MARCANTEL: Mr. Chair, we will have
 24 something for your deliberation for the next meeting,
 25 and we will send it out before time.

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1 MR. KING: Thank you.
 2 ITEM NO. 15: DISCUSSION-CBW REQUIREMENTS
 3 MR. LEONARD: Mr. Chair, and Law
 4 Enforcement Board Members, the waiver by process
 5 that's currently utilized perhaps needs to be
 6 reviewed and revisited. I found it kind of ironic a
 7 veteran law enforcement officer from California,
 8 Arizona or anyplace else that's considered to be
 9 progressive has structure. And I do believe over the
 10 last 20 years, most agencies have been what we call
 11 normed out by virtue of what they call professional
 12 standards and trainings and post boards. It behooves
 13 me to think in this day and age we contact a
 14 neighboring post to make an inquiry of background.
 15 I came out of the 28th Academy. There were
 16 police officers from three different states; Utah,
 17 Arizona and New Mexico. You need to get a
 18 three-state certification. Burglary is burglary and
 19 DWI is DWI. I found no difference that is
 20 discernible. I have read the book. I really see no
 21 difference.
 22 The example I like to use, if you go from
 23 Grants Police to Gallup, it takes a signature; from
 24 Albuquerque to Grants, a signature. A considerable
 25 distance from, let's say a community like Sanders,

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1 Arizona, to Gallup, 25 miles. My most recent
 2 recruiting effort, I had four out of the state of
 3 California, and none of them willing to spend two
 4 weeks in Santa Fe. Knowing the job is essentially
 5 the same job everywhere, I would request the board to
 6 revisit the certification by waiver of process.
 7 And in closing, let me just state that New
 8 Mexico Revised Statutes 29.7.10, the certification by
 9 waiver lends all discretions statutorily to this
 10 board and the director to define who is, in fact,
 11 pre-certifiable, certified and can do the job in New
 12 Mexico the same way it was done either in Arizona or
 13 California or any neighboring state. So for
 14 something that hasn't been revisited for over 20
 15 years, I think that's perhaps something that the
 16 board might want to consider.
 17 There's a big qualified pool of applicants
 18 out there, a lot of retirees from other agencies that
 19 want to come over, but we don't want to make the
 20 permitting process perhaps Mission Impossible. And
 21 again, for our particular area, there's a big need.
 22 Navajo Nation Police is chronically short. They can
 23 take state-certified officers. They are wanting to
 24 move ahead. And we hope the board will support us in
 25 the effort of certification by waiver process and

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1 statutorily to have authority to do that.
 2 If you have any questions, I'm glad to
 3 answer that. If not, I don't want to take up too
 4 much time before lunch.
 5 MR. KING: It's something we have talked
 6 about in other ways and other fact patterns, but not
 7 in that one specifically.
 8 MR. COON: I'm totally for a cert by
 9 waiver. Number one, you get somebody from out of
 10 state who comes in here, and they don't how we
 11 operate in New Mexico. If you get a new chief, he
 12 has to go through the certified waiver. If you get a
 13 patrolman, he has to go through certified waiver.
 14 It's three weeks. It's not a 22-week class. If
 15 you're retired, you don't have to do the physical
 16 fitness part of it.
 17 I think if somebody wants to come to New
 18 Mexico bad enough or, say, a lawyer coming from
 19 another state into New Mexico has to be certified by
 20 the New Mexico bar, we're no different. I just think
 21 it's essential that somebody from New York or from
 22 Los Angeles that comes in here, they need to know a
 23 little bit about our state and our history and our
 24 law enforcement and our laws. So I'm just adamantly
 25 for a certified waiver.

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1 MR. KING: Thanks. Any comments?
 2 MR. GRATTON: Have we explored a hybrid
 3 possibility of providing that certified waiver? Do
 4 we have some of that material on-line without
 5 requiring them being in place for three weeks?
 6 MR. MARCANTEL: I may have the answer to
 7 that. That is part of the exploration right now.
 8 We're looking to see what relationship in the future
 9 that we might be able to deliver those courses that
 10 are necessary for certified waiver on-line and then
 11 put the actual physical presence requiring training
 12 and reducing that time down away from the
 13 organization to whatever those tasks are that they
 14 have to physically be there to complete the course.
 15 We are exploring that. We're trying to dovetail that
 16 into this executive committee that I've asked to come
 17 together to help us revisit some policies of similar
 18 concerns to the chief.
 19 MR. GRATTON: Director Marcantel, I would
 20 support that. That would greatly assist these people
 21 in taking care of what they need to do.
 22 MR. MARCANTEL: Yes.
 23 MR. KING: I don't know the issues,
 24 Mr. Marcantel, with regard to someone who is trained
 25 down at the federal academy to be a Navajo Police

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1 officer. If they want to go to the Gallup Police
 2 Department, do they have to go through certified
 3 waiver?
 4 MR. MARCANTEL: Technically -- and correct
 5 me if I'm wrong -- technically based on NMAC rules,
 6 they would have to.
 7 MR. KING: That's sort of an interesting
 8 issue too.
 9 MR. MARCANTEL: There could be a
 10 reexamination of that.
 11 MR. LEONARD: Let me say this. I'm mindful
 12 of Mr. Coon's sentiments. They should have a passion
 13 to be here. I think for a certified waiver statute
 14 that's been in existence for as long as this one,
 15 it's perhaps time to revisit it. Realistically, the
 16 laws haven't changed even though you have passed the
 17 state line. If you want to do this job, your heart
 18 is going to be in it, and you're going to have the
 19 passion for it.
 20 I don't want to attempt to dilute the rules
 21 or water them down, but there are ways, I think, we
 22 can make things a lot easier. 29-7-10 gives you, the
 23 Law Enforcement Academy Board, and your director, all
 24 the discretion in the world to do it. So I would
 25 hope that you would perhaps look again if Arizona and

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1 California have a two-day process, and New Mexico is
 2 still at three weeks, I wouldn't say one or the other
 3 is better. They both have missions they can
 4 accomplish and some do it more quickly.
 5 In closing, I would like to say the new
 6 director, Mr. Marcantel, has been doing well
 7 initializing a number of things to make law
 8 enforcement better for New Mexico, and I hope you
 9 guys will continue to support him to allow him to
 10 conclude those.
 11 MR. KING: Thank you, Sheriff. We
 12 appreciate that. Thanks for your presentation.
 13 MR. LEONARD: Thank you for your time.
 14 MR. KING: I think it's time to plan for
 15 lunch. We can start again at 1:15. We are going to
 16 adjourn the part of the meeting that's the business
 17 meeting and go to the next item on the agenda, which
 18 is going to be disciplinary matters, Item No. 16.
 19 So Chief Schultz will take over the meeting
 20 through the end of the program. And I assume -- it
 21 looks like not a huge number of items, so I'm sure
 22 we'll get done this afternoon sometime. Does that
 23 work for everybody? We will start back here at 1:15.
 24 (Recess from 12:21 p.m. to 1:17 p.m.)
 25 DISCIPLINARY MATTERS

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1 ITEM NO. 16: RICHARD PRIES
 2 MR. SCHULTZ: We are back on the record,
 3 and Attorney General King has left. We will go to
 4 the next agenda item.
 5 MR. SHANDLER: That will be handled by Mr.
 6 Holmes and Mr. Jackson.
 7 MR. HOLMES: I'm the investigator for the
 8 LEA. Our first case this afternoon pertains to
 9 former State Police officer by the name of Richard
 10 Pries. On August 12, Mr. Pries -- on August 27,
 11 2010, Mr. Pries made a traffic stop on a vehicle that
 12 he observed driving in the median of the highway.
 13 That was on the highway, so his vehicle turned into a
 14 road, a county road, Santa Fe Airport Road. And the
 15 person drove into a service station after the officer
 16 had activated his emergency equipment.
 17 During that stop when the person drove into
 18 the service station, he almost hit a pedestrian who
 19 was at the service station. The officer approached
 20 the vehicle and asked the driver to step out of the
 21 vehicle. And he asked him, Did you observe me with
 22 my emergency equipment? It took a little while
 23 before the vehicle stopped.
 24 So anyway, at that time, the officer
 25 approached the driver of the vehicle and asked him to

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1 step out of the vehicle. And of course, the driver
2 refused at that time and didn't come out. He said,
3 No. So the officer asked him the second time to step
4 out of the vehicle. And the person again refused.
5 So the officer asked him a third time. He
6 approached the car and said, If you don't get out, I
7 will forcibly take you out of the vehicle. So the
8 guy didn't come out, so the officer opened the door,
9 grabbed him by the arm and put his hand around his
10 neck and swung him around. And as a result of that,
11 the person struck his head on the rear side window on
12 the driver's side.
13 The person was -- there's a video, and the
14 person appeared to have been kind of tensing up or
15 resisting in a manner that the officer felt he had to
16 forcibly take him down. So he slammed him and took
17 the guy and again slammed his face on the hood of the
18 car, and then took him down on the ground. And that
19 required six stitches on the person who was taken to
20 the hospital.
21 As a result of that incident, the officer
22 was terminated by his agency, the New Mexico State
23 Police. And an informal hearing was held on October
24 27 with the respondent and his attorney. They met
25 with the director, and he agreed -- him and his

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1 attorney agreed to a settlement on this incident.
2 The director recommended a 90-day suspension,
3 two-year probationary period, ethics training and
4 use-of-force training class, anger management,
5 counseling for psychological, psychiatric treatment
6 for posttraumatic stress disorder. The respondent
7 agreed to attend and complete the use-of-force
8 training class prior to having certification
9 reinstated and to provide proof of satisfactory
10 completion to the director's office.
11 I have a report, and the person is here, if
12 there's any questions.
13 MR. SCHULTZ: Yes. Questions of Mr.
14 Holmes?
15 MR. KORN: No.
16 MR. SCHULTZ: Mr. Pries, you're present,
17 and you may address the board.
18 MR. ROBLES: Luis Robles, and I'm an
19 attorney representing Richard Pries. I will begin by
20 explaining a series of facts which I don't think
21 anyone can -- will contest. And it may seem a bit --
22 I don't know. Some people may say, what does this
23 have to do with this case? But very quickly make it
24 around and make sense of the whole thing.
25 In 2005, Mr. Pries enlisted in the United

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1 States Army Corps and served two combat checks in
2 Iraq, and he was honorably discharged in 2009. And
3 the State Police hired him in 2009. And by January
4 2010, he began working as a patrol officer for the
5 agency. The incident which happened here happened on
6 August 27, 2010.
7 Now, immediately, on August 31, the State
8 Police placed Mr. Pries on administrative leave. And
9 on September 17, Mr. Pries met with Lori Martinez,
10 who is a psychologist who works with New Mexico State
11 Police. She met with him and made an assessment.
12 However, at that time, she did not reveal what that
13 assessment was. It wasn't until September 22 when
14 Ms. Martinez or Dr. Martinez informed Mr. Pries that
15 he suffered from posttraumatic stress disorder.
16 She also informed him that the former chief
17 was intending on terminating him. So on the 23rd,
18 Mr. Pries submitted his letter of resignation, and
19 the former Chief of State Police accepted that letter
20 of termination.
21 Now, almost a year has passed since that
22 all occurred. In that time, this officer, former
23 officer, has not worked in law enforcement. Instead,
24 he's continued his education. He's obtained 32 hours
25 of school credit from CNM and is now a year away from

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1 receiving his Bachelor's degree from Western New
2 Mexico University.
3 Now, as set forth in the stipulated order,
4 there is a 90-day suspension and then two years of
5 probation. One of the requirements is that an ethics
6 course be taken. And being the kind of officer that
7 he once was, he has already taken an ethics course.
8 He completed that course on July 21 of 2011. And
9 just to make sure everyone sees what I have in my
10 hand, I have the certificate. With regard to anger
11 management, the former officer took a 24-hour anger
12 management counseling workshop course offered by
13 Anger Management Counseling Institute, and that was
14 completed on July 25, 2011.
15 With regard to the concerns about
16 posttraumatic disorder, I have a letter from a
17 psychiatrist, who is named Thomas Vosburg, a
18 psychiatrist with the PTSD trauma program with the
19 Veterans Administration, and I would like to read you
20 just one sentence from that particular letter. "I
21 want to state my opinion at the outset that while
22 technically Mr. Pries has symptoms that meet the
23 threshold for the diagnosis of PTSD, these symptoms
24 are mild, and after comprehensive evaluation, I can
25 state with confidence that his PTSD does not impair

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1 his judgment or in any way render him unfit for duty
2 as a law enforcement officer." That's a letter
3 that's dated February 17, 2011.
4 So again, I can have Mr. Pries speak to
5 you, but what is clear, that the biggest sanction
6 that could have ever been imposed on him already has.
7 He can no longer serve as a New Mexico State Police
8 officer. And for him, that's the hardest part of it.
9 Everything else is, well, not as consequential.
10 However, despite that, he still wants to continue in
11 law enforcement. Certainly a young man who has
12 learned his lesson, who now recognizes with hindsight
13 that this could have been handled a different way.
14 We believe that the board should agree to
15 the stipulated order. There is one change that I
16 would like the board to consider, and that is the
17 90-day suspension. It's already been a year since he
18 has no longer worked as a law enforcement officer.
19 If the 90-day suspension is imposed, it would be a
20 year and 90 days that he will not work as a law
21 enforcement officer. In reality, one-year suspension
22 seems to be adequate for the charges that are being
23 brought here, and I would ask the board to hold that
24 90-day suspension in abeyance. And again, with the
25 two-year probationary period, that should be an

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1 adequate way this board can monitor the progress of
2 this officer as he seeks employment with another law
3 enforcement agency.
4 We both stand ready for any questions that
5 you might have about the incident or about the
6 proposal that we have made.
7 MR. COON: Question, sir. On this day on
8 August 27, were there charges filed against the
9 gentleman that you stopped?
10 MR. PRIES: I'm Richard Pries, and I would
11 like to thank the board for your time. Absolutely, I
12 did. I charged the driver. What I did charge him
13 with was a traffic violation and resisting and
14 evading arrest. I should have charged him with
15 reckless and resistive evasion.
16 MR. COON: What prompted the chief of the
17 New Mexico State Police to terminate you? What was
18 the grounds for that?
19 MR. PRIES: Actually, sir, I resigned. I
20 never had a chance to speak with the former chief,
21 Chief Segata, so I can't speak on his behalf. I
22 resigned through advice that was given to me by two
23 supervisors at the time in District 1, Santa Fe, and
24 by the recommendation of Dr. Lori Martinez who is a
25 representative of the New Mexico State Police as a

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1 psychiatrist.
2 MR. COON: Okay. Question two. Was there
3 alcohol involved in the guy that you arrested?
4 MR. PRIES: No, sir, I did not do field
5 sobriety tests on him.
6 MR. COON: Number three, do you have
7 plans -- do you actively right now have applications
8 out with another police department?
9 MR. PRIES: Between the time I resigned
10 from the State Police and I would say about five
11 months ago, I have applied at various agencies, and
12 no agency will hire me until my matter has been
13 adjudicated before the board.
14 MR. COON: Okay.
15 MR. SCHULTZ: Any questions from the board
16 of Mr. Robles or Mr. Pries?
17 MR. KORN: I have a question. Mr. Vice
18 Chairman and Mr. Robles. And I have to apologize. I
19 recognize you, but I didn't recognize you. So I
20 didn't say hello.
21 A question for you, the documents that you
22 have provided and that you have read to us from the
23 ethics course and anger management and the
24 psychiatrist, had those been presented to the
25 director during the discussion of the stipulated

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1 agreement?
2 MR. ROBLES: No, they had not, primarily
3 because it was the agreement that called for the
4 taking of those courses. And then subsequent to
5 that, and actually not shortly before this meeting,
6 or I should say shortly before the meeting, that's
7 when the courses were completed. The only one that's
8 left to be completed is the use-of-force course, and
9 that is scheduled to be taken August 11, another
10 DPS-approved course.
11 MR. KORN: You're actually bringing them in
12 to show Mr. Pries is trying to comply wholeheartedly
13 with the orders?
14 MR. ROBLES: In a way which, I think,
15 speaks well of his character and his desire to show
16 everyone, not only all of you, but also show the
17 entire community that New Mexico State Police did not
18 make a mistake in hiring him and that New Mexico as a
19 whole would be better served as having him as a law
20 enforcement officer than not.
21 MR. KORN: And who is the action with
22 Mr. Pries, and I assume you met with, was it the
23 current director or previous director?
24 MR. ROBLES: It was the previous director.
25 MR. KORN: And final question, you're here

1 under stipulated settlement or agreement that I
2 assume Mr. Pries and you have signed with the
3 director or director's office?

4 MR. ROBLES: Just to be clear, I came into
5 this case recently. Another attorney handled that
6 matter. But yes, the other attorney and Mr. Pries
7 and former director entered into that agreement. The
8 only person who is still here left standing is
9 Mr. Pries.

10 MR. KORN: As for that stipulated agreement
11 which is before the board, are you asking to withdraw
12 that agreement, to have that part of it revised or
13 are you --

14 MR. ROBLES: Held in abeyance.

15 MR. KORN: Same difference really. Held in
16 abeyance or removed would result in the same thing.

17 MR. ROBLES: I would agree, but held in
18 abeyance gives the board the authority, if there is
19 some infraction which is brought to their attention
20 that that can be imposed. Again, the request that I
21 could make, that still gives the board the authority
22 to impose discipline of 90 days, if they choose to do
23 so in the future.

24 MR. KORN: That's belabored. But it seems
25 like there's a stipulated settlement that he has

1 MR. SCHULTZ: Any other questions?

2 MR. COON: One here on the employee
3 profile. It says, "Last action taken, terminated."
4 That's why I asked you awhile ago, were you
5 terminated or did you resign?

6 MR. ROBLES: I can present to you a letter
7 from the former Chief of the State Police which
8 explains that he accepted the letter of resignation
9 as the form of separation between the former officer
10 and the agency.

11 MR. COON: Okay.

12 MR. ROBLES: To clear up any concerns that
13 might exist.

14 MR. COON: I didn't know if that -- that's
15 fine.

16 MS. LOPEZ: I can look into that and make
17 sure if it needs to be changed to "resigned," I can
18 do that. I put in what was submitted to me.

19 MR. COON: Okay.

20 MR. SCHULTZ: Any other questions from the
21 board? Thank you, Gentlemen. The way the process
22 goes, we go through the items of disciplinary and
23 finish those and go into closed session and present
24 the final decisions by the board.

25 ITEM NO. 16A: JEFFREY ARBOGAST

1 agreed to, then that includes a 90-day suspension
2 which would start at the time that the board approves
3 his stipulated settlement. It doesn't say to be held
4 in abeyance. Strictly speaking, are you here asking
5 that we approve the stipulated settlement or withdraw
6 it and have a meeting with the current director?

7 MR. ROBLES: No. Because the board has the
8 authority to either accept or reject or modify that
9 that one simple modification be made and that no
10 further time be spent on that matter because I
11 believe, with all good faith, that this former
12 officer is attempting to meet all the requirements
13 that have been imposed upon him by the stipulation.

14 MR. KORN: We don't generally modify. We
15 generally tend to send it back to the director. So I
16 guess the question is again, would you want us to
17 send it back to the director and withdraw it now or
18 do you want to have a stipulated agreement?

19 MR. ROBLES: It would only prolong it
20 because in the end, it's already been a year. Adding
21 on another few weeks, we're suddenly actually serving
22 the 90 days even though they're not imposed. We're
23 better off accepting the 90 days, if the board is not
24 inclined to accept that.

25 MR. KORN: Thank you.

1 MR. SCHULTZ: The next item is Jeffrey
2 Arbogast.

3 MR. JACKSON: This is two domestic violence
4 incidents in July of 2009 while Mr. Arbogast and his
5 girlfriend were in California. On July 19, the
6 allegation is that Mr. Arbogast grabbed the victim,
7 would not let her leave, forced her onto a bed and
8 pinned her down. And then during the July 21
9 accident, Mr. Arbogast chased the same woman, pinned
10 her to the ground and straddled her, at which point
11 she screamed which attracted the attention of
12 bystanders and consequently law enforcement out there
13 in California. The respondent, Mr. Arbogast, was
14 arrested and charged with battery and battery with
15 corporal injury in California. These charges were
16 later dismissed.

17 There was an informal hearing held with
18 Mr. Arbogast and the director and Mr. Arbogast's
19 attorney and Mr. Holmes and I. After that informal
20 hearing, and after consultation with Mr. Holmes and
21 myself, the director offered a stipulated order of
22 suspension for a period of six months with a two-year
23 probationary period, ethics course, 16 hours of
24 community service, an alcohol screening and anger
25 management counseling, and of course, concomitant

1 with the alcohol screening is an order that
2 Mr. Arbogast do whatever is recommended as a result
3 of that alcohol screening.

4 Are there any questions on this?
5 MR. SCHULTZ: No questions for Mr. Jackson.
6 Mr. Arbogast.

7 MR. D'AMATO: John D'Amato with
8 Mr. Arbogast. One technical issue. Like the
9 previous officer, the profile, the post profile
10 indicates termination on 1-20 when there was a
11 resolution in lieu of termination. So that should be
12 shown.

13 The second point I'll defer to Mr. Jackson.
14 However, I believe at that informal meeting, there
15 was two instances, one in California and the second
16 one occurring in New Mexico. Both matters were
17 discussed. Mr. Arbogast disclosed all of the facts
18 on both of them, disclosed police reports in the
19 California report as well as police reports in the
20 Albuquerque report, New Mexico Incident Domestic
21 Violence, and then we had agreed to a six-month based
22 on both.

23 At the close of the hearing, I think it was
24 a week or two later, I was informed that a subsequent
25 report made its way up to the director's office,

1 acting director's office. It has correctly gone
2 through my office. Because of that subsequent
3 report, my understanding was the second incident was
4 exonerated unfounded, the second domestic violence.
5 So we're here on one domestic violence incident.

6 We're requesting the six months be lowered
7 to 90 days because that fits in with, I believe, the
8 history of the department and agency. The matrix is
9 90 days on domestic violence. The six-month
10 suspension on decertification issue would be
11 appropriate and reasonable on the two domestic
12 violences. And Mr. Jackson, correct me if I'm wrong,
13 but the second incident was exonerated completely.

14 MR. JACKSON: I would just clarify that
15 there are two incidents in California, but they were
16 grouped into a single notice of contemplated action.
17 There was a second notice of contemplated action. I
18 do not know at this time, and this is a matter that I
19 am going to look into and discuss with Mr. D'Amato, I
20 do not know if that action was properly served. But
21 the facts are known to Mr. D'Amato and to the State
22 here.

23 And I would also perhaps take issue with
24 the characterization of exonerated. While for
25 employment matters there's typically a scale

1 sustained, not sustained, exonerated, where on not
2 sustained there's insufficient evidence to sustain a
3 finding of misconduct. Exonerated is an affirmative
4 finding that there was no misconduct.

5 We don't use that scale in evaluating
6 matters before this board. Just simply, is there
7 enough evidence or is there not enough evidence. And
8 after the subsequent report came to light, the
9 director determined that there was not enough
10 evidence on the incident that occurred in New Mexico
11 to proceed to discipline on that.

12 So with those two corrections, I think
13 Mr. D'Amato is correct in substance in what he has
14 represented to the board here.

15 MR. D'AMATO: Thank you. That's my basis
16 for the six months to 90 days. The cases under the
17 matrix that we have seen in the past, 90 days is
18 reasonable along with other conditions imposed under
19 the stipulated agreement. Thank you.

20 Mr. Arbogast.
21 MR. ARBOGAST: Members of the Board, I
22 thank you for the opportunity of coming before you
23 this afternoon. My name is Jeff Arbogast. My
24 approximately 25 year career as a police officer has
25 always been of the utmost importance to me, and I've

1 always been proud to serve my department and
2 department in the capacities, although I have paid
3 dearly through personal sacrifices. If you refer to
4 IA and use of force, prior to July 2009 in Santa
5 Cruz, California, my record speaks for itself.

6 I do take responsibility, first, for
7 entering into a relationship with this woman only to
8 find out much later she had a long past history of
9 domestic violence, mental illness, alcoholism,
10 suicide attempts and drug abuse. I take
11 responsibility for having not walked away from her
12 when I began to learn of her checkered past. The
13 only explanation I have for not doing so is the
14 mutual feelings we had for each other at the time,
15 but for the feelings of her two young children who
16 clung onto me as a buffer for the madness they had
17 known, which included physical and sexual abuse. I
18 essentially became their father, and I felt a certain
19 amount of responsibility for them.

20 I take responsibility for not asking for
21 the help of others on that night in July 2009 in
22 Santa Cruz, California, with the knowledge she had
23 already displayed emotional instability during that
24 trip, plus the level of her intoxication when I was
25 trying to assist her to her vehicle -- to our

1 vehicle. I should have had the sense to ask others
2 present, including her family members, to take
3 control of the situation, and I should have backed
4 away.

5 I should have walked away from that
6 relationship long before that night and never looked
7 back. However, I did not. And because I did not, I
8 had been living with pain and humiliation, not to
9 mention the financial devastation resulting from our
10 relation and that night. I tried to understand how I
11 could be a career and dedicated police officer to a
12 man being given an orange jump suit and incarcerated
13 in a faraway place.

14 This pain and humiliation of being an
15 incarcerated police officer along with my peers'
16 awareness, the financial hardships I have and
17 continue to experience have been utterly devastating
18 to my life. I do take responsibility for having that
19 helper personality, one in which most men and women
20 in our profession possess. This has drawn me to
21 those in need.

22 I have learned so much from these horrible
23 and humiliating expensive experiences. Following my
24 resignation from the Albuquerque Police Department, I
25 became employed, but with the financial ruin left by

1 MR. COON: Are you retired from APD?

2 MR. ARBOGAST: Yes, sir.

3 MR. COON: You're retiring from retirement
4 right now?

5 MR. ARBOGAST: Yes, sir.

6 MR. SCHULTZ: Any other questions?

7 MR. KORN: I don't know if this is properly
8 to you, Mr. Arbogast, or Mr. D'Amato. Are you asking
9 that the stipulated settlement that Mr. Arbogast
10 signed be withdrawn?

11 MR. D'AMATO: No. I'm informing the court
12 that the stipulated settlement comprising six months
13 consisted of the California accident and the
14 Albuquerque accident. Once the stipulated agreement
15 was agreed to, two to three weeks after that we
16 learned that the Albuquerque incident would be
17 unsubstantiated, unfounded, no facts to support those
18 allegations. So based on that finding, we're asking
19 that you reconsider the six months to 90 days which
20 fits the matrix.

21 MR. KORN: I don't know if it fits the
22 matrix or not. That's neither here nor there. The
23 question before the board, we only have the
24 California incident, and we have a stipulated
25 settlement for six months. And so the way I think

1 my personal irresponsibility, I have come close to
2 losing all I have. I have had many potential law
3 enforcement opportunities presented to me. However,
4 I've been unable to act upon them pending outcome of
5 your decision. My dream is to return to my career as
6 a police officer for it is what I love the most. I
7 wish to begin to do so as soon as possible.

8 I do take responsibility for my actions. I
9 have learned a great deal from these legal
10 experiences, which are never to be repeated, as my
11 entire world has been shattered by these events. I
12 humbly request that the board have mercy upon me and
13 reconsider the proposed disciplinary action against
14 me, my certification and my career and allow me to
15 put this all behind me and rebuild my life, my
16 financial stability and the pride I always had each
17 time I put that uniform on. Thank you.

18 MR. SCHULTZ: Any questions of the board
19 from Mr. Arbogast?

20 MR. COON: Number one, was there alcohol
21 involved in your part that night?

22 MR. ARBOGAST: Yes, there was.

23 MR. COON: Both of you?

24 MR. ARBOGAST: She was intoxicated. I was
25 not.

1 the board looks at it, unless I'm mistaken, we either
2 say that's what you want and we approve it, or if you
3 want to withdraw it and revise it and have another
4 meeting, you would have that opportunity.

5 MR. D'AMATO: If we're operating under
6 those respectively, that we enter this agreement of
7 six months, and a week later get a notice of
8 contemplated action on the Albuquerque incident, we
9 operate under the actual fact of discussing both
10 whether we had the notice of contemplated action or
11 not. All of us present at that informal meeting
12 contemplated the Albuquerque incident and California
13 incident comprised the six months. We thought that
14 would be appropriate.

15 MR. KORN: It includes both charges.

16 MR. D'AMATO: They were drafted up
17 afterwards. No, it does not.

18 MR. KORN: It includes California?

19 MR. D'AMATO: Yes.

20 MR. KORN: If it includes only California,
21 and that's all that's before us, and Mr. Arbogast
22 agreed to that, it sounds to me like you want to
23 withdraw that, which you have the right to do.

24 MR. D'AMATO: I understand we do.

25 MR. KORN: You want to put your foot into

1 each pond.
 2 MR. D'AMATO: I don't want to put
 3 Mr. Arbogast before the board again based on the New
 4 Mexico action.
 5 MR. KORN: The question is, do you want to
 6 do that?
 7 MR. D'AMATO: Well, we withdraw it. May I
 8 have one moment, please?
 9 MR. KORN: Yes.
 10 MR. D'AMATO: Mr. Jackson, did we have
 11 discussions on both?
 12 MR. JACKSON: Yes.
 13 MR. D'AMATO: Is there contemplations a
 14 second one will be coming?
 15 MR. JACKSON: If the second one has not
 16 been contemplated.
 17 MR. D'AMATO: We stand on it. We don't
 18 want to stand on the six month and a second notice of
 19 New Mexico contemplated action. Based on the
 20 representations of Mr. Jackson, we will go forward as
 21 is.
 22 To answer the second part of the question,
 23 reviewing the transcripts of prior board meetings,
 24 reference has been made to a domestic violence being
 25 a 90-day or 60-day suspension fitting in with the

1 board?
 2 MR. D'AMATO: Thank you.
 3 MR. JACKSON: Just before moving on to the
 4 next agenda item, while this will probably not aid
 5 the board in its evaluation to accept the stipulated
 6 order because the board has expressed concern over
 7 the backlog, I do want to note that although this is
 8 for conduct that occurred in 2009, the conduct was
 9 reported to the academy in December of 2010 and the
 10 NCA was served in February of 2011.
 11 MR. SCHULTZ: Thank you, sir.
 12 ITEM NO. 17: STEVEN ROBERTS
 13 MR. SCHULTZ: Next item is 17 on the
 14 agenda, Steven Roberts.
 15 Mr. Jackson.
 16 MR. D'AMATO: John D'Amato for Mr. Roberts.
 17 And we have surrendered his certification, and that
 18 was delivered to Mr. Jackson this morning.
 19 MR. JACKSON: Just to go through the
 20 conduct on this, the allegations against Mr. Roberts
 21 are that he videotaped or he recorded on video sexual
 22 encounters with two different women, one in a
 23 department vehicle and one in the village treasurer's
 24 office in Bosque Farms. These videos showed up on a
 25 department computer that was in his control. And the

1 matrix. That's my source of information. And based
 2 on prior meetings, 60 days is the one domestic
 3 violence fits in with the matrix.
 4 MR. SCHULTZ: Maybe to clarify this, I
 5 would like to direct the question to Director
 6 Marcantel. Is there another case out there involving
 7 Mr. Arbogast that's in the office?
 8 MR. MARCANTEL: I'm unaware of any and
 9 don't suspect there is.
 10 MR. SCHULTZ: Does that help, Mr. Korn?
 11 MR. KORN: Thanks, Chief.
 12 MR. MYERS: When you did this
 13 investigation -- did that six months come out of a
 14 determination from the New Mexico case and the
 15 California case, or was that based on only the facts
 16 and merits of the California case?
 17 MR. MARCANTEL: If your question is, did I
 18 make my decision on the six months relative to the
 19 California case only, that would be -- my answer
 20 would be yes, that would be the only area that I
 21 think that my recollection is different of the facts
 22 presented by Mr. D'Amato. The rest of them, I think
 23 they're clear and they're very accurate. That's the
 24 only thing I can remember.
 25 MR. SCHULTZ: Any other questions from the

1 incident that took place in the village treasurer's
 2 office took place while he was on duty. And then
 3 Mr. Roberts also was using passwords that he found on
 4 a department computer, was able to track and
 5 potentially interfere with e-mails dealing with the
 6 investigation of his misconduct.
 7 As a result of these allegations,
 8 Mr. Roberts has voluntarily relinquished his
 9 certification subject to ratification of that
 10 relinquishment by the board. Thank you.
 11 MR. SCHULTZ: Mr. D'Amato.
 12 MR. D'AMATO: Chief, he surrendered. I
 13 apologize to Mr. Jackson. We got that to him this
 14 morning. Mr. Roberts came in yesterday afternoon
 15 late and signed off on the surrender, and we
 16 delivered that this morning. Thank you.
 17 MR. SCHULTZ: Is Mr. Roberts present?
 18 MR. D'AMATO: No, he's not.
 19 MR. SCHULTZ: Any questions of Mr. D'Amato
 20 or Mr. Jackson?
 21 ITEM NO. 17A: GREG SOLANO
 22 MR. SCHULTZ: Next item is Item 17A, Greg
 23 Solano.
 24 MR. JACKSON: This is Greg Solano. The
 25 allegations against Mr. Solano are that he pled

1 guilty to five counts of embezzlement recently
 2 stemming from sale of assets that belonged to the
 3 County of Santa Fe for his own personal use.
 4 Mr. Solano has agreed to voluntarily relinquish his
 5 certification as a law enforcement officer. I don't
 6 believe he's here today.

7 MR. SCHULTZ: Any questions of the board
 8 from Mr. Jackson? Is Mr. Solano present? Let the
 9 record show no one is present.

10 ITEM NO. 17B: RONALD GARCIA

11 MR. SCHULTZ: Next item is 17B, Ronald
 12 Garcia.

13 MR. JACKSON: Mr. Garcia. This incident
 14 happened in October of last year. The respondent,
 15 Mr. Garcia, had his house burglarized, which is
 16 unfortunate. But more unfortunate perhaps was his
 17 reaction that he became heavily intoxicated and
 18 turned on his siren and emergency lights to harass
 19 his next door neighborhood who he suspected of being
 20 involved with the burglary.

21 The neighbor called 911, and the responding
 22 officer noted that Mr. Garcia did have his lights and
 23 sirens on and was heavily intoxicated. After the
 24 responding officer left, he was again contacted by
 25 the dispatch. The neighbor had again called 911. At

1 that's how he got the blood on himself.

2 MR. SCHULTZ: Is Mr. Garcia present or a
 3 representative? The record will show he's not
 4 present.

5 ITEM NO. 18: ADAM GALLEGOS

6 MR. SCHULTZ: The next item is Adam
 7 Gallegos.

8 Mr. Jackson.

9 MR. JACKSON: This one has been hanging
 10 around for a little while. It had been set for
 11 formal hearing, but the parties have since come to
 12 agreement and proposed the stipulated order.

13 The underlying conduct here that attracts
 14 the board's attention is a DWI. Now, this is again
 15 not a conviction pre-DWI. This is just admission of
 16 the underlying conduct that would support such a
 17 conviction. And it's been the director's position
 18 consistently over the years that that constitutes
 19 conduct which shows a lack of good moral character
 20 adversely affecting the officer's abilities to
 21 perform his duties.

22 The respondent, Mr. Gallegos, admitted to
 23 having several drinks in Santa Fe and then driving.
 24 He drove to a house where it's unclear exactly what
 25 happened, but there was a potential altercation

1 this point, the officer went back to the neighbor's
 2 residence, and the respondent was in his personal
 3 vehicle. He threw a beer can out of the car. He had
 4 blood all over his face and hands, which he
 5 represented was that of his dog which he had hit.

6 He retired during the pendency of the IA
 7 investigation. And I don't know if agreed is the
 8 right word, but upon receipt of the notice of
 9 contemplated action in this matter, Mr. Garcia sent a
 10 letter saying, I am requesting that the certification
 11 number assigned to me be terminated immediately, but
 12 he also represented that he wouldn't sign anything
 13 else that we sent him. So as far as getting a
 14 voluntary relinquishment order that looks like the
 15 one that you will have for Mr. Roberts and for former
 16 Sheriff Solano as well as for others that you've seen
 17 in the past, that will not be available with the
 18 respondent's signature. We have his letter. He's
 19 not going to give us anything else. But I think a
 20 letter is enough.

21 Are there any questions on this matter?

22 MR. GRATTON: Mr. Jackson, what's the blood
 23 on his face and hands?

24 MR. JACKSON: He apparently hit his dog
 25 while he was drunk in his personal vehicle, and

1 involving Mr. Gallegos and some other men that ended
 2 up with Mr. Gallegos having to call 911. Because of
 3 his impaired judgment from the drinking and then the
 4 driving to this residence, he found himself in a
 5 situation where he needed to call the police to get
 6 some help.

7 When the police arrived, Mr. Gallegos had
 8 already left the area. He had driven home, which was
 9 some 50 miles from Santa Fe. And he was contacted at
 10 home by his supervisor to give a statement to the
 11 investigating officer, and he said that he couldn't
 12 come in because he had been drinking. And so they
 13 sent somebody out to pick him up. He admitted that
 14 he had made substantial errors. We're talking about
 15 between five and nine drinks prior to him driving out
 16 to this house.

17 Now, the standard has been for this board
 18 to approve a 90-day suspension with possible
 19 enhancements for various aggravating circumstances,
 20 particularly the failure to comply with field
 21 sobriety tests or failure to take breath tests.
 22 Those aren't really applicable aggravating
 23 circumstances in this case because of the nature in
 24 which it arose, i.e., there was no DWI stop. He only
 25 got one place to another while driving after having a

1 lot to drink.
 2 So the agreement here is for a 90-day
 3 suspension with alcohol screening, ethics course,
 4 community service. And I believe that's all I have.
 5 Mr. Gallegos and his attorney are here. But if there
 6 are any questions for me, I will be happy to answer.

7 MR. SCHULTZ: Any questions for
 8 Mr. Jackson?

9 MR. FOSTER: Good afternoon. I am David
 10 Foster here on behalf of Sergeant Gallegos who
 11 appears with me this afternoon as well. We have one
 12 slight factual difference with Mr. Jackson. Sergeant
 13 Gallegos actually called the police when he got home
 14 to inform them he got home and everything was fine.
 15 It was over a six- to eight-hour period that he was
 16 drinking. It wasn't five to nine drinks in a
 17 one-hour period. This was self-reporting by Sergeant
 18 Gallegos. He didn't have to say anything. He was
 19 truthful in the IA matter. He was punished through
 20 that through Internal Affairs and served his
 21 punishment through the department.

22 The delay that the director talked about
 23 earlier is a factor here because since then, he's
 24 been promoted to sergeant. He's done outstanding
 25 work in the field, and there was not the opportunity

1 has often been 90 days. I think the board has
 2 increased it a bit to 120 or 180 for aggravated. I
 3 have seen it reported from the last meetings or so.
 4 But the situation with Sergeant Gallegos, this is not
 5 the same as someone who is facing criminal charges or
 6 has been convicted of criminal charges. But for him
 7 admitting and telling his supervisor and being
 8 truthful throughout everything, in a way he almost
 9 wouldn't be here.

10 In fairness, to keep it comparable, apples
 11 to apples, in the past we have seen situations where
 12 the officer has been charged with domestic violence
 13 and the matrix has lowered it. 60 days suspension
 14 for someone who may have committed domestic violence
 15 whether convicted or not, even when they are facing
 16 charges, and the board has suspended somebody for 30
 17 to 60 days for violent offense. We would be asking
 18 for the 30-day suspension in connection with this as
 19 a more compromised remedy to someone being suspended
 20 for 90 days DWI where there are charges and a pending
 21 conviction and somebody who self-reports and admits
 22 it and comes clean about things.

23 There should be a recognition of that. He
 24 didn't have to call the department when he got home.
 25 If they called him, he didn't have to answer the

1 to put everything behind him right up front. We are
 2 going to be asking for a modification from this
 3 agreement for several reasons. And some of the
 4 questions that have come up from Mr. Korn seemed a
 5 bit strange sometimes because I know in the past the
 6 board has modified the stipulated agreements quite
 7 frequently either increasing suspensions or
 8 decreasing them as they saw warranted.

9 Now, unless the rules have changed in that
 10 respect, I think there have been modifications of
 11 things in the past. Again, if there's been a change,
 12 it's something we should know about because
 13 frequently the officer is in a situation of having to
 14 agree with what the director imposes in order to come
 15 before the board. The alternative is have a formal
 16 hearing and have actually no say to come before the
 17 board and present other things that may have a
 18 bearing on the board and have really no say in what a
 19 potential ruling could be. Theoretically, the
 20 director could recommend a five-year suspension, if
 21 the alternative was to have a hearing and not have a
 22 say and agree on it and come before the board why the
 23 five years might not be relevant.

24 So we would be asking for a modification.
 25 I think Mr. Jackson is right. The standard for a DWI

1 phone at 3:00 in the morning, but he did and he went
 2 through with everything. And he told them what he
 3 did. And to incur that behavior, there should be a
 4 recognition and differentiation by the conduct of the
 5 officer as a reward for him doing it and not covering
 6 it and not ignoring it or not hiding what may have
 7 happened.

8 Since then, he's been promoted on the job.
 9 He's now a sergeant. A suspension at this point for
 10 more than 30 days, I would submit, would cause him
 11 some havoc on the job. The department recently went
 12 from a 10-hour day to an eight-hour shift. He's a
 13 supervisor now in that position. They're getting
 14 through that new hour change. He works during the
 15 busiest times, and the shifts are getting hit hard
 16 with a lot of things. From a practical point, the 90
 17 days would not serve practical purposes. It could
 18 certainly hurt things on the job for other officers
 19 on the job and financial cost that a suspension would
 20 carry on the sergeant for the punishment.

21 He has nearly 18 years as an officer and
 22 hasn't had a problem before and hasn't had one since.
 23 This is a one-time incident, and since then he's been
 24 promoted and has been recognized for his work.

25 Sergeant, do you have anything to say for

1 clarification of any point? He is here for questions
2 the board may have.

3 MR. COON: I have a question. We're
4 missing a little part up here about him being in the
5 backyard of a female's house near a window and where
6 all this started from.

7 MR. GALLEGOS: Mr. Vice Chair and Mr. Coon,
8 I'm Adam Gallegos, sergeant with the Santa Fe Police
9 Department. Unfortunately, the packet put together
10 in the stipulated agreement doesn't really cover all
11 the facts. There was so much more to the incident.

12 In short, I was involved in a relationship
13 with this individual. And I did go to see her that
14 night, which is something I had done in the past.
15 And then when I got there, I saw what I thought was
16 some suspicious activity going on. And with my bad,
17 poor judgment, I decided to go look a little further,
18 and I was -- I encountered two friends of this
19 woman's fiance, who I didn't know she was engaged,
20 and that's where the altercation came from. They
21 encountered me outside and a fight broke out, and
22 there was a point when I felt a stabbing in my hand.

23 I freaked out. I took off running. They
24 gave chase. They caught me in the arroyo. They
25 proceeded to beat up on me a little more. I was able

1 here. And I gave him directions how to get to my
2 house because I live in a rural area.

3 A short time later when the officers came
4 by to pick me back up, we went back, and I explained
5 the situation to the sergeant. At that point, I did
6 admit to him that I realized I made a big mistake,
7 and at that point is when I admitted to him yes, I
8 had been drinking. He asked me a couple of questions
9 about how much. I was never subjected to a breath
10 test or field sobriety test.

11 MR. COON: What was your punishment with
12 Santa Fe PD?

13 MR. GALLEGOS: To answer your question, I
14 was given a 40-hour suspension, sir.

15 MR. COON: For what, though?

16 MR. GALLEGOS: Conduct unbecoming. If I
17 can add to that, sir. The Internal Affairs
18 investigation, the only thing that was sustained on
19 that was conduct unbecoming, which I admitted to.
20 When it came time to take the discipline, I jumped
21 all over it. Sadly, it took 13 months for the IA to
22 be completed. I kept pushing the admin, Can we get
23 this done? I felt the responsibility that I had to
24 deal with it. And when it finally came, I jumped on
25 it. I mean, I took the suspension when it came.

1 to get away, and I was able to call 911. And when
2 all the police and everything responded there, I had
3 already made my way back to the car. And I was in a
4 little bit of panic mode, and I was bleeding. I
5 realized the gravity of my mistake, but the
6 information on the stipulated order just kind of
7 really puts out this image I was doing something
8 creepy. But I was able to establish by IA records
9 and cell phone records and actually people in my
10 department seeing I was involved with this woman. So
11 it wasn't a random person I decided to go and check
12 on.

13 MR. GRATTON: When they got you, did they
14 give you a breathalyzer test or sobriety test to see
15 what level of intoxication you were encountering at
16 that time?

17 MR. GALLEGOS: Mr. Vice Chair and
18 Mr. Gratton, no, I was never subjected to a breath
19 test or a field sobriety test. I did call my
20 supervisor -- I did call the on-duty supervisor for
21 Santa Fe Police who put me in contact -- I provided
22 him with my home phone so the sergeant could call me
23 at home. When he contacted me at home, he wanted to
24 know if I would be willing to come back to District 1
25 in Santa Fe for an interview. I said yes, I will be

1 MR. COON: Okay.

2 MR. KORN: I have a question, Mr. Vice
3 Chair and Mr. Gallegos, and sir, I'm sorry I didn't
4 write your name down.

5 MR. FOSTER: David Foster.

6 MR. KORN: I don't know if this is a
7 question directed at Mr. Foster or Mr. Gallegos, but
8 just a question that you may have guessed on the
9 stipulated settlement. Did you enter into that?
10 Were you the attorney for Mr. Gallegos at the time?

11 MR. GALLEGOS: Initially when this issue
12 came out, I went into this without an attorney. When
13 I went before my informal hearing with the former
14 director, I was not represented by counsel. It was
15 after that that I retained Mr. Foster.

16 MR. KORN: So it's a stipulated settlement
17 with the prior director and you without an attorney?

18 MR. GALLEGOS: Yes, sir.

19 MR. KORN: So would you like to withdraw
20 that stipulated settlement and have a notice of
21 contemplated action with the previous director?

22 MR. GALLEGOS: It's been a long time. The
23 nightmare comes back to haunt me. I really, really
24 busted my rear to make up for that and regain the
25 respect of my peers and have gotten involved in so

1 many other things. Prior to this incident, I was
2 always involved in coaching YAFL and little league.
3 Lately, I've been become involved with FOP. I was
4 elected as vice president and -- vice president of
5 the Santa Fe Lodge of the FOP. I mean, I've been
6 appointed to the State FOP and look at taking an
7 appointment on a national committee for the FOP. And
8 my main goal on that is to make officers -- or bring
9 to light the issues that officers have.

10 I'm a founding member of the Santa Fe
11 Police Department Support Team, which is what I
12 needed to get involved in after this incident took
13 place. I'm not sure I'm sharing my story. People
14 are here from my department. I share my story with
15 everyone. So I'm hoping I can shed light and maybe
16 we can get people not to go there before it happens
17 to them.

18 MR. KORN: And I think that's part of the
19 discussion with the director when you sit down with
20 him, sharing your story, which sounds impressive.

21 The question remains, do you want to
22 withdraw your stipulated judgment?

23 MR. FOSTER: It's not to withdraw. It's
24 modification. The former director, convicted or not,
25 this is what it is for DWI and wouldn't change and

1 to light, I ask the board to consider the suspension
2 portion of the stipulated agreement taking into
3 consideration how active I've been in attempting to
4 reach out to officers who may have similar problems
5 and won't be going through similar issues in their
6 personal lives. If the board finds that an order
7 will hold as is, that's what I will take.

8 MR. KORN: Thank you.

9 MR. SCHULTZ: Any other questions from the
10 board? Thank you, Gentlemen.

11 MR. JACKSON: I would note, and board
12 counsel can perhaps decide whether this is material
13 or not, but the summary in the agenda does not track
14 language of notice of contemplated action in this
15 case. I do have a copy of the notice of contemplated
16 action available, if the board wishes to review that.

17 MR. SCHULTZ: Is that something that the
18 board should look at now, Mr. Shandler, if the board
19 would like to see it, or would that be best done in
20 closed session?

21 MR. SHANDLER: It's a public document. The
22 board can review it at any time. Probably most
23 expeditious would be during the closed session. If
24 there are any questions, we can return to open
25 session and ask if there are any other questions.

1 wouldn't budge. So these additional facts, the
2 things that happened since really have no bearing on
3 what his recommendation is. It didn't matter. I
4 think it was a DWI, and that's it, and 90 days. And
5 that's what it always is. This is of his own
6 mechanism.

7 MR. SCHULTZ: I'm going to interject.
8 Obviously, for all the attorneys that are present
9 here, since there's some confusion about what a
10 stipulated order agreement is with the director,
11 everyone needs to understand. And for the record,
12 when we have a stipulated order, that is the starting
13 point. That's where we're going to be. Most of the
14 time there's not going to be much change on the way
15 unless there's mitigating circumstances. When we
16 listen to the case and hear the facts, we take those
17 two things into consideration.

18 So no one should come here expecting a
19 modification. If they want the board to consider
20 mitigating circumstances, that's what the board will
21 do. Other than that, if you have reached a
22 stipulated agreement, somebody should expect that.

23 MR. FOSTER: That was our intent to come
24 before, to explain the extenuating circumstances.

25 MR. GALLEGOS: With that information coming

1 MR. SCHULTZ: Anybody from the board who
2 would like to see that documentation from Mr. Jackson
3 at this time?

4 MR. KORN: No.

5 MR. SCHULTZ: Okay. Thank you.

6 ITEM NO. 18A: JEREMY GARCIA

7 MR. SCHULTZ: Next item, Item 18A, Jeremy
8 Garcia.

9 Mr. Jackson.

10 MR. JACKSON: This is an incident of
11 shoplifting from May of this year. At the department
12 store in Santa Fe, Mr. Garcia opened up the packaging
13 for some sort of automotive clay kit, some sort of
14 finishing restoring thing. He took the clay out of
15 it. It was found in his possession later before he
16 left the store. He was issued a misdemeanor
17 citation, and he was released.

18 An informal hearing was held with Director
19 Marcantel, Mr. Holmes, and myself, along with
20 Mr. Garcia, and at which time Mr. Garcia took
21 responsibility for his actions, and as a result of
22 which the director agreed for a stipulated order
23 suspending his, Mr. Garcia's, certification for 90
24 days, probationary period of one year, ethics course,
25 16 hours of community service. And the director

1 believes that Mr. Garcia is an excellent candidate to
2 address the cadet class. And the stipulated order
3 says that he would address every cadet class for a
4 period of one calendar year.

5 MR. SCHULTZ: Any questions for
6 Mr. Jackson?

7 Mr. Garcia.

8 MR. GARCIA: Mr. Foster is with me. He
9 represented me in the shoplifting criminal part of
10 it.

11 MR. FOSTER: If there's any questions about
12 it, I just saw his name on the agenda today. The
13 shoplifting case is over, and there was resolution
14 whereby without adjudication of any guilt. The
15 circumstances were disorderly conduct disposition.
16 No additional penalty to it. Mr. Garcia, even though
17 frankly against my advice to resolve it that way, he
18 wanted to put it behind him. The evidence of
19 culpability for shoplifting was extremely weak in my
20 opinion. He never left the store, never tried to
21 leave. Continued shopping there. And it was a bit
22 of overreaction by store security in a way pushing
23 the button too soon when he never did anything to
24 have to leave.

25 Criminally, I don't think he would have

1 there is probably criminal -- or defenses to that
2 matter. But it was one of those situations where
3 you're sitting in your living room trying to explain
4 to your kids what's going on, and the TV is on,
5 you're on the TV, you're on the newspaper. I mean,
6 the sheriff is asking you to resign. I didn't
7 have -- I felt like it was just a situation that was
8 completely out of control. I needed it to end.

9 I have never been the type of person to run
10 or hide from anything. That's not who I am. And I
11 acknowledge I made a mistake. In the community I
12 have served, I have stood on my feet who I am. I
13 still do. I lost a lot of respect because of this
14 incident. I understand that. I have worked hard for
15 the last several months to try to gain that back step
16 by step by step.

17 Well, the next step is, I'm not a
18 lieutenant with the sheriff's office. I'm an
19 unemployed cop. I desperately need to find
20 employment because I need some sort of ending to this
21 whole situation. And my children deserve better than
22 this, my family deserves better than this, and
23 certainly my wife does. And I think I have reached a
24 point where I need to get this done. They need some
25 sense of security. Unemployed for four months does

1 been convicted. There was no evidence that he
2 intended to do anything wrong, but he intends, I need
3 to put this behind me. I need to move on with my
4 life. And I understand he has some opportunities
5 that are there for him coming up in the present. I
6 don't know the status of others. He can provide you
7 with more details on that. I don't know if there are
8 other questions about the charges, but they are done
9 and over, and it was a disorderly conduct.

10 MR. GARCIA: Members of the Board,
11 Mr. Chairperson, I thank you for allowing me at this
12 time to address you. For the past 18 years, I have
13 worn a badge on my chest, proud of what I have done.
14 I have worked at the sheriff's office from the
15 beginning. I started as reserve deputy with them.
16 Over the course of my service with the sheriff's
17 office, I won two medal of valors for two different
18 events that took place over the course of my career.
19 I did hundreds of different tasks for the sheriff's
20 office, and it all pretty much came to a final
21 resting point the date of this incident.

22 And I made a mistake. I admitted I made a
23 mistake. I opened up the package looking inside to
24 see what was in it. But as far as the shoplifting
25 charge, I do understand that I still believe that

1 wonders to your financial situation. And I'm
2 struggling. We're struggling. Getting down here
3 today was a complete struggle. I'm glad that my dad
4 came with me today, kind of lent that hand as my
5 family always has.

6 But I'm not asking for a modification of
7 the 90 days. But I am asking for consideration, if
8 you find it necessary, or I mean, if you find it
9 within you to lower the 90-day suspension. The
10 reason I ask that, I have had interviews where I have
11 talked to potential employers, and I let them know
12 about the situation pending. I was up front during
13 the interview, and they had agreed to me that
14 depending on the action today, it would be their
15 decision whether I have employment with them.

16 My years with the sheriff's office working
17 my way up through the ranks, I have always tried to
18 help the people that I have worked with, the people
19 that I serve. And I made a mistake that I paid for.
20 I lost a wonderful job, a good job, and most
21 importantly, the respect of my community.

22 During one of the news accounts, there
23 was -- somebody spoke and said my actions that day
24 tarnished the badge, which in my entire career I
25 would never dream of ever doing that. I mean, I have

1 never been a person to take law enforcement lightly.
2 I've always been -- in my career, I've always tried
3 to maintain proper ethics and knowing what I'm doing.
4 I've come forward on several occasions on different
5 things that have come -- that have taken place.

6 I've made a lot of mistakes in my career,
7 but I've had a lot of great successes. This isn't,
8 by any means, an end to my career, I don't believe.
9 I mean, I'm the type of person that will pick myself
10 up and make something of myself. I'm asking for that
11 consideration from you guys, that if you do find it,
12 to reduce that amount. I'm not asking, like I said,
13 to change the modification or I'm not asking to get
14 out of this. I went in this to get it behind me and
15 put it behind me.

16 But I appreciate the time that Director
17 Marcantel spent with me. He was very good about
18 this. The day I got the contemplated action -- and
19 he can attest to this -- I sat down at my computer,
20 typed up a resolution and took it right into his
21 office and demanded I see him personally to give it
22 to him so it got on his desk. I've tried to take
23 responsibility and get this done as quick as I can.
24 That's the reason why I'm here today. 90 days is a
25 long window. It's November. I need to get this

1 was on my way from the school. I stopped to get
2 labels. I went to the auto part or auto aisle,
3 opened up the package. It was a kit of some sort. I
4 opened up the package, and that's basically the whole
5 thing. I never went there with any intention to go
6 steal something or any of that.

7 MR. COON: How did it end up in your
8 sweatshirt or whatever?

9 MR. GARCIA: It never did. It was in my
10 hands the entire time I was in the store. My mistake
11 was never putting it back in the box.

12 MR. GRATTON: Mr. Garcia, was this a sealed
13 package to take the piece of clay out of it?

14 MR. GARCIA: No, it wasn't. It was just a
15 box.

16 MR. GRATTON: Was that all that was in the
17 box?

18 MR. GARCIA: From what I recall, there was
19 some type of cloth, there was some other type of --
20 the item that I had was a small clay -- what I was
21 trying to explain to the director, I'm not even sure
22 what this product does, to be honest with you. I
23 didn't know at the time. There were some other
24 products that go along with it, so I don't know
25 exactly what was in the package, but a kit of some

1 past.

2 MR. SCHULTZ: Thank you, Mr. Garcia. Any
3 questions from the board?

4 MR. COON: Did you go in that store
5 intending -- or did you steal that clay out of that?

6 MR. GARCIA: No.

7 MR. COON: I mean, I saw that on TV through
8 the video of the surveillance. What were you going
9 to do?

10 MR. GARCIA: Prior to that date, I coached
11 track at a local high school in Santa Fe. I was off
12 that day for the track meet. My son and I purchased
13 a small vehicle for him. It's an older vehicle, '90s
14 vehicle, and the paint was messed up. Together we
15 had been working on that vehicle together. We had
16 been working to restore the paint on the vehicle.

17 I called a friend of mine who was in the
18 business of the body shop business. He told me about
19 a product. We had purchased some stuff at Wal-Mart,
20 and it didn't work. I went to K-Mart that morning to
21 buy labels. Anybody who is familiar with track knows
22 your kids, when they compete, they wear little labels
23 on them that tells them what event they're in. So we
24 were leaving that afternoon. I needed labels. I
25 didn't have labels printed. I went to K-Mart. It

1 sort.

2 I did find some other product that was
3 there in the aisle in addition. I never had a
4 shopping cart. I was actually looking for some other
5 stuff and actually had the other stuff in my
6 possession that was out in the open. I did make a
7 mistake. I opened up the package knowing better.
8 And I didn't put all the items back in the package.
9 But I never concealed anything. I know that was a
10 conception or misconception that was going around.

11 MR. SCHULTZ: Any other questions? Thank
12 you.

13 Next item is No. 19, Kristin Cashman. We
14 will put that one on hold. We will be back in five
15 minutes.

16 (Recess from 2:29 p.m. to 2:36 p.m.)

17 ITEM NO. 19: KRISTIN CASHMAN

18 MR. SCHULTZ: We will go back on the record
19 and continue on with Item No. 19, Kristin Cashman.

20 Mr. Jackson.

21 MR. COON: He's not here.

22 MR. SCHULTZ: I thought he stepped in.

23 MR. JACKSON: Thank you. This is Item No.

24 19, Kristin Cashman. This is another shoplifting
25 case. The respondent and telecommunicator took about

1 \$40 worth of merchandise. It was charms from Hobby
2 Lobby. She stopped on the way out. She initially
3 denied having the merchandise on her person, and then
4 she subsequently admitted to the conduct. She was
5 terminated by the employer. At the informal hearing,
6 it was learned that the initial denial was because
7 she was being questioned while in the presence of her
8 minor daughter. And once the respondent and
9 investigator officer were alone, she admitted the
10 conduct.

11 There was an informal hearing held, after
12 which the director proposed and respondent agreed to
13 the proposed stipulated order before the board which
14 is for 60-day suspension and one-year probation
15 period. Any questions on this?

16 MR. SCHULTZ: Any questions from
17 Mr. Jackson on the board? Ms. Cashman or a
18 representative? I do not see her here, for the
19 record.

20 ITEM NO. 19A: ADRIAN VIGIL

21 MR. SCHULTZ: Item No. 19A, Adrian Vigil.

22 MR. HOLMES: Again, my name is Ernest
23 Holmes, Investigator for LEA. On this particular
24 incident, Mr. Vigil, former State Police officer
25 sergeant was arrested on August 8 by the Taos Police

1 that's the incident.

2 He was arrested by the Taos Police
3 Department. There was an administrative office
4 report. They sustained the finding, the New Mexico
5 State Police. And an informal hearing was held July
6 20 regarding this incident with the director, and the
7 respondent took responsibility for the incident. The
8 director obtained sufficient information and
9 recommended the settlement agreement hearing be
10 approved by the board.

11 The director's recommendation is suspension
12 and probation, six-month suspension, one-year
13 probation, ethics course, alcohol screening, 16 hours
14 community service, anger management and counseling.
15 Of course, the sanctions are to start on the day that
16 the board -- if they approve it. Any questions?

17 MR. SCHULTZ: Any questions of Mr. Holmes?
18 Mr. Vigil.

19 MR. VIGIL: Mr. Vice Chairman, Members of
20 the Board. I decided to come into law enforcement at
21 an older age. The reason I did was very personal.
22 My brother-in-law got run over and killed by a drunk
23 driver. The officer that investigated the case did a
24 very poor job and that facilitated my reason for
25 joining law enforcement. I was fortunate enough to

1 Department for battery on a household member, wife.
2 Now, this happened in the early hours of the morning.

3 Mr. Vigil and his wife had attended a
4 wedding dance involving one of their relatives, and
5 they both consumed alcohol. While at the dance,
6 Mr. Vigil was alleged to have been talking to a young
7 lady, and I guess there was some jealousies involved
8 there. So on the way home, they were arguing about
9 the fidelity and faithfulness to one another, and
10 they got home and the argument continued.

11 Mr. Vigil at that time decided he was going
12 to leave because he didn't want to argue. While he
13 was on his -- taking some of his things, his wife
14 grabbed him by his shirt, and Mr. Vigil responded by
15 kicking her in the stomach. And she fell and hit her
16 head on the cement which caused her to bleed and get
17 a laceration on the head, and it required medical
18 attention at a medical facility. And there were six
19 stitches put in her head. Their two sons, one is a
20 lieutenant with the New Mexico State Police, and his
21 brother were notified. They went to the house, and
22 they contacted Mr. Vigil, the respondent here, and
23 they argued. And there was a scuffle because they
24 wanted to put him out of the house to make sure it
25 was safe for the wife to remain there. But anyway,

1 be hired by New Mexico State Police, and I have
2 almost completed 15 years in service to the New
3 Mexico State Police. For the most part, I did the
4 best I could. I got reviews from my supervisors,
5 never got in trouble, fair supervisor, treated people
6 the way I wanted to be treated. Never let the job
7 get to me.

8 I made one big mistake, and I'm paying for
9 that mistake. The crime that I am wrongly accused of
10 by my ex-wife started by, I asked her for a divorce,
11 and I placed my job first. I was motor team
12 commander. And subsequently because of that, I spent
13 a lot of time out on assignments. My ex-wife
14 attempted suicide because of the allegations that she
15 made against me and several other reasons, but
16 primarily for that. She made false allegations
17 against me, and she attempted suicide. She is
18 strongly committed to making this right, to correct
19 the mistakes and the lies that she's made, and she's
20 recanted her story. Not only that, but she has gone
21 to grand jury. She has gone -- she has made several
22 statements. She continually pursues the fact that
23 she made false allegations.

24 I want to back up a little bit because it's
25 not only her fault. In any situation, for any

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1 situation to start, it requires two people. And I
2 was part of that. There was some issues in my life
3 with the department that I am going through
4 counseling now, part of which is PTSD, and I'm
5 dealing with that with a counselor. Some of the
6 issues I brought into the marriage the day I joined
7 law enforcement. And so I played a part in the
8 events that night. Although those events did not
9 happen as she first perpetrated those facts, we both
10 continued to work towards repairing the damage done
11 to my children, the damage done to my fellow law
12 enforcement officers, my peer workers, my community.
13 I am still fighting that fight. I'm fighting the
14 fight to regain the respect from my peers, my
15 community, my family and mostly from the criminal
16 trial, from the trial that's still going on.
17 She has written letters on behalf to DPS
18 outlining that she made those accusations and to
19 Deputy Director Marcantel. I provided those to him
20 from her. Finally, what I can say is I'm fighting
21 this battle. It's going to continue for awhile
22 because I feel that eventually I will be justified in
23 my actions. I will be justified in the things that I
24 did not do, and the end result is I will be
25 vindicated from my actions.

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1 I accepted the six months because I'm
2 assuming that the way criminal justice these days
3 moves, it will be that long before I'm able to
4 hopefully clear myself from all of this. And I
5 respectfully look for work after that. And I thank
6 you for listening to me.
7 MR. SCHULTZ: Any questions from the board?
8 MR. COON: How did your wife get the cut on
9 her head?
10 MR. VIGIL: The incident, as it happened, I
11 was alleged to have kicked her. What happened was
12 she came at me scratching, and there was a bar on the
13 floor. She slipped on the bar and fell backwards.
14 When she got up from there because of her anger
15 because I've asked her for divorce, she contemplated
16 or perpetrated all this stuff because of her anger
17 for me.
18 MR. COON: Thank you.
19 MR. GRATTON: Mr. Vigil, have you gone back
20 to the director and asked for a rehearing on this
21 with your wife since your wife has recanted her
22 testimony?
23 MR. VIGIL: No.
24 MR. GRATTON: Do you feel it's time to go
25 back and ask for rehearing?

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1 MR. VIGIL: I have actually provided the
2 director a letter from her, but I haven't thought
3 about that. I'm fighting the legal aspect. All my
4 efforts are on that end of it so I can get
5 vindicated.
6 MR. SCHULTZ: Any other questions from the
7 board?
8 One question, Mr. Vigil. Are the charges
9 you're currently fighting felony or misdemeanors?
10 MR. VIGIL: They are felony.
11 MR. SCHULTZ: The question I asked, were
12 the current charges against Mr. Vigil misdemeanor or
13 felony, and he responded felony.
14 MR. KORN: Thank you.
15 MR. SCHULTZ: Any other questions from the
16 board? Thank you, sir.
17 At this time, this is all the disciplinary
18 matters before the board. We'll be going into closed
19 session. However, prior to going into closed
20 session, I would like to see if any members have any
21 items they will have to recuse themselves from.
22 MR. SHILLING: I may have some items. I
23 don't believe so. I just wanted to double-check.
24 MR. SCHULTZ: Anybody else? For the
25 record, I will be recusing myself from Item 16A,

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1 Jeffrey Arbogast; Item No. 19, Kristin Cashman.
2 MR. SHILLING: Mr. Vice Chairman, I was
3 looking at 20 and down. I would have to recuse
4 myself from Item No. 16 and Item No. 19A.
5 MR. SCHULTZ: Any other items from the
6 board that members would need to recuse themselves
7 from?
8 Hearing that, we will ask for roll call.
9 MR. SHANDLER: When you get the motion and
10 second on the record.
11 MR. SCHULTZ: I need a motion.
12 MR. COON: I make a motion we go into
13 closed session.
14 MR. GRATTON: Second.
15 MR. SCHULTZ: We have a second by Mr.
16 Gratton. Roll call, please.
17 MS. LOPEZ: Mark Myers.
18 MR. MYERS: Present.
19 MS. LOPEZ: Nate Korn.
20 MR. KORN: Present.
21 MS. LOPEZ: Chief Robert Shilling.
22 MR. SHILLING: Present.
23 MS. LOPEZ: Chief Raymond Schultz.
24 MR. SCHULTZ: Present.
25 MS. LOPEZ: James Coon.

1 MR. COON: Present.
 2 MS. LOPEZ: Chief Harry Betz.
 3 MR. BETZ: Present.
 4 MS. LOPEZ: John Gratton.
 5 MR. GRATTON: Present.
 6 MR. SCHULTZ: At this time, the board will
 7 go into closed session.
 8 (Recess from 2:51 p.m. to 3:50 p.m.)
 9 MR. SCHULTZ: We will go back on the
 10 record. Take a roll call.
 11 MR. SHANDLER: You do a motion and second.
 12 MR. COON: Mr. Vice Chairman, I make a
 13 motion we go back on the record.
 14 MR. GRATTON: Second the motion.
 15 MR. SCHULTZ: I have a motion and a second.
 16 Roll call.
 17 MS. LOPEZ: Chief Robert Shilling.
 18 MR. SHILLING: Yes.
 19 MS. LOPEZ: Sheriff James Coon.
 20 MR. COON: Yes.
 21 MS. LOPEZ: Chief Raymond Schultz.
 22 MR. SCHULTZ: Yes.
 23 MS. LOPEZ: Chief Betz.
 24 MR. BETZ: Here.
 25 MS. LOPEZ: John Gratton.

1 favor say aye.
 2 (Those in favor so indicate.)
 3 MR. SCHULTZ: All opposed? That passes.
 4 That will be accepted.
 5 MR. SHANDLER: Let the record reflect that
 6 Sheriff Shilling abstained from that vote.
 7 MR. SHILLING: That is correct.
 8 MR. SHANDLER: Mr. Vice Chair, you can work
 9 down the agenda starting with 16A, Jeffrey Arbogast.
 10 You want a motion to accept or reject the proposed
 11 stipulated agreement.
 12 MR. SCHULTZ: Motion to accept or reject.
 13 MR. MYERS: I make the motion to accept the
 14 stipulated agreement.
 15 MR. SCHULTZ: We have a motion to accept
 16 the motion from Mr. Myers. Is there a second?
 17 MR. SHILLING: Second.
 18 MR. SCHULTZ: All those in favor say aye?
 19 (Those in favor so indicate.)
 20 MR. SCHULTZ: Opposed? Let the record show
 21 that I have recused from this particular item. That
 22 will be accepted.
 23 Item No. 17, Steven Roberts.
 24 MR. SHANDLER: Mr. Chairman, do you accept
 25 the voluntary relinquishment?

1 MR. GRATTON: Present.
 2 MS. LOPEZ: Mark Myers.
 3 MR. MYERS: Present.
 4 MS. LOPEZ: Nate Korn.
 5 MR. KORN: Yes.
 6 MR. SHANDLER: The only matters discussed
 7 in closed session were those listed in the agenda?
 8 MR. SCHULTZ: Yes.
 9 MR. SHANDLER: We will go through the
 10 disciplinary matters. No. 16, Richard Pries, do you
 11 accept or reject the proposed stipulated agreement?
 12 MR. SCHULTZ: Motion from the board.
 13 MR. COON: Mr. Vice Chair, I make a motion
 14 we accept the agreement for the director's motion of
 15 90-days suspension, two-years probation, ethics
 16 training and use-of-force, anger management,
 17 counseling for psychological or psychiatric treatment
 18 for posttraumatic stress disorder and respondent
 19 agrees to attend something. I lost that part.
 20 Whatever the stipulated agreement was.
 21 MR. SCHULTZ: We have a motion to accept
 22 the director's stipulated agreement as provided
 23 today. Is there a second?
 24 MR. KORN: I'll second it.
 25 MR. SCHULTZ: First and second. All in

1 MR. SCHULTZ: Is there a motion for that?
 2 MR. KORN: I would so move.
 3 MR. SCHULTZ: Second?
 4 MR. GRATTON: Second.
 5 MR. SCHULTZ: All those in favor say aye.
 6 (Those in favor so indicate.)
 7 MR. SCHULTZ: Opposed say no. That will be
 8 accepted.
 9 Item 17A, Greg Solano. Is there a motion
 10 to accept the voluntary relinquishment for
 11 certification of Mr. Solano?
 12 MR. GRATTON: I move to accept.
 13 MR. SHILLING: Second.
 14 MR. SCHULTZ: Those in favor say aye.
 15 (Those in favor so indicate.)
 16 MR. SCHULTZ: All those opposed say no.
 17 Accepted.
 18 17B, Ronald Garcia, the voluntary
 19 relinquishment. Is there a motion?
 20 MR. MYERS: I would so move.
 21 MR. SCHULTZ: Motion from Mr. Myers. Is
 22 there a second?
 23 MR. COON: Second.
 24 MR. KORN: Second.
 25 MR. SCHULTZ: All those in favor?

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1 (Those in favor so indicate.)
2 MR. SCHULTZ: All those opposed? The
3 motion is accepted.
4 No. 19.
5 MR. SHANDLER: Mr. Vice Chairman, do you
6 accept or reject the proposed stipulated agreement?
7 MR. SCHULTZ: Is there a motion to accept
8 or reject the director's stipulated agreement in the
9 case of Adam Gallegos?
10 MR. KORN: I make the motion to accept the
11 stipulated agreement.
12 MR. SCHULTZ: Motion from Mr. Korn as
13 presented today. Is there a second?
14 MR. MYERS: Second.
15 MR. SCHULTZ: Those in favor say aye.
16 (Those in favor so indicate.)
17 MR. SCHULTZ: All those opposed? That will
18 be accepted as presented today.
19 Item No. 18A, Jeremy Garcia, motion to
20 accept the stipulated agreement as presented?
21 MR. SHILLING: Mr. Chairman, I will make a
22 motion to accept this.
23 MR. SCHULTZ: Is there a second?
24 MR. KORN: I'll second it.
25 MR. SCHULTZ: All those accepted say aye.

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1 (Those in favor so indicate.)
2 MR. SCHULTZ: All those opposed say no. It
3 passes. Accepted as presented.
4 Next item is No. 19, Kristin Cashman,
5 motion to accept the proposed settlement agreement.
6 MR. GRATTON: I move to accept the
7 settlement.
8 MR. SCHULTZ: From Mr. Gratton. Is there a
9 second?
10 MR. MYERS: Second.
11 MR. SCHULTZ: All those in favor say aye.
12 (Those in favor so indicate.)
13 MR. SCHULTZ: All those opposed say no. It
14 will be accepted.
15 MR. SHANDLER: Let the record reflect on 19
16 that Chief Schultz did not vote on that matter.
17 MR. SCHULTZ: Sorry. That's right. I was
18 out of the room during the discussions.
19 Adrian Vigil, No. 19A, is there a motion to
20 accept the settlement agreement as presented today?
21 MR. COON: I make the motion we accept the
22 director's recommendation.
23 MR. SCHULTZ: We have a motion from
24 Mr. Coon.
25 MR. KORN: I'll second it.

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1 MR. SCHULTZ: All those in favor say aye.
2 (Those in favor so indicate.)
3 MR. SCHULTZ: All those opposed. That will
4 be accepted.
5 We will move into the formal hearings.
6 MR. SHANDLER: One more step. Let the
7 record reflect that Chief Shilling did not vote on
8 Item 19A, Mr. Chairman.
9 MR. SHILLING: That's correct.
10 FORMAL HEARINGS
11 ITEM NO. 20: VINCE CRESPIN
12 MR. SHANDLER: Item No. 20, Vince Crespin.
13 The board approved and reviewed the hearing officer's
14 report and objections to the hearing officer's
15 report. The board won't take action on this matter.
16 MR. SCHULTZ: We will take a motion to
17 accept the report and make any recommendations to the
18 proposed discipline in the case of Vince Crespin.
19 MR. COON: On Mr. Crespin, I think we
20 should make that 120 days suspension.
21 MR. SCHULTZ: We have a motion from Sheriff
22 Coon to accept the findings of the hearing officer to
23 initiate discipline of suspension of 120 days. Is
24 there a second.
25 MR. GRATTON: Second.

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1 MR. SCHULTZ: All those in favor say aye.
2 (Those in favor so indicate.)
3 MR. SCHULTZ: All those opposed. The
4 findings will be accepted with a 120-day revocation
5 suspension certification.
6 ITEM NO. 21: GABRIEL GONZALES
7 MR. SCHULTZ: No. 21, Gabriel Gonzales,
8 motion to accept or reject the findings of the
9 hearing officer and recommendations for discipline.
10 MR. SHILLING: Mr. Vice Chairman, I'll move
11 we accept the hearing officer's report for the
12 recommendation from the board of 120 days suspension.
13 MR. SCHULTZ: We have a motion from Chief
14 Shilling to accept the findings and recommendations
15 of the hearing officer in the case of Gabriel
16 Gonzales with a suspension of 120 days. Is there a
17 second?
18 MR. KORN: I'll second it.
19 MR. SCHULTZ: All those in favor say aye.
20 (Those in favor so indicate.)
21 MR. SCHULTZ: All those opposed. Accepted
22 as presented today.
23 ITEM NO. 22: ROBERT BRUNHOEBER
24 MR. SCHULTZ: Item No. 22, Robert
25 Brunhoeber. Is there a motion to accept or reject

1 the findings of the hearing officer in this case and
2 make recommendations?

3 MR. COON: Mr. Vice Chair, I make a motion
4 we accept the 30 days along with three years
5 probation.

6 MR. SCHULTZ: Sheriff Coon has made the
7 recommendation or a motion that we accept the hearing
8 officer's findings and recommendations and to impose
9 a recommended discipline of 30 days with a three-year
10 probation. Is there a second?

11 MR. SHILLING: Second.

12 MR. SCHULTZ: All those in favor say aye.
13 (Those in favor so indicate.)

14 MR. SCHULTZ: All those opposed. That will
15 be accepted as presented here today.

16 MR. SHANDLER: Mr. Vice Chair, that
17 concludes the disciplinary matters. The staff has
18 asked for you to stay around to sign documents. And
19 Sheriff Coon, could you stay for the two items where
20 Chief Schultz recused himself so he doesn't have to
21 sign those?

22 MR. COON: Sure.

23 ITEM NO. 23: INDIVIDUAL BOARD COMMENTS

24 MR. SCHULTZ: I know we have at this time
25 some individual board comments. Do we do those

1 again fair to the public and also fair to the people
2 that are in the State of New Mexico. And
3 Mr. Marcantel had a suggestion for making matters
4 both expeditious and fair and more uniform, and that
5 relates to people that are charged with felonies that
6 come before the board. And rather than me speak for
7 Mr. Marcantel, I wonder if Mr. Marcantel can explain
8 it to the board.

9 MR. MARCANTEL: Absolutely. If it's the
10 pleasure of the board, I would be happy to.

11 MR. SCHULTZ: Sure. Go ahead.

12 MR. MARCANTEL: It's dawned on me, in
13 Marine Corps terms, getting my sea legs here, on the
14 side of misconduct cases, I've been looking, as I
15 mentioned earlier, to try to improve our business
16 model and some of the work flows in that. And what I
17 have seen is a little bit of a concern, and maybe it
18 could be a greater concern in some of the smaller
19 jurisdictions than others. But it appears that when
20 we have officers that are charged with felonies and
21 we receive LEA 90s regarding their having been
22 formally charged with a felony, those cases take some
23 time, in most cases, to be adjudicated in criminal
24 courts. Meanwhile, we have some responsibility
25 because there's been at least some independent fact

1 formalities or do the board comments now?

2 MR. SHANDLER: Mr. Chairman, it would be
3 more expeditious if we do the signatures afterwards.

4 MR. KORN: So I do have a couple comments.
5 First of all, I have spoken to the director to
6 volunteer my time to help with getting protocol set
7 for hearings and hearing officers. In doing my first
8 hearing, I have noticed that there is some
9 administrative details and functioning details that I
10 think might be improved, and I have offered my time
11 to volunteer to help. And I think Mr. Marcantel has
12 accepted.

13 MR. MARCANTEL: Yes.

14 MR. KORN: In so doing, I can hope other
15 members of the board who are more experienced how
16 hearings might be better held to improve the results
17 for society and also for the people -- for the
18 respondents.

19 MR. SCHULTZ: Thank you. I think that
20 would be a great idea to help the director and make
21 it much easier on all of us.

22 MR. MARCANTEL: Yes, sir.

23 MR. KORN: In talking with Director
24 Marcantel, I discussed administration of justice
25 trying to make our proceedings more expeditious and

1 decision made on the probability that the charges --
2 that officer may have committed those charges.

3 We have a responsibility to the community
4 to make sure that we're very seriously taking the
5 safety sensitive nature of our law enforcement
6 community. I think that's one of the primary things
7 why we exist, we're holding that bar and making sure
8 we're doing our due diligence to make sure that the
9 officers that are out there serving and actually with
10 the power to exercise up to lethal force in the
11 community, that they're the right people to do that.

12 My concern comes in how long it takes and
13 our moving forward in a parallel. There never would
14 be any argument that administrative hearing is
15 something very much different than a criminal
16 hearing. I don't think anyone would even take a
17 chance at arguing that. I get concerned, though,
18 that for the sake of protecting -- to try to come up
19 with a way to protect the community, our
20 responsibilities and at the same time try to frame a
21 fair and equitable process for the police officer who
22 has been charged with this to make sure they have
23 their rights to most effectively defend themselves.
24 It concerns me at some level if we have police
25 overcharged, their case isn't going to court yet, and

1 we're revoking them based on a preponderance of
 2 evidence establishment versus them having to be
 3 criminally convicted on proof beyond a reasonable
 4 doubt. Clearly two separate things. But to what
 5 extent can a police officer walk into an informal
 6 hearing or formal hearing, for that matter, and be
 7 assured that what they say to defend themselves in
 8 terms of their livelihood couldn't be used later
 9 against them? That's my first concern.

10 My second concern would be if those
 11 concerns would be satisfied, would a revocation
 12 create some sort of an appearance, maybe more so in
 13 the smaller communities, that if their license
 14 certification is revoked, well, they have got to be
 15 guilty. So in trying to get my hands around how we
 16 can make sure that we're honoring our
 17 responsibilities and at the same time creating a fair
 18 process for the police officers, it dawned upon me
 19 that if you were charged with a felony crime, those
 20 sorts of crimes, that almost any police department in
 21 this state are going to have to relieve that officer
 22 of duty anyway, that they're not going to be -- if a
 23 CEO, Sheriff Coon or the Chief, decided to redeploy
 24 them in radio or redeploy them in -- I have seen
 25 Chief Schultz put them at the dog pound. That's

1 we do an independent review of that fact base. It
 2 could be that they weren't convicted, yet there is a
 3 preponderance of evidence and they wind up revoked
 4 anyway. That fact-finding mission does not attach
 5 until after the criminal charges have been exhausted.
 6 It's just simply an automatic suspension and honors
 7 our responsibility.

8 And in case I'm missing something, I would
 9 ask the board's deliberation on that. It frames up a
 10 fairer approach to just a number of cases. There are
 11 not a lot of them, but there are enough of them that
 12 it has concerned me some as I have looked at it from
 13 my perspective.

14 MR. SCHULTZ: Thank you. Any discussion
 15 among the board?

16 MR. JACKSON: I have a question. Because I
 17 certainly understand the concern here, and I think if
 18 we can find a way to go the route the director
 19 suggests that satisfies due process, it would be
 20 very, very desirable to do so.

21 But I did want to throw out perhaps a
 22 concrete example where there might be a problem. And
 23 Chief Schultz, you may or may not remember. If you
 24 don't, that's fine. And if you don't want to accept,
 25 that's fine. The case of Orlando Camacho, who was --

1 their administrative decision. Given the sensitive
 2 nature of the work, they can't leave them with a gun
 3 and a badge. It seemed like to me if that's the
 4 case, then why wouldn't we consider or at least
 5 debate and deliberate kind of an automatic process,
 6 that charged in those kinds of crimes that are
 7 felonious, that we would just at that point go into
 8 an automatic suspension of the certification until
 9 that case is adjudicated.

10 Would that set up a fair thing? No one can
 11 now say an officer license has been revoked, been
 12 suspended based upon analysis of the facts. It
 13 prevents the officer from having to come in and
 14 create records that possibly could be used against
 15 them later on in whatever process that they're having
 16 to use to defend themselves in a criminal case. And
 17 at the same time, it's absolutely protecting our
 18 community because their license is suspended. So it
 19 frames up appropriately to protect the police
 20 officer's rights and it at least follows our
 21 responsibilities.

22 Now, at the end of the day if those charges
 23 are dropped, at the end of the day if they're not
 24 convicted on those charges, then that officer then
 25 can come back, we start the system at that point, and

1 I believe that was the name -- he was a police
 2 officer, and the fact pattern was fairly tragic. He
 3 was tried for homicide. And the fact that he had
 4 committed the act of killing a person, his father,
 5 was not disputed. But whether criminal liability was
 6 appropriate in that circumstance was the question
 7 that was eventually resolved in his favor, and he was
 8 acquitted.

9 What was his employment status during
 10 pendency of that trial?

11 MR. SCHULTZ: Actually, I'm not going to
 12 talk about the case because of pending litigation.
 13 So I will make no comment.

14 MR. JACKSON: I understand.

15 MR. KORN: I think this is more board
 16 comments now, and we all agree there will probably
 17 need to be rule making going on. So I think that's
 18 our basic intent. But I just want to bring it up
 19 before the board so you're aware.

20 MR. MYERS: What I understand, the proposal
 21 is to retain the employee, but just not in a field of
 22 service?

23 MR. MARCANTEL: Not in a safety sensitive
 24 position just like is commonly done, rather than send
 25 them home and be unpaid. I think that is our

1 responsibility to make sure the police officer
2 wouldn't quit before this case has been adjudicated
3 and run over to a different side of the state and be
4 in a position to exercise authority over another
5 community.

6 MR. KORN: It will have a sufficiency for a
7 board because we have adjudicated it fairly and
8 quickly and uniformly.

9 MR. SHANDLER: The attorneys will have to
10 study the due process.

11 MR. SCHULTZ: I agree. It's going to be
12 very complex. I know the sheriff's association and
13 the chief's association are going to have to look at
14 this. There are different kinds of felonies and the
15 kind of departments involved. You can't put people
16 on leave just because they have been charged with
17 felonies because of the size of the agencies.

18 MR. MARCANTEL: I would like there to be
19 some deliberations about that because I think we
20 could come up with a model that would work.

21 MR. SCHULTZ: I think we would suggest we
22 start the dialogue with the Attorney General's
23 Office, with New Mexico Police Association and the
24 Municipal League Chief's Association.

25 MR. MARCANTEL: Very well. Thank you.

1 view, we still owe the State of New Mexico two
2 meetings, and we're running down on shortage of
3 months. If it please the board, I would like to
4 suggest that we in some way agree to possibly look at
5 meeting in October on our next meeting because that
6 final meeting by statute has to occur, just from a
7 management point of view, earlier in December than
8 later. So if it please the board, I think we can
9 entertain just about any week there, if the board had
10 a particular week that would work better, and we
11 would certainly love to hear from you where you might
12 want to take the meeting where we can facilitate
13 that.

14 MR. SCHULTZ: October is a very busy month
15 because of events around the state and several of us
16 will be traveling to Chicago, as you will as well
17 probably, for IACP. Send out some possible dates to
18 the board, and we will let you know what's best.

19 MR. MARCANTEL: Because I don't remember
20 some of those dates, may I ask should the dates I
21 send out to the board be in the latter or earlier
22 part of the month?

23 MR. SCHULTZ: I think it's the earlier
24 part.

25 MR. MARCANTEL: The latter would work.

1 MR. SCHULTZ: Any other items?

2 MR. KORN: I have one more item, Chief. I
3 also wanted to suggest to the board that in the
4 interest of justice, as I understand the matters
5 before us fully, that in the future we would be
6 inviting Director Marcantel to our closed meetings as
7 the secretary to the board and also as to the CEO of
8 the board as provided by statute.

9 MR. SCHULTZ: Any discussion from the
10 board?

11 MR. COON: I fully agree with that.

12 MR. GRATTON: Me, too.

13 MR. SCHULTZ: I have no problem with that.
14 I think it would be good as long as it's
15 understanding the director would not be voting and/or
16 providing any new additional testimony that has not
17 already been provided. We can plan on that for the
18 next meeting of the board.

19 MR. MARCANTEL: Very good.

20 MR. SCHULTZ: Any other board comments?

21 MR. KORN: No, sir. Thank you.

22 ITEM NO. 24: SCHEDULING OF NEXT MEETING

23 MR. SCHULTZ: Scheduling of the next
24 meeting.

25 MR. MARCANTEL: From the statute point of

1 MR. SCHULTZ: Actually, the middle. The
2 Balloon Fiesta is in the beginning. The latter would
3 be better.

4 MR. MARCANTEL: Would there be a specific
5 place the board might consider?

6 MR. COON: I would love for you to come
7 down to Roswell. It's still 105.

8 MR. MARCANTEL: With all due respect, it's
9 still pretty hot, but we'll go, if you would like.

10 MR. COON: But the December meeting, we
11 have always done it like the Thursday before or not
12 the day before the new biennium so you kill two birds
13 in one stone. Most of us come up for that anyway.

14 MS. LOPEZ: December in Albuquerque?

15 MR. COON: Right. Maybe book it at the
16 same motel.

17 MS. LOPEZ: Do you know where that's going
18 to take place?

19 MR. MARCANTEL: We'll make sure we get with
20 Mr. Burlison and those folks and get that
21 coordinated.

22 On the October meeting, is there a
23 preference of the board where we might want to meet
24 there?

25 MR. SCHULTZ: Santa Fe would be fine with

1 me.
 2 MR. KORN: That's fine with me.
 3 MR. GRATTON: Santa Fe is okay.
 4 MR. COON: Santa Fe is fine.
 5 MR. MARCANTEL: Very well. Santa Fe it is.
 6 It's a little cooler.
 7 MR. SCHULTZ: Any other business for the
 8 board?
 9 ITEM NO. 25: ADJOURNMENT
 10 MR. SCHULTZ: Is there a motion to adjourn?
 11 MR. COON: Mr. Vice Chair, I make a motion
 12 we adjourn.
 13 MR. SCHULTZ: Is there a second?
 14 MR. SHILLING: I second.
 15 MR. SCHULTZ: All those in favor say aye.
 16 (Those in favor so indicate.)
 17 MR. SCHULTZ: All those opposed. The
 18 motion is carried. The board meeting is adjourned.
 19 (Meeting adjourned at 4:15 p.m.)
 20
 21
 22
 23
 24
 25

1 RECEIPT
 2 JOB NUMBER: 1761K SMH August 3, 2011
 3 WITNESS NAME: Hearing
 4 CASE CAPTION: New Mexico Law Enforcement Academy
 5 Board Meeting
 6 *****
 7 ATTORNEY: MR. GREGG MARCANTEL
 8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____
 11 *****
 12 ATTORNEY: MR. ZACH SHANDLER
 13 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 14 DATE DELIVERED: _____ DEL'D BY: _____
 15 REC'D BY: _____ TIME: _____
 16 *****
 17 ATTORNEY: ATTY3
 18 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 19 DATE DELIVERED: _____ DEL'D BY: _____
 20 REC'D BY: _____ TIME: _____
 21 *****
 22 ATTORNEY: ATTY4
 23 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 24 DATE DELIVERED: _____ DEL'D BY: _____
 25 REC'D BY: _____ TIME: _____

1 STATE OF NEW MEXICO)
) ss
 2 COUNTY OF BERNALILLO)
 3
 4 REPORTER'S CERTIFICATE
 5 I, Susan M. Hilton, New Mexico Certified
 6 Shorthand Reporter, DO HEREBY CERTIFY that on August
 7 3, 2011, the proceedings in the above captioned
 8 matter were taken before me, that I did report in
 9 stenographic shorthand the proceedings set forth
 10 herein, and the foregoing pages are a true and
 11 correct transcription to the best of my ability.
 12
 13
 14
 15 _____
 Susan M. Hilton
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 16 NM Certified Court Reporter #108
 License expires: 12/31/11
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 19 (1761K) SMH
 Date taken: August 3, 2011
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