Notice

NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
NM LAW ENFORCEMENT ACADEMY
BOARD MEETING AND PUBLIC HEARING

The New Mexico Law Enforcement Academy Board, as part of its regular board meeting to occur on Tuesday, October 23, 2012, 9:00 a.m. at the Chaves County Administration Complex, # 1 St. Mary's Place, Roswell, NM 88203 will hold a public hearing to take public comment on a proposed change to its administrative rules.

The proposed change to 10.29.1.11 NMAC is as follows:

10.29.1.11 GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION OF POLICE OFFICER OR TELECOMMUNICATOR CERTIFICATION; REPORTING REQUIREMENTS

A. Authority - In accordance with the provisions of the Law Enforcement Training Act, NMSA 1978, Section 29-7-13 (Repl. Pamp. 1994), the director may seek to deny, suspend or revoke a police officer's certification, if after investigation, and consultation with the employing agency, it is determined that a police officer has failed to comply with the provisions of the Law Enforcement Training Act concerning qualifications for certification as a police officer in the state of New Mexico.

B. Arrest or indictment on felony charges.

(1) The director upon being notified that a certified peace officer or telecommunicator has been arrested or indicted on any felony charge(s) shall immediately suspend the certification of the officer or telecommunicator. The procedures set forth in 10.29.1.12 NMAC shall not apply to the immediate suspension. Notice of the immediate suspension shall be served on the officer or telecommunicator. Upon service of the notice, the officer or telecommunicator shall have 15 days to request to be heard at the next regular meeting of the board. At the meeting, the officer or telecommunicator may present evidence, witnesses and argument as to why their license should not be suspended. The board may deliberate and shall issue a decision on the suspension at the meeting.

(2) The director upon being notified that a certified peace officer or telecommunicator has been arrested or indicted on any felony charge(s) shall initiate the revocation process as per 10.29.1.12 NMAC.

[~~B.~~] C. Grounds for police officer - The following conduct by a certified police officer may constitute grounds for denial, suspension or revocation of certification under this rule:

(1) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any felony charge;

(2) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude;

(3) making false statements or giving any false information to the academy in connection with an application for admission/certification;

(4) committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affects an officers ability to exercise the duties of a certified law enforcement officer; and

(5) committing acts of violence or brutality which indicate that the officer has abused the authority granted to him or her as a commissioned law enforcement officer in the state of New Mexico;

(6) is found to have committed acts which would be grounds for denial of application for admission under 10.29.1.10 NMAC.

[~~C.~~] D. Grounds for telecommunicator - The following conduct by a certified telecommunicator may constitute grounds for denial, suspension or revocation of certification under this rule:

(1) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any felony charge;

(2) subsequent conviction, entry of plea of guilty or entry of plea of nolo contendere to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude;

(3) making false statements or giving any false information to the academy in connection with an application for admission/certification;

(4) committing acts which indicate a lack of good moral character, or which constitute dishonesty or fraud, and which adversely affects an telecommunicator's ability to exercise the duties of a certified telecommunicator; and

(5) committing acts which indicate that the telecommunicator has abused the authority granted to a certified telecommunicator in the state of New Mexico;

(6) is found to have committed acts which would be grounds for denial of application for admission under 10.29.1.10 NMAC.

[~~D.~~] E. Reports - Any agency employing a certified law enforcement officer or telecommunicator who has committed any act or acts identified in Subsection B or C of 10.29.1.11 NMAC shall report such conduct to the director within thirty (30) days of completing an investigation confirming the alleged misconduct. In every case, alleged misconduct shall be reported to the director if an investigation is ongoing ninety (90) days after the agency receives the initial report of misconduct. An officer or telecommunicator's resignation or termination from employment does not relieve the agency from its duty to file a misconduct report with the academy. All incidents of misconduct shall be reported when a certified officer or telecommunicator is in violation of 10.29.1.11 NMAC. Law enforcement agencies should undertake a timely and thorough investigation to determine whether an allegation of misconduct has been sustained. For the purposes of this section, "misconduct" is defined as any act listed under section 10.29.1.11 NMAC, even if that act results in termination or resignation. The director will establish a reporting form to be used in reporting misconduct. An agency's delay or failure to report misconduct does not divest the board of jurisdiction to take action under Section 29-7-13 NMSA 1978 and Section 29-7C-9 NMSA 1978.

[4-11-93, 10-1-97, 1-1-99; 10.29.1.11 NMAC - Rn, 10 NMAC 29.1.11, 7/1/01; A, 01/01/04; A, 06/17/10; A, X/X/12]

After public comment, the board may consider and vote on the adoption of the proposed rule change. Written comments can be submitted to the board before the meeting by email [Monique.lopez@state.nm.us] and regular mail [4491 Cerrillos Rd. Santa Fe, NM 87507].

Copies of the regular board meeting agenda and public hearing may be obtained by accessing our website at www.dps.nm.org/training or by calling Monique Lopez at (505) 827-9255.