

NEW MEXICO LAW ENFORCEMENT ACADEMY

BOARD MEETING

September 11, 2013

9:10 a.m.

Albuquerque Police Academy

5412 2nd Street, N.W.

Albuquerque, New Mexico 87107

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

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4 **BOARD MEMBERS**

5 Gary King, Chairman

6 Nate Korn, Vice Chairman

7 James R. Coon

8 Harry Betz

9 Patrick Barncastle

10 Jaime Quezada

11 Pete Kassetas

12 Chris McCall

13

14 **ALSO PRESENT**

15 Jack F. Jones

16 Mark Reynolds

17 Rick Word

18 Monique Lopez

19 Monica Medrano

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1 **ITEM NO. 1: CALL TO ORDER**

2 **MR. KING:** All right. I'm going to call the

3 meeting to order. Pardon me for being a hair late.

4 Thank you all for being here. It was muddy out in

5 Moriarty this morning so that's worthy of some

6 celebration.

7 **ITEM NO. 2: ROLL CALL**

8 **MR. KING:** The first item on the agenda is

9 roll call. Usually I think we just have everybody

10 introduce themselves. So let's start down at this end

11 of the table.

12 **MR. QUEZADA:** Jaime Quezada, Las Cruces

13 Police Department, representing the line officers.

14 **MR. BETZ:** Harry Betz, Chief of Police Santa

15 Ana, representing tribal country.

16 **MR. BARNCASTLE:** Pat Barncastle representing

17 the District Attorney's offices. I'm out of Roswell.

18 **MR. COON:** Rob Coon, I'm the sheriffs'

19 representative out of Chaves County.

20 **MR. KORN:** My name is Nate Korn, I'm one of

21 the two citizen representatives.

22 **MR. McCALL:** Chris McCall, chief from Hobbs,

23 the chiefs' representative.

24 **MR. KASSETAS:** Pete Kassetas, Chief of the

25 State Police, State Police representative.

1 MR. KING: And I'm Gary King, I'm the  
2 Attorney General and I'm the chair of the committee.  
3 And we have a quorum.

4 ITEM NO. 3: APPROVAL OF AGENDA

5 MR. KING: The next item is approval of the  
6 agenda. Are there any additions or corrections to the  
7 agenda?

8 MR. BETZ: Mr. Chairman, may I ask for a  
9 moment of silence for 9/11.

10 MR. KING: I was planning on doing that. But  
11 let's do that right now. We all know that this is the  
12 anniversary of the attack on New York and 9/11 and  
13 Washington, D.C. I will mention that. I believe that  
14 my wife was in the Pentagon that day whenever the  
15 plane hit, but she was late that day. Thank God. So  
16 let's all take a moment of silence to recognize the  
17 folks that we lost then.

18 (Pause.)

19 Thank you all very much. I appreciate that.  
20 Very brave people, primarily law enforcement and  
21 firefighters, as we all talk about who ran into the  
22 building as people were running out. And we  
23 appreciate the service that all of our law enforcement  
24 give us every day not just on 9/11. But it was  
25 amazing.

1 feeling of everybody on the Board. Go ahead.

2 MR. EDEN: From the Office of the Governor of  
3 the State of New Mexico. "Dear Chief Schultz, I'm  
4 writing to express my appreciation to you for your  
5 many years of volunteer service to the New Mexico Law  
6 Enforcement Academy Board.

7 "In the history of the Board, you have served  
8 with distinction along with being the longest serving  
9 member with over seven years of service. I know it is  
10 a tremendous sacrifice for you to give up so much of  
11 your time and energy to the Board.

12 "The charge and mission of the Board is a  
13 vital one. During your service you helped establish  
14 both standards of curriculum and expectations of  
15 conduct for the men and women sworn to uphold the laws  
16 of our state.

17 "I wish you the best in the future. And  
18 thank you again for your service to the State of New  
19 Mexico. Warmest wishes, Susana Martinez, Governor,  
20 State of New Mexico."

21 (Applause.)

22 MR. KING: Chief, you look kind of casual  
23 today.

24 MR. SCHULTZ: Mr. Chairman, if I could say a  
25 few words.

1 ITEM NO. 4: APPROVAL OF MEETING MINUTES

2 MR. KING: The next item on the agenda is  
3 approval of the meeting minutes. Are there any  
4 additions or corrections to the minutes? Okay.

5 MR. KORN: I would make a motion we accept  
6 the minutes.

7 MR. COON: I'll second.

8 MR. KING: A motion to adopt the minutes and  
9 a second. All in favor say aye.

10 (Those in favor so indicate.)

11 MR. KING: Any opposed. All right. The  
12 minutes are adopted.

13 We are going to go off of the agenda for just  
14 a second here at the discretion of the chair. I have  
15 a letter here. We have one of our former members here  
16 who we're going to miss on the Board. I think he did  
17 a great job.

18 And actually, Mr. Eden, do you want to read  
19 the letter?

20 MR. EDEN: Sure.

21 MR. KING: Okay. We have a letter here from  
22 Governor Martinez to recognize the service. Chief  
23 Schultz, will you come up please to recognize service  
24 that we have. And we have the Director of Public  
25 Safety here, Gorden Eden. This certainly is the

1 MR. KING: Please.

2 MR. SCHULTZ: First of all, I want to  
3 apologize for my dress. My first week of actual  
4 retirement has got me volunteering out at the NRA  
5 shooting championships. My wife said no way are you  
6 staying home, find something to do.

7 So I spent yesterday seven hours out in the  
8 rain and then three hours of cleaning guns afterwards.  
9 So I definitely appreciate all the things that she has  
10 done for me but, at the same time, understand that she  
11 does not want me in her way at the house.

12 Mr. Attorney General, Mr. Vice Chair,  
13 Mr. Secretary, first of all thank you so much for the  
14 recognition and the letter today from the Governor,  
15 it's very much appreciated. And I want to thank you  
16 all for giving me the opportunity to serve on the  
17 Board.

18 And over the course of the past seven years,  
19 I've only seen the Board get stronger and the Law  
20 Enforcement Academy get stronger. And that is because  
21 of the commitment of each and every one of you. But  
22 more importantly is the strong commitment that we get  
23 from the Attorney General's Office and, of course, the  
24 Office of the Governor.

25 And I've seen several transitions through the

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<p>1 Board and at the LEA. And I can say this without a 2 doubt: That right now, at this point in time, we've 3 got probably the best and strongest Board ever as well 4 as the best Law Enforcement Academy staff. 5 And I've seen that in the presentations that 6 have been given to the Board over the past seven 7 years. I see consistent dedication to providing good 8 quality training and service to police departments and 9 sheriffs' departments across the State. 10 Mr. Jack Jones is the perfect individual to 11 take the State of New Mexico Law Enforcement group -- 12 I don't know what the word I'm thinking of. Not 13 industry. But take law enforcement to the next level. 14 And so you all are in good hands. Thank you 15 so much for giving me the opportunity to work with you 16 all. I've learned a lot. I've enjoyed our very 17 candid conversations on the dais as well as those very 18 interesting ones that happen behind closed doors as we 19 find out the facts of the cases that we hear that 20 involve discipline. So with that I thank you all very 21 much and wish you all the best of luck. 22 Chief McCall and Chief Kassetas, you'll enjoy 23 the opportunity to serve on the Board. I guarantee it 24 will only make you stronger as police executives for 25 the experiences you're going to get.</p>	<p>1 So Mr. Attorney General, Mr. Korn, Mr. Eden, 2 thank you very much. 3 MR. KING: Thank you, Chief. 4 (Applause.) 5 MR. KING: I'll leave a couple minutes for 6 comments from the committee, if anybody has any. 7 MR. COON: I have something I'd like to say 8 before you leave, Chief. 9 MR. KING: Chief, you have to stay. 10 MR. SCHULTZ: I almost made it. 11 MR. COON: Before you leave, I'm taking over 12 the reins of the longest term member right now since 13 you're leaving. And you were here a year before me. 14 And just watching you work has kind of what's given me 15 the inspiration to continue on. 16 You're a man of honor and integrity. And I 17 think Albuquerque is going to really miss you, the 18 Board is going to miss you, and the State of New 19 Mexico is going to miss you. And I'm going to miss 20 you on TV every night. 21 MR. SCHULTZ: I will not miss that at all. 22 MR. COON: You were the lead every night it 23 seemed like. Whatever your endeavors are, God's speed 24 and God bless you and your family. And we know you'll 25 do good wherever you go.</p>
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<p>1 MR. SCHULTZ: Thank you, sir. 2 MR. KING: Other comments. 3 MR. BETZ: Mr. Chairman. 4 MR. KING: Yes. 5 MR. BETZ: Chief Schultz, I would like to 6 thank you for your time. I've known you for over 7 20 years. And I guess we've been to many different 8 things together including our two boys receiving their 9 gold bars from Congresswoman Heather Wilson. And so 10 we got to spend a little bit of time together. 11 I want to thank you for your time as a fellow 12 chief and as a friend. And God bless and God's speed. 13 And I hope to see you at the car shows. 14 MR. KING: Anybody else. 15 MR. BARNCASTLE: Chief Schultz, when I was 16 first appointed to the Board, the tremendous guidance 17 that you provided for new Board Members was not only 18 educational, but extremely rewarding to be able to 19 take back and to learn that knowledge that you had 20 that you brought to this Board. 21 You truly were an asset to this Board. And 22 the things that I learned from you specifically in the 23 closed sessions was tremendous for my being able to 24 bring something further to the Board that hopefully 25 will benefit everybody, all law enforcement and us on</p>	<p>1 the Board as well. 2 But I thank you for that educational 3 experience. You were truly an asset to the Board. 4 Thank you. 5 MR. KING: Thank you. Anybody else. 6 Mr. Korn. 7 MR. KORN: I would like to add my comments. 8 It's true, as Mr. Barncastle has said, that Chief 9 Schultz has been a mentor and a friend to all of us on 10 the Board. I'd like to share with the people that are 11 assembled a quick story about the way our Board would 12 operate when we get in closed session. 13 We talk about cases. We are almost always 14 unanimous in our cases. Some cases are a little 15 simpler than others for us to come to a quick 16 conclusion. Other cases we have to sit over and 17 battle through the facts and really think it through. 18 And on those times when we're trying to 19 battle and figure out how the case resolution should 20 be fairest, frequently what would happen is all of us 21 would give our comments. And Chief Schultz would be 22 the last to talk. 23 And then, when he would finally speak, it 24 would be like EF Hutton. Everybody was quiet and we 25 listened to what he said. And what he said usually on</p>

1 these difficult cases fell into two grounds.  
 2 One was he would find something that was so  
 3 obvious that we missed that made all the difference in  
 4 the world. And then it was like a light bulb coming  
 5 on. And we're all going how come we didn't think of  
 6 that. It was just very brilliant and it was there all  
 7 along.  
 8 And the other one would be where his years of  
 9 institutional knowledge, either on this Board or at  
 10 APD, came to bear. And he would take complex cases  
 11 and help us understand how to best simplify them for  
 12 the law and the facts.  
 13 So that was something that I think all of us  
 14 benefited from. And I know I certainly learned so  
 15 much from the chief. And his presence will be missed.  
 16 We wish him the best of luck in the future.  
 17 MR. McCALL: Mr. Chairman.  
 18 MR. KING: Go ahead.  
 19 MR. McCALL: Chief Schultz, after 22 minutes  
 20 on the Board, I can see I have gigantic shoes to fill.  
 21 In some meetings prior to this, I heard about all your  
 22 contributions. I think we discussed, oh, Chief  
 23 Schultz brought that out. And I hope I can represent  
 24 the chiefs half as well as you have over the years.  
 25 Thank you.

1 of the State of New Mexico.  
 2 And so on behalf of the State, we certainly  
 3 appreciate your service as chief of police. It's not  
 4 easy being a police officer. And certainly not easy  
 5 to be the chief of a lot of police officers. And I  
 6 know that you've worked really hard to do a good job  
 7 for the State of New Mexico.  
 8 We certainly appreciate your service on the  
 9 Board. Indeed, we've had a lot of work to do. And I  
 10 think that we've improved a lot too. And a lot of  
 11 that is because of your service. So thank you very  
 12 much for your service.  
 13 MR. SCHULTZ: Thank you. Thank you all very  
 14 much.  
 15 (Applause.)  
 16 MR. KING: Thank you all for giving us a few  
 17 minutes to do that. We very much appreciate the  
 18 service that everybody gives to the Board. This  
 19 committee has only one meeting a quarter, but they're  
 20 long meetings. So we appreciate the time that  
 21 everybody puts in.  
 22 ITEM NO. 5: PUBLIC HEARING - RULE CHANGE, 10.29.9,  
 23 POLICE OFFICER  
 24 MR. KING: The next item on the agenda is  
 25 item No. 5, a public hearing on a rule change. I am

1 MR. KASSETAS: Chief, I appreciate you giving  
 2 me your playbook on how to be an effective chief.  
 3 Thank you so much for writing that down for me because  
 4 I really do need it. I'm new to this myself.  
 5 I just want to comment on the relationship  
 6 between State Police and APD. Chief, it's never been  
 7 better over the last several years or five to seven  
 8 years. Working with you at the different levels I've  
 9 been at, I appreciate that. I think both of our  
 10 agencies are really working well together in the  
 11 field. And that means the world to me. So thank you.  
 12 MR. QUEZADA: Chief Schultz, I was probably  
 13 one of the newer members also on the Board. And in  
 14 the short time that I have been here on the Board,  
 15 I've learned a lot from you. Your professionalism is  
 16 just impeccable and your knowledge.  
 17 You're very well-respected down south, in the  
 18 southern part of New Mexico. So there are a lot of  
 19 people that are sad to see you leave up north. And we  
 20 wish you the best. Thank you for your time on the  
 21 Board.  
 22 MR. KING: And as the chair I always get the  
 23 prerogative to go last. And, Chief, we very much  
 24 appreciate your service for the State of New Mexico.  
 25 People often call me the chief law enforcement officer

1 going to turn things over for a few minutes to Mark  
 2 Reynolds, who is our attorney for the Board, to talk  
 3 about the process a little bit.  
 4 I always count on my attorneys to make sure  
 5 that we follow the correct process in rulemaking,  
 6 because sometimes there are things that need to be  
 7 negotiated. And we want to make sure that we do this  
 8 in a correct way. Secondly, I think he can give us  
 9 a good synopsis of the rule change. And so I would  
 10 appreciate it if you would do that now.  
 11 You all in the back, can you hear people when  
 12 they're facing us? It may be difficult. Raise your  
 13 hand if you can't hear Mark as he's doing this. We at  
 14 least have a small room today. Go ahead, Mark. And  
 15 if we have problems, we'll see if we can do something  
 16 different.  
 17 MR. REYNOLDS: Mr. Chair, Members of the  
 18 Board, those of you I haven't met, Mark Reynolds,  
 19 counsel to the Board. Good to meet you.  
 20 I now would like to walk the Board through a  
 21 rule hearing process. Under Section 29.7.4 of the New  
 22 Mexico State Statutes, this Board has the power to  
 23 adopt, publish, and file rules and regulations in  
 24 accordance with the State Rules Act.  
 25 At our last meeting, this Board voted on

1 proposed rule changes to Title 10, Chapter 29, Part 9,  
2 of the Board's regulations. What I would like to do  
3 is present a short synopsis of what those proposed  
4 rule changes are.

5 I would like to invite public comment in  
6 support or against the proposed rule change, at which  
7 time, after members of the public who want to speak  
8 have spoken, I think that would be the time for the  
9 Board members to make comments and to conduct any  
10 deliberations that they deem necessary; and if this  
11 Board so decides to take a vote on it today, whether  
12 or not to adopt the proposed rule change.

13 As I said before, we voted to propose this at  
14 the last meeting. There has been notice to the public  
15 with the requisite amount of time. The public was  
16 able to submit any written comments in response to the  
17 rule change.

18 And, Mr. Jones, do you know if we received  
19 any written comments in response to the proposed rule  
20 change?

21 MR. JONES: No, sir. We have not had any  
22 written comments in response to the rule change other  
23 than support from the satellite academies and other  
24 agencies.

25 MR. REYNOLDS: Okay. So that would be the

1 And Mr. Jones can speak to it too, if he wants to.

2 The training requirements, to make those much  
3 more adaptable and palatable so that they can be  
4 changed with changing times. And to adopt the  
5 training program in a way that we can adapt to  
6 changing needs but still have the approval by the  
7 Board and still have the notice to the public upon the  
8 changes in the training requirements. Again we didn't  
9 go through it all at our last meeting. That is the  
10 basic premise of the rule change.

11 And at this time I think it would be  
12 appropriate to have any members of the public, maybe  
13 we can start with whoever is in support of, to make  
14 any comments that they would like. And then after we  
15 have all the supporters, we can go to also anybody who  
16 is against the rule change, we can hear from them.

17 So, Mr. Chair, if you could invite anybody  
18 who would like to speak in favor of the rule change  
19 first, we can take that step.

20 MR. KING: Mr. Jones, hang on just a second.  
21 I don't know if we have a sign-up sheet in the back at  
22 all for people that want to comment on this. If we do  
23 not, then I'll recognize folks that are here. We want  
24 to make sure that we get all the comments that we can  
25 get.

1 process I would propose going forward. And so, if I  
2 may, the proposed change is in Section 10.29.9.8. It  
3 currently has very detailed of training requirements  
4 with regard to physical fitness and education. And  
5 Section 10.29.9.14 has very detailed requirements with  
6 regard to firearms training.

7 The proposed rule change is to delete  
8 10.29.9.8 and 14 in their entirety and to supplant it  
9 with language that I believe you all have in front of  
10 you and is available to everybody who is here today,  
11 that delegates to the Director of the Academy the  
12 authority to adopt the training program.

13 And then for all three, education, physical  
14 fitness, and firearms training, to adopt that program  
15 and lesson plans to effectuate those programs. And  
16 then to bring that program and lesson plans to this  
17 Board for approval, who then will vote to approve or  
18 not approve; and once approval is had, to then publish  
19 that on the website, the Board's website.

20 The proposed changes also allow other law  
21 enforcement agencies to require additional training in  
22 addition to what the Director will be requiring at the  
23 Law Enforcement Academy. So the proposed change is  
24 basically taking out all of the very detailed,  
25 cumbersome, sometimes things that don't make sense.

1 I will ask people that are commenting to try  
2 not to be redundant. You know, I understand that  
3 everybody has things that they want to say. But let's  
4 try and be succinct. We certainly want to hear your  
5 concerns, both plus and minus. I may do it by a show  
6 of hands here. Mark, are you done then?

7 MR. REYNOLDS: I'm done with mine.

8 MR. KING: I'll take the chair's prerogative.  
9 These are comments in favor. Mr. Secretary, do you  
10 have a comment in favor?

11 MR. EDEN: Yes, please.

12 MR. KING: Go ahead and come up.

13 MR. EDEN: Mr. Chairman, Vice Chair, Members  
14 of the New Mexico Law Enforcement Academy Board, the  
15 process that we are asking you to look at and to  
16 hopefully approve is a process that began back in the  
17 summer of 2011.

18 It is the result of many meetings with the  
19 New Mexico Municipal League, the Association of  
20 Counties, and their sub-working groups which includes  
21 the New Mexico Association of Chiefs of Police as well  
22 as the New Mexico Sheriffs' Association.

23 What we heard repeatedly was there was  
24 redundancy in the academy. And sometimes there was  
25 even conflict when it came to what we were teaching

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<p>1 and the amount of time that we were teaching because 2 of recent statutory changes.</p> <p>3 After surveying nationwide, members of the 4 academy staff as well as the staff within the 5 secretary's office found that New Mexico had one of 6 the longest requirements there is in the United States 7 when it comes to minimum police certification and 8 minimum police qualifications.</p> <p>9 Please remember that what we're asking you to 10 look at today is what are those minimum things that 11 need to be taught to law enforcement officers. We're 12 not talking about advanced training, we're not talking 13 about taking them to a higher level. We're talking 14 about those basic skill sets and the basic knowledge 15 that is required to be a successful police officer.</p> <p>16 And through the process we discovered that 17 we, meaning we, the Department of Public Safety, were 18 bound in certain areas to certain blocks of 19 instruction that were either obsolete or had been 20 struck down in case law, but yet the NMAC rules had 21 not been changed.</p> <p>22 We believe that, through the actions of the 23 Director of the New Mexico Law Enforcement Academy, 24 with the approval of the full Board, that you are the 25 ones that are best suited not to design the curriculum</p>	<p>1 but actually to approve the curriculum that is going 2 to be taught to our law enforcement officers through 3 the State of New Mexico.</p> <p>4 But the support was overwhelming. In 5 Roswell, when we first met, Sheriff Coon was there. 6 There were 28 sheriffs present at that meeting. 7 Twenty-eight sheriffs voted 100 percent that we begin 8 the process of looking at what was being taught in the 9 academy and what could be done to reduce the number of 10 weeks that the students were in the academy.</p> <p>11 This was feedback that they had received from 12 their own officers who had been through the training 13 plus their own personal experience of having become a 14 certified law enforcement officer in the State of New 15 Mexico. So this was not a knee-jerk reaction, it was 16 a process.</p> <p>17 And we stand before you today asking you to 18 consider the rule changes in a positive way. We 19 believe that it's at the discretion of the law 20 enforcement agencies who run their satellite academies 21 that, if they want to conduct a 30-week academy, 22 that's at their discretion.</p> <p>23 All we are asking is that you look at the 24 minimum things that need to be taught, the minimum 25 amount of curriculum that needs to be taught to make a</p>
<p>Page 24</p> <p>1 person a well-rounded basic trained police officer.</p> <p>2 And we appreciate the support as we've gone 3 throughout the State and met with again most recently 4 the New Mexico Sheriffs' Association and the New 5 Mexico Association of Chiefs of Police and the 6 feedback that we received from them. This was not 7 done in isolation. This was done with the support and 8 the action of our satellite academies throughout the 9 State.</p> <p>10 So I appreciate your time. And once again 11 thank you for considering this.</p> <p>12 MR. KING: Thank you, Secretary Eden.</p> <p>13 Mr. Jones, explain the bill as we would say 14 in the legislature.</p> <p>15 MR. JONES: Mr. Attorney General, Mr. Vice 16 Chair, Secretary Eden, thank you very much for your 17 words. I basically stated everything that I was going 18 to say. All I want to say is that it's the mission of 19 the New Mexico Law Enforcement Academy to provide 20 exceptional instruction in all aspects of law 21 enforcement training and leadership.</p> <p>22 Training that is service-based built upon a 23 strong foundation of integrity, service before self, 24 coupled with extraordinary commitment to the community 25 and the departments they serve. One of the things</p>	<p>Page 25</p> <p>1 that we have is things that are happening down in 2 Silver City aren't the same things that happen up in 3 Clayton, New Mexico.</p> <p>4 So as we move forward with this, we want to 5 find that basic need for the police officers so that 6 they can be trained and be sent out to serve their 7 communities and do it in a manner that is efficient so 8 that all agencies can use what they learn from the Law 9 Enforcement Academy.</p> <p>10 This reduction of some of the things that 11 were contradictory and redundant in the academy will 12 allow us to reduce the amount of time that their basic 13 cadets will spend in our academy in Santa Fe.</p> <p>14 We've had nothing but great support from the 15 satellite academies. Director Angie Bird and Dr. Fons 16 from Hobbs have been nothing but supportive of this. 17 And they've gone out of their way to help us as well 18 as the San Juan academy.</p> <p>19 So we're excited about moving forward. The 20 chiefs of police and the sheriffs associations have 21 all supported us in moving forward with this. We've 22 had nothing but positive comments from the people that 23 we've talked to to move forward in reducing the amount 24 of wording and allow the Director of the Law 25 Enforcement Academy, with the approval of the Board,</p>

1 to move forward with what we're going to teach in the  
2 basic Law Enforcement Academy for the State of New  
3 Mexico with the intent on making this the best law  
4 enforcement academy in the Southwest.

5 MR. KING: Thank you, Mr. Jones. I'm sure  
6 that the Board will have questions for you after  
7 awhile.

8 MR. JONES: Okay, sir.

9 MR. KING: We'll have time for that. Who  
10 else wants to comment in favor of the change? We have  
11 all these people here. All right. Okay. Any  
12 comments in opposition? Yes, sir.

13 MR. BURKHARD: Sheriff Burkhard from Valencia  
14 County. I would just like to say that, over the past  
15 33 years, I've had an opportunity to work with  
16 Director Jones in a number of different capacities.  
17 And what he's trying to accomplish here I support and  
18 everyone that I've talked to supports as well. So I  
19 just wanted that for the record.

20 MR. KING: Thank you, Sheriff. We appreciate  
21 that. Comments in opposition? All right. Seeing  
22 none, we'll move to questions from the committee.

23 MR. KORN: Mr. Attorney General, if I may, I  
24 see Angie Bird in the audience. I know that she has  
25 an opinion. And I would love to hear it, if she would

1 be kind enough to tell us.

2 MS. BIRD: Director Angela Bird. Chairman,  
3 Vice Chairman, Members of the Board, thank you for  
4 giving me this opportunity.

5 You know I've been wanting to do this for a  
6 long time. And Director Jones has come in and said we  
7 have to do this, let's make this happen. And looking  
8 at it from my perspective, I'm on my 12th academy now.  
9 And I'm trying to figure out how I can fill in all  
10 this time that we have.

11 And I think that going back and looking at  
12 the curriculum, there is so much redundancy in there  
13 that to me it's a no-brainer. We've got to take that  
14 stuff out of there. And we can do that functionally  
15 by having a 16-week academy.

16 As functional as they are in 22 weeks, we can  
17 do that in 16 weeks. We can guarantee the same amount  
18 of quality training in that amount of time. I think  
19 that's what the concern is, is can we put somebody out  
20 there in 16 weeks and be as efficient and effective as  
21 22 weeks.

22 And my answer to that is yes. As Academy  
23 Director, we can do that. So I hope that you look at  
24 that aspect when you make your decision as well.  
25 Thank you.

1 MR. KING: Thank you.

2 MS. BIRD: Any questions? Sorry. I just  
3 walked off.

4 MR. KING: Questions from the committee?

5 MR. COON: I've got a comment.

6 MR. KING: Sheriff Coon, comments. Comments  
7 are okay here.

8 MR. COON: Three weeks ago the New Mexico  
9 sheriffs met in Las Cruces. And we had been talking  
10 about this, this has been on the table for quite  
11 awhile.

12 Colonel Jones and his staff came up from  
13 Santa Fe along with Elliott and presented us to the  
14 sheriffs. We knew it was coming. And everybody was  
15 anxious to hear what they had to say.

16 And I made a pledge to the sheriffs that I  
17 would come back to this meeting and tell this Board  
18 that we support the 16-week academy 100 percent.  
19 Well, unanimously. Not all the sheriffs were there.

20 But the ones that were there, the vast  
21 majority unanimously voted to support a 16-week  
22 academy versus a 22-week academy.

23 MR. KING: Thank you, Sheriff. Other  
24 comments or questions from the Board? Mr. Korn.

25 MR. KORN: A couple of comments. First of

1 all, I've talked at great length with Director Jones  
2 who I think has worked tirelessly to put this program  
3 together. And I think that the adoption of this does  
4 two things. One, of course, is to limit it to  
5 16 weeks, which is I think a brilliant idea.

6 At the last meeting that we had, we had a lot  
7 of public comment. And I was able to ask each of the  
8 people that came, which were several directors besides  
9 Director Bird, whether the lowering of the number of  
10 weeks would lower the quality of the officer that came  
11 before us.

12 And unanimously every Director said no, we  
13 are just getting rid of surplus items that had to be  
14 taught over and over because of the NMAC rule. So I'm  
15 quite satisfied as a Board Member that we can produce,  
16 as Gordon Eden has pointed out, a product that is a  
17 great basic police officer in much less time.

18 And, of course, what that does is it reduces  
19 the time that new cadets are away from their families  
20 to attend academies; it improves the attention span of  
21 the cadets and makes us a better product in terms of  
22 what we're going to have representing law enforcement  
23 in New Mexico; and, of course, it saves money for the  
24 agencies that have to pay their cadets while they  
25 attend the training academies.



1 So for those levels I think, as Director Bird  
2 has said, it's almost a no-brainer. But I think the  
3 flip side of that is also equally important. And  
4 that's that for years now we've been saddled with an  
5 NMAC rule that was intractable and difficult to  
6 change.

7 And because of that NMAC rule, we had to  
8 follow that NMAC rule every time, even though Director  
9 Jones has pointed out there were so many things in  
10 there that have changed in the law or that are  
11 duplicative or just don't need to be having time  
12 wasted to do it.

13 So by adopting this rule, we're now able to  
14 change as circumstances change and as case law  
15 changes. As we learn different training modalities  
16 and training techniques, we're able to change our  
17 rules, our training modalities to match what's new in  
18 law enforcement. So I think, for both of those major  
19 reasons, the Board should adopt this rule change.  
20 Thank you.

21 MR. KING: Other questions or comments?

22 MR. BETZ: I have one.

23 MR. KING: Chief Betz.

24 MR. BETZ: I have one comment. First of all,  
25 I support it 100 percent. But I do have a question

1 basically going to move forward with it, with that  
2 type of an attitude, there's absolutely no question.

3 You know, I had reservations at the time as  
4 to how much could actually be done. Your efforts  
5 should be commended tremendously. So thank you for  
6 your hard work.

7 MR. JONES: Thank you, sir. It couldn't have  
8 been done without Sergeant Bode, Director Bird, and  
9 Dr. Fons helping us. There's been a lot of work put  
10 into identifying those things that we need to do.  
11 Also Albuquerque Police Department has helped us  
12 immensely, their training division; Bernalillo County  
13 SO, their training division; and New Mexico State  
14 Police.

15 They have all come together and stepped up to  
16 the plate and ponied up to help us put this together  
17 and bring this into a workable solution for law  
18 enforcement in the State of New Mexico.

19 MR. BARNCASTLE: Well, your taking this by  
20 the reins itself, as I said, you should be commended  
21 for doing your part of it.

22 MR. JONES: Thank you, sir.

23 MR. BARNCASTLE: Yes, sir.

24 MR. KING: Thank you, Mr. Barncastle.  
25 Anything else?

1 for Director Jones and Director Bird. Will this in  
2 any way, shape, or form impact on our associations  
3 with the local colleges as far as the amount of  
4 accreditation they give to the officers?

5 MR. JONES: I'll have to let Director Bird  
6 answer that one.

7 MS. BIRD: Actually, to be honest with you,  
8 it helps us. If it's 16 weeks, that's what a semester  
9 is at the college. So we can start them with the  
10 regular students and graduate them.

11 As far as credit hours, we're going to have  
12 to look at the curriculum, when we're finished with  
13 it, and see how many hours that we can award somebody  
14 going through an academy. I don't anticipate it  
15 changing too much because we're covering the same  
16 material, we're just not being redundant. Does that  
17 answer your question?

18 MR. BETZ: Thank you.

19 MR. KING: Mr. Barncastle.

20 MR. BARNCASTLE: Director Jones, I fully  
21 support your efforts as well. It's been needed for a  
22 long time. Basically the main thing I would like to  
23 say is that your efforts should be commended.

24 I mean when I heard at the last meeting that  
25 you were going to take this by the horns and you were

1 MR. KORN: I have a question for Director  
2 Jones.

3 MR. KING: Go ahead.

4 MR. KORN: Director, can you maybe explain  
5 this part of the rule as far as satellite academies  
6 that might want to give additional instruction. I  
7 know some of the departments have their own ideas  
8 about training specifically for the department in  
9 addition to the State.

10 MR. JONES: Well, as Director Bird has said,  
11 it won't affect the satellite academies as far as  
12 Silver City other than reducing it to a 16-week and  
13 taking out some things.

14 But the other academies like New Mexico State  
15 Police, the Albuquerque Police Department, Bernalillo  
16 County SO, if they want to have a 30-week academy,  
17 that's because they're going to take and teach those  
18 recruits and cadets their policies and procedures  
19 within that academy and other things that they want to  
20 do that are necessary for them to become a State  
21 policeman, an Albuquerque City police officer, or a  
22 Bernalillo County SO.

23 They have other things they want to add into  
24 that so that, when they do graduate, those officers  
25 are capable of going straight to the street and going

1 to work. They already understand what the policies  
2 are, they understand what the laws and the rules and  
3 regulations within that department are.

4 What we're not capable of doing is, for  
5 example, communications. You know, every agency  
6 throughout the State of New Mexico has a different set  
7 of radios, a different set of communication standards,  
8 and possibly different ten codes.

9 So what we're going to do is give them a  
10 basic knowledge of what communications is. And when  
11 they go back to their departments, that department  
12 will work with them, whether it's the San Juan  
13 Communications Authority up there or it goes down to  
14 Artesia. They will work with that within their  
15 agencies to get that communication down pat.

16 So we're going to reduce that so we don't  
17 have to worry about that. But it will not affect the  
18 other law enforcement agencies unless they don't teach  
19 what's in that basic 16-week curriculum.

20 And I think that, having worked with APD,  
21 BCSO, and New Mexico State Police, they're all on  
22 board with this at this point in time with the things  
23 that we want to do.

24 And we're all teaching it now. Everybody is  
25 teaching what is the curriculum we're wanting to go to

1 offset, you know, or you're directly behind a vehicle,  
2 whatever it is. We teach a traditional traffic stop.

3 Game and Fish officers that come to our  
4 academy, they traditionally will do a head-on traffic  
5 stop because they're stopping somebody that's coming  
6 out on a dirt road from a hunting area. So they will  
7 now take those Game and Fish officers, you know, back  
8 to their departments to teach them, hey, this is how  
9 we teach you to stop a vehicle if it happens to be  
10 head on.

11 What we're going to teach is the basic  
12 things. New Mexico State Police wants us to teach the  
13 basic stuff within the academy so that, when a New  
14 Mexico State Police officer on the street calls for  
15 backup, it may be somebody from Chaves County, it may  
16 be somebody from San Juan County that responds to  
17 them.

18 They want to know that they have a basic  
19 knowledge in how to assist them with a traffic stop.  
20 And they don't want to have to worry about whether  
21 that individual is going to stop in front of the  
22 vehicle, stop behind the vehicle, cross in front of a  
23 police officer with a drawn weapon if it's a felony  
24 stop or not.

25 So what we want to do is we want to have

1 now. They're just having to teach a lot of redundancy  
2 in it that needs to be cut out.

3 MR. KORN: And looks like you've enabled the  
4 satellite academies or the different departments to do  
5 additional training before they graduate, if they want  
6 to.

7 MR. JONES: Absolutely, sir.

8 MR. KORN: Thank you.

9 MR. KING: I'm going to follow up on that  
10 question actually, because the question I had is sort  
11 of in a nuts-and-bolts way how the additional training  
12 gets done. I think Mr. Korn just said that other  
13 police agencies that want additional training, they  
14 can have that done before graduation.

15 But I mean how do you envision this is going  
16 to work where you have a 16-week academy and then --  
17 I'm trying to remember. It seems like there are maybe  
18 Forest Service personnel that get trained at the Law  
19 Enforcement Academy.

20 So if they have something additional that  
21 they want, how do you work that in before graduation?

22 MR. JONES: For example, when we teach  
23 traffic stops -- and Director Bird can jump in here  
24 anytime she wants to. When we teach traffic stops, we  
25 teach a traditional traffic stop, whether it's an

1 everybody on the same sheet of music when it comes to  
2 those basic requirements. But now the New Mexico  
3 State Police, they also issue shotguns and AR-15s to  
4 their officers. We don't teach AR-15s or shotguns  
5 within the New Mexico Law Enforcement Academy. All we  
6 teach is basic handgun in the Law Enforcement Academy.

7 So the New Mexico State Police, they're going  
8 to take their recruits and go do another week and a  
9 half to two weeks of training for the shotgun and for  
10 the AR rifle system. So they will add that to their  
11 academy curriculum that we don't have in ours.

12 MR. KING: So would they just not be  
13 submitted to us for certification until they -- I mean  
14 how is our Board going to know whether to approve the  
15 certifications or when to approve the certifications?

16 MR. JONES: Any academy 30 days prior to them  
17 starting an academy will submit their curriculum to  
18 the Law Enforcement Academy so that we can approve  
19 that curriculum.

20 We look at the minimum required hours, which  
21 is 824 hours right now. And we go through that whole  
22 curriculum. State Police has a 1,120-hour curriculum  
23 right now I think is what they're running.

24 So as I look at that, all I care about is  
25 that they meet that 824-hour curriculum. So I go

1 through their curriculum now and look at it and make  
2 sure that they have met those 824 hours. And then  
3 anything above that is whatever they decide that they  
4 need to have for their officers as they move forward.

5 MR. KING: So maybe I'm not asking my  
6 question in the right way or maybe I'm  
7 misunderstanding. Somebody on the Board can correct  
8 me.

9 So after you complete the basic training,  
10 would you be able to apply for certification? And  
11 then whatever agency you're working for, they would  
12 give you the extra training or would you have to have  
13 that extra training?

14 MR. JONES: Well, for example, Chaves County  
15 sends us an officer to the New Mexico Law Enforcement  
16 Academy or to Hobbs. We teach a basic curriculum in  
17 firearms which is just the pistol, sir. So currently  
18 that is 64 and a half hours is what we teach in the  
19 basic curriculum.

20 Once they graduate our academy and they  
21 receive our certification and Chaves County  
22 commissions them, if he wants to issue every officer  
23 down there now a shotgun or an AR weapon system, now  
24 he has to go back and teach them that. It won't be  
25 taught at the basic academy.

1 difference to us.

2 MR. KING: Director Bird.

3 MS. BIRD: Yeah. I think what you're trying  
4 to ask is that they still have to complete their  
5 entire hours before certification. All he's looking  
6 for is that they have met our basic foundation.

7 But just because they meet that 824 hours  
8 right now, we don't just certify them. They have to  
9 go through the LEA or to Albuquerque, they have to  
10 complete that before DPS will certify them.

11 MR. KING: That's my question. I'm seeing  
12 the Secretary of Public Safety nodding his head back  
13 there. So the certification will come after they have  
14 completed all the requirements.

15 MS. BIRD: Yeah, they have to complete all of  
16 it. But to get accreditation for the academy, we're  
17 going to have to have that 16 weeks. They're going to  
18 have to get that amount of hours. And then they will  
19 graduate and get certified with their agency. Did I  
20 explain that right?

21 MR. KING: You know, it may be that this is  
22 just one of those procedure things that I just may not  
23 be totally up on. But does the agency submit the  
24 officer for certification or the academy? The agency  
25 does. Mr. Secretary.

1 So he will receive the basic curriculum up to  
2 right now 620 hours. And then he will teach anything  
3 above that at his department, if he wants them to  
4 carry an AR or have any special training.

5 Accident investigation. Accident  
6 investigation is a basic two-week course. If he wants  
7 somebody to be an accident reconstructionist in Chaves  
8 County, he can send them to an accident  
9 reconstructionist school.

10 We're going to teach them how to do a basic  
11 accident investigation, how to arrive on the scene,  
12 how to place their vehicle so that it's safe, how to  
13 protect the scene, how to go out and find your  
14 reference points, how to go out and do that. We're  
15 just going to teach an officer how to do a basic  
16 accident investigation.

17 New Mexico State Police may go a little bit  
18 further in their academy because they have single  
19 officers on a scene by themselves and they may want  
20 them to have more information. So they can teach a  
21 longer accident investigation course in their academy  
22 than what we do in ours.

23 So as long they meet the minimum requirement  
24 of that 75 hours of accident investigation and they  
25 want to go to 125 hours, it doesn't make any

1 MR. EDEN: Attorney General, Mr. Chairman,  
2 and Members of the Board, the satellite academies like  
3 the Albuquerque Police Department, like the New Mexico  
4 State Police, don't stop their program at the 16-week  
5 period and then administer the certification test.

6 Their requirement is they are employees for  
7 the State of New Mexico, they are employees for the  
8 City of Albuquerque or for Bernalillo County. So they  
9 have to complete their entire class.

10 Let's say that New Mexico State Police runs a  
11 25-week academy. At the end of that 25 weeks, the  
12 academy then administers the State licensing exam and  
13 then issues a certification based on the certification  
14 from the chief and the training division of the New  
15 Mexico State Police that they have met all the minimum  
16 requirements of basic certification.

17 So what you see, when you come before the  
18 Board and you see that, you'll see a posting for basic  
19 class 186; and then you'll see New Mexico State Police  
20 class number so and so or Albuquerque Police  
21 Department class so and so are requesting to be  
22 certified.

23 So in those satellite academies that run  
24 longer academies, which is primarily the three I just  
25 discussed, they fill out the paperwork as they reach

1 the end of their training. And now they're ready to  
2 take the licensing exam and ready to graduate their  
3 class and have them certified and commissioned.

4 MR. KING: I think that was basically my  
5 question. Thank you, Mr. Secretary. Okay. Mr. Korn.  
6 I sort of stole the floor from you.

7 MR. KORN: No.

8 MR. COON: May I add something. You know,  
9 the word basic is thrown out a lot because they're all  
10 new guys and women. The public needs to know, as soon  
11 as they get back to their homes, they start a biennium  
12 cycle.

13 They come back and they have to get 20 more  
14 hours of advanced training in that two-year cycle  
15 whether they just graduated or not. And then they've  
16 got to keep doing their 40 hours just like everybody  
17 else. So when they come out green from the academy  
18 and start their job, they're still in a mode of  
19 training for the rest of their career.

20 So that 16 weeks just kind of gets them the  
21 steppingstone to the advanced training part of it. We  
22 never stop learning and going to the advanced classes.  
23 Just so the public knows, when you say basic, they're  
24 still in a training mode throughout their whole  
25 careers.

1 how we need to go forward and make this happen.

2 MR. KING: So that actually leads me to my  
3 second question. Mr. Reynolds may want to weigh in on  
4 this too. And I'm sorry. I haven't had a chance to  
5 think about this too deeply before today.

6 Once again, if we adopt this rule, then is  
7 there some interim period there while -- once we've  
8 adopted the rule, you're going to have to develop a  
9 plan, and maybe you have it mostly developed already,  
10 that you can submit to us. We'll have to go through  
11 some process that might take a couple of months to  
12 approve the plan that you bring to us.

13 What happens in the interim? For the  
14 academies in the interim, until we adopt a new rule,  
15 will the old rules apply to them? Have we thought  
16 about what we do in that interim? Mr. Reynolds, can  
17 you address that.

18 MR. REYNOLDS: Sure.

19 MR. JONES: Sir, if I can.

20 MR. KING: Go ahead.

21 MR. JONES: One of the things we have is we  
22 have several academies that are going on at this point  
23 in time. What we would like to do is start in  
24 January with the newest academy, which will be the  
25 first 16-week academy that we can put together.

1 MR. KING: And I think my point here maybe is  
2 that, under these new rules, it will be up to the  
3 Director then to set the curriculum and make sure  
4 that, after that 16 weeks, that they have that  
5 training that allows them to go out and do whatever  
6 they need to do.

7 MS. BIRD: It will allow the Director to  
8 adjust to the technology and the changes in law  
9 enforcement. We're teaching stuff from 1990, you  
10 know. And I'm trying to get it to where we're  
11 up-to-date. And that's really hard to do.

12 And that will give him that discretion to  
13 keep the curriculum current as these officers come in.  
14 So I think that's really important as we move forward.

15 MR. JONES: Attorney General King, what we  
16 would like to do too is we don't want to do this in a  
17 vacuum. We want to do this with partnership with the  
18 law enforcement academies around us to include New  
19 Mexico State Police, Albuquerque Police Department,  
20 and Bernalillo County Sheriff's Department, Dona Ana  
21 County, and all the other satellite academies.

22 We're not going to do this in a vacuum. Plus  
23 it has to be approved by the Board for where we go.  
24 Everybody in the Board has got a law enforcement  
25 background and they understand what we need to do and

1 If the Board will approve this, then what  
2 will happen is in January, after you've seen what  
3 we've got for the curriculum and what we've identified  
4 for the lesson plans for the 16-week academy, with  
5 this new academy, we would like to start that in  
6 January.

7 MR. KING: Should we adopt a new effective  
8 date or will it just happen when we publish this?

9 MR. REYNOLDS: Mr. Chair, I was just thinking  
10 along those very same lines about that interim  
11 problem. Obviously, with what we're doing, the rule  
12 change gets rid of the program that we have. So we're  
13 going to adopt one, but that program isn't yet  
14 available for adoption.

15 So there's two ways that can be handled. One  
16 would be, if this Board wants to adopt this rule  
17 change, to go ahead and do that. And then very  
18 quickly, through a special meeting or some other  
19 method, adopt the program that is proposed by the  
20 Director under the new rule.

21 I would suggest that it happen sooner rather  
22 than later so we don't have a huge gap where we don't  
23 have a published training program.

24 The other option, and hearing what Mr. Jones  
25 just said, is under the State Rules Act a rule doesn't

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<p>1 become effective until published in the Register. So 2 it would be perfectly fine for this Board, if it so 3 chooses, to adopt the rule today but then to direct 4 that it not be published until January. And it will 5 become effective in January when you have the new 6 program ready to go.</p> <p>7 I think those are the two options that I can 8 think of for this Board to consider in how to deal 9 with that gap problem.</p> <p>10 MR. KORN: Thank you. Attorney General and 11 Mr. Reynolds and Director, I would be a proponent of 12 adopting it today, having the rule published 13 immediately, and then encouraging us to have a Board 14 meeting in, say, December.</p> <p>15 That way we can look at the training program 16 that the Director has adopted and the lesson plans 17 that he has developed and then approve those so it 18 could go right into place in January. Would you be 19 able to present a program by, say, December for the 20 Board?</p> <p>21 MR. JONES: Sure. We have the program that 22 is already developed for a 16-week academy. What I 23 need to do is I'm working on lesson plans now.</p> <p>24 As we move through and teach each one of 25 these lesson plans, in the current academies that we</p>	<p>1 have that are going on right now, we're going through 2 and changing these lesson plans as we go through each 3 one of these classes.</p> <p>4 So we're cutting out redundancy now. We're 5 looking at things where we can make those changes. So 6 we can have it. We've already identified what the 7 16-week academy is going to look like with curriculum 8 and what it's going to be. We just don't have all of 9 the lesson plans yet.</p> <p>10 December would be a perfect time for us, if 11 you would like to meet, or sooner. We are prepared to 12 do that. I apologize to the Board because I thought 13 we had to do something else after this or I would have 14 brought that 16-week -- I would have had that as part 15 of the agenda now. I apologize.</p> <p>16 MR. KORN: No apology necessary. It's a huge 17 undertaking. I think we're the beneficiaries of all 18 your work.</p> <p>19 Mr. Chairman, I would suggest that we 20 consider having the meeting in December to approve the 21 plans or not approve them, to at least examine them. 22 And then we can have other Board business as well. So 23 that would be my suggestion.</p> <p>24 MR. KING: I think we can. I'm trying to 25 think, if in the effective date provision -- and</p>
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<p>1 actually it would be an effective date of amendments I 2 guess. This Title 10, Chapter 29, Part 9, may always 3 have an effective date of May 31st, 1997, because 4 that's when it was first adopted.</p> <p>5 I wonder if we could just put a clause in it 6 that says it will become effective on the date that 7 the Board approves the plan.</p> <p>8 MR. REYNOLDS: I don't think that would work, 9 Mr. Chair. By law, by the State rules, that becomes 10 effective when it's published. So I don't think we 11 can put an unspecified date of it becomes effective 12 when the Board adopts it.</p> <p>13 MR. KING: Well, the change becomes effective 14 when it's published.</p> <p>15 MR. REYNOLDS: Exactly.</p> <p>16 MR. KING: But we can put some language in 17 the change that says that the old program is going to 18 continue in effect until the new program is adopted I 19 assume.</p> <p>20 MR. REYNOLDS: Yes. I mean that's true. 21 Another option is -- and I know the Board can do what 22 it wants.</p> <p>23 Another option would be, from what I'm 24 hearing, that you have the basic program adopted and 25 you're still working on the lesson plans. Well, under</p>	<p>1 the rule you could adopt the program and we would have 2 that published program out there. And then Mr. Jones 3 can come back with the lesson plans for them to be 4 approved.</p> <p>5 So it's possible, if we're concerned about 6 this gap of not having a published training program, 7 we can do a quick, you know, special meeting for the 8 Board to consider the program. And then we would have 9 a very, very short gap period in which you have to 10 publish a training program. And then Mr. Jones can 11 come back with the full lesson plans for those to be 12 considered by the Board. That's another option also.</p> <p>13 But if the wish of the Board is to try to put 14 some language in the rule change, I can sit down and 15 look at that right now and try to figure out how that 16 could happen.</p> <p>17 MR. KING: I'm not positive it's necessary. 18 I just want us to think about it a little bit as we do 19 this.</p> <p>20 Mr. Jones, you said there are academies that 21 are going on right now. When will they be completed?</p> <p>22 MR. JONES: Sir, San Juan County Academy 23 graduates this Friday. The New Mexico Law Enforcement 24 Academy graduates December 20th with the New Mexico 25 State Police Academy on December 20th.</p>

1 Director Bird has an academy going on now  
2 that graduates December 11th. And then San Juan  
3 County is going to start an academy on September 30.

4 MR. KING: So that's a good one to think  
5 about. If we start an academy on September 30th, is  
6 it going to be under the old one or new one? Frankly  
7 my knowledge of how long it takes to get something  
8 published in the New Mexico Register is that this will  
9 not be published by September 30th probably. It's  
10 possible.

11 MR. REYNOLDS: That is probably correct. I  
12 can't say for sure.

13 MR. KING: Because we have to send it to  
14 them. And then they have like a two-week lag or a  
15 three-week lag or something like that. So my gut  
16 feeling is that, when we adopt this, that it will get  
17 published in about a month. I don't know. I think  
18 they publish bimonthly, right, or semi-monthly.

19 MR. JONES: Sir, the San Juan Academy is the  
20 only academy that starts in September. The next  
21 academy that starts is Southwestern. Director Gil  
22 Najjar has an academy that starts January 19th. We  
23 have an academy that starts January 7. So we're  
24 leaning forward in the saddle hopefully to be able to  
25 do these academies for 2014.

1 probably published. So no academies are really  
2 affected. So we could really just start it, have it  
3 be published, have our meeting in December, and  
4 approve it hopefully.

5 And then actually the San Juan Academy will  
6 only be at its midpoint. And they could accommodate  
7 or they could be grandfathered the other way. They  
8 could work that out with the Director I think. That  
9 would be my suggestion.

10 MR. KING: That's the part I'm worried about.  
11 And I'm just tossing this out for consideration too.  
12 I would feel comfortable if we had language in it that  
13 said that any academies that start before the Board  
14 approves plans under the new section would be subject  
15 to the old rule.

16 So what I'm saying essentially, I mean just  
17 for us to be able to get our heads around it, is that  
18 the San Juan Academy pretty much would be under the  
19 old rule if they start on September 30th.

20 MR. JONES: Yes, sir.

21 MR. KING: Because there's no way that we're  
22 going to be able to take action on it before  
23 September 30th or whenever it gets published.

24 Mark, do you suppose that we can just put  
25 language in there that just makes it clear. And I

1 MR. KING: A comment. We may have someone  
2 else here. Make sure you say your name so we have it  
3 for the record.

4 MR. MOONEY: Mr. Chairman, Pat Mooney, Deputy  
5 Secretary, Department of Public Safety. The academy  
6 falls under me. And I would ask the Board to approve  
7 the program because I think conceptually we've all  
8 agreed that we like the 16-week program to get rid of  
9 the redundancy and everything, because we need to have  
10 that opportunity to be able to plan for all those  
11 academies that we're planning as opposed to waiting  
12 for something to be published or not.

13 And then we can bring the plan for the actual  
14 classes and the syllabus in for you all to review and  
15 approve at the December meeting. But the program  
16 itself would be approved, we can set the schedules for  
17 all the academies, and everybody will know how we're  
18 tracking for the whole state.

19 MR. KING: Mr. Korn.

20 MR. KORN: To build on what Director Mooney  
21 has said, I think, as a practical matter, as we heard  
22 the only academy that kind of starts during this  
23 interim would be San Juan.

24 MR. JONES: San Juan.

25 MR. KORN: On the 30th. And that will be

1 don't know where we would put it. But just that any  
2 academy whose starting date occurs before the plan is  
3 adopted pursuant to this new change would still fall  
4 under the rule that was in effect on the day -- well,  
5 we're going to change this rule effective this date.

6 But that the curriculum essentially would  
7 have to be the curriculum that was adopted pursuant to  
8 the old rule. So here is what I think. I don't want  
9 to stir things up too much.

10 I think that we can get all of this done if  
11 we all decide to so that all the academies that start  
12 in January have no problems. We can start thinking  
13 about the 16-week academies starting in January.

14 MR. JONES: If we can just set a date. After  
15 we've got approval from the Board on the 16-week  
16 curriculum and you've looked at the lesson plans that  
17 we've had, we can start this in -- the thing is we  
18 have to move forward.

19 If we have a Board meeting the first week of  
20 December and it takes 30 days along with Christmas and  
21 any other vacation somebody may have, leave time in  
22 December, we may not get it published by January. So,  
23 Gil, when do you start yours?

24 MR. NAJAR: January 11.

25 MR. JONES: Ours starts January 7. So we

1 would have to have it published before January 7.

2 MR. KING: Well, you would have to have it  
3 approved before January 7. We would have to meet  
4 before January 7 to approve it.

5 MR. COON: Mr. Chairman.

6 MR. KING: Yes.

7 MR. COON: The Municipal League, Police in  
8 the New Millennium, is the 11th through the 13th of  
9 December here in Albuquerque. Maybe the 10th of  
10 December, the day before that starts, we're all  
11 probably going to be there anyway on the law  
12 enforcement side.

13 That would be a good time to have a special  
14 meeting or just a meeting or whatever to adopt this.  
15 And that's not the first week, but it's the first one  
16 and a half weeks of December. And the 10th might be  
17 on a Tuesday.

18 MR. KING: That seems possible.

19 MR. QUEZADA: Mr. Chairman, Director Jones, a  
20 question. If a different academy is running it longer  
21 but the officer I guess during the curriculum finishes  
22 the 16-week basic and for some reason decides to quit  
23 that academy but has accomplished it, is it only that  
24 sponsoring agency that can actually send it in for  
25 certification or are we going to entertain the idea of

1 I think a more elegant solution would be, if  
2 the Board wishes, to adopt the rule change; and as  
3 part of its motion to be published at the first  
4 available Register after the start of the San Juan  
5 Academy.

6 And that way it's clear it's not effective  
7 until after the San Juan Academy has started. They  
8 will be under the old rule and we won't have to worry  
9 about writing something into this rule change that  
10 wasn't proposed.

11 MR. KING: We might be able to accomplish  
12 that without a motion. It might be that I'm being  
13 concerned about something that's not too important to  
14 be concerned about. I mean we can certainly adopt  
15 this rule today.

16 I'm also not concerned about putting an  
17 effective date in here being something that's not an  
18 outgrowth of the discussion. I'm not worried about  
19 that. So I'm confident that we have broad enough  
20 authority to do that.

21 I think after this discussion, though, I'm  
22 okay if we adopt this. I don't believe that this will  
23 get published before the 30th. But I think if you and  
24 I and the staff all work on when we send this over to  
25 the Records Commission.

1 him --

2 MR. JONES: No. It's only that agency that  
3 can send him in -- if he goes to the New Mexico State  
4 Police Academy and he quits after they believe they  
5 have met the 16-week curriculum, it's up -- no. They  
6 cannot come to me and ask for certification. They've  
7 got to meet that whole program.

8 MR. QUEZADA: Thank you.

9 MR. KING: Mark.

10 MR. REYNOLDS: Just still dealing with this  
11 problem with the gap here, my understanding is there's  
12 only one academy that would be starting between now  
13 and January. And that would be the San Juan Academy.

14 MR. JONES: That's the San Juan Academy.

15 MR. REYNOLDS: And that one starts in  
16 September.

17 MR. JONES: Right, September 30th.

18 MR. REYNOLDS: September 30th. In my opinion  
19 an easier solution of dealing with that, rather than  
20 to try to write language in here -- because what I'm  
21 worried about, Mr. Chair, if we try to write language  
22 in here, is is it a logical outgrowth of what was  
23 proposed. And if it's not a logical outgrowth of  
24 what's been proposed, you've got to go through another  
25 rulemaking process.

1 MR. REYNOLDS: I can't say for sure. But my  
2 prior experience is that it's highly unlikely that  
3 this will be published before the 30th given the time  
4 frame that Records and Archives usually needs for  
5 these things.

6 MR. KING: Actually that might solve it. All  
7 right. Okay. You know, I think that's all the  
8 questions I have. I appreciate the discussion. I  
9 think that I agree with you, that we can adopt it this  
10 way and we can work that out.

11 MR. KORN: Mr. Chairman, the Director of the  
12 San Juan Academy has just joined us. And I know he  
13 didn't have an opportunity to voice his opinion about  
14 the rule change. I'm sure he would have some  
15 comments.

16 Actually I know that Director Bode was  
17 involved deeply in the process with Director Jones.  
18 And I think he should have an opportunity to voice his  
19 support.

20 MR. KING: Introduce yourself so we have it  
21 on the record.

22 MR. BODE: I'm Dale Bode, I'm the Director of  
23 the San Juan Academy. We've talked with Director  
24 Jones quite a bit and with Director Bird. The rule  
25 change is necessary. And from what I've heard from

1 the discussion when I came in late -- and I apologize  
2 for that. I got a flat tire in the middle of nowhere.

3 You know, it's on the right track. The  
4 redundancies are killing us. And we're not able to  
5 teach what we need to teach. I wish we could get  
6 under the 16-week deadline. But I understand the  
7 publish dates and everything else.

8 But speaking for our member agencies as well,  
9 they're very excited that you guys are willing to make  
10 these changes and try and bring us into the times. So  
11 I appreciate it. Thank you.

12 MR. KING: I think the point here is that  
13 your academy that starts on the 30th will not fall  
14 under the new program.

15 MR. BODE: I understand that, sir. Thanks.

16 MR. KING: Thank you.

17 MR. KORN: Of course, Director Bode, I make  
18 the observation that, if you were to wait until like  
19 December 12th to start your academy, it would probably  
20 end at the same time almost.

21 MR. BODE: Maybe. You know, I also  
22 understand that we're trying to still put together the  
23 lesson plans and everything else. So I guess we'll be  
24 the last dinosaur 24-week academy and go from there.

25 MR. KING: Thank you for the discussion.

1 perhaps as short as two to three weeks to prepare  
2 that.

3 So currently the process requires that I  
4 submit my proposed academy to the Director for his  
5 approval. And perhaps a solution could be that that  
6 authority -- retain that authority and the language  
7 that whatever academy I come up with, still it's going  
8 to be required to be approved by the Director.

9 And if I'm not prepared to move forward with  
10 the entire brand-new curriculum in January, it may  
11 give me some flexibility or latitude to then still use  
12 some of the existing curriculum depending on where  
13 we're at and where my instructors are at, because  
14 obviously if there's a change to the firearms, my  
15 firearms instructors are going to be worried about  
16 that.

17 Defensive tactics instructors, those  
18 specialized skill areas where I don't know what the  
19 curriculum is going to look like at this point in  
20 time, it allows me a little breathing room so that I'm  
21 not locked into a new curriculum that I can't deliver  
22 come January. So that's my statement.

23 MR. KING: It strikes me that it will be  
24 incumbent on all of you Directors to be working  
25 together this month to try and make sure that you're

1 Gil.

2 MR. NAJAR: Gilbert Najar, Western New Mexico  
3 University Police Academy. Mr. Chairman, Vice  
4 Chairman, Members of the Board, not being exactly  
5 certain what the logistics of the implementation of  
6 this were going to be, then I didn't speak earlier.

7 But my concerns logistically, and they're  
8 kind of a self-serving concerns, as Director I prepare  
9 my academy schedule well in advance of the start of  
10 the academy. So I would be finalizing January's  
11 academy probably now in October, which means I'm  
12 preparing for confirmation of instructors, the entire  
13 schedule throughout the 22 weeks that we teach  
14 currently.

15 What this presents to me is a bit of a  
16 challenge in that, if a new curriculum is going to be  
17 approved and adopted in December and I start in  
18 January, I'm going to have a cadre of instructors that  
19 have not seen lesson plans yet that need to prepare to  
20 teach that.

21 I've got to then figure out the sequential  
22 order of all the topics and the blocks of instruction,  
23 get all that done, bring in my instructors, have them  
24 review and share their concerns about the new  
25 curriculum and all that kind of stuff logistically in

1 already ahead of the curve.

2 I mean we hope that we'll be able to adopt  
3 something by December. But it's clear I think that  
4 all of you all are going to have to make some  
5 curriculum decisions earlier than that.

6 So I mean there's the process that's involved  
7 here of adopting this so that law enforcement officers  
8 can be certified if they complete the course as we've  
9 set it out here. But I think there's another process  
10 where you all have to be working.

11 It strikes me that it's quite possible that  
12 the satellite academies will be able to offer  
13 curriculum that they know is going to be over and  
14 above what this 16-week course is but still will  
15 qualify to meet the 16-week requirement too. I don't  
16 know.

17 MR. JONES: That's absolutely correct, sir.  
18 Your last statement is very, very true. They can have  
19 an academy that goes 20 weeks or 18 weeks as long as  
20 they meet the prescribed 16-week curriculum and meet  
21 those things.

22 Right now we're going to look at how we teach  
23 firearms. The Bernalillo County SO has helped us with  
24 the firearms, the Albuquerque Police Department has  
25 helped us with the firearms. So we can narrow it down



1 how it's going to be taught. So we'll have that  
2 information out.

3 But if he can't and we can't agree on some of  
4 the things that are going to be taught, he can teach  
5 some of the things that's in the old curriculum as  
6 long as it meets the requirements. And we'll be okay.  
7 The academy has that leeway to be able to do that.

8 MR. KING: That's what I think, yeah.

9 MR. JONES: Yes, sir. Thank you.

10 MR. KING: Okay. Any further discussion or  
11 questions?

12 MR. KORN: Mr. Chairman, I do have one tiny  
13 little typographical thing to talk to Mr. Reynolds  
14 about.

15 MR. REYNOLDS: Sure.

16 MR. KORN: I know it was your intent to  
17 change all the words from training standards to  
18 training program. So was it intentional that you have  
19 standards in the third line there or was that just a  
20 typo, it should be changed to program?

21 MR. REYNOLDS: In the third line?

22 MR. KING: Paragraph A, yeah, third line  
23 down. I see what you're saying. It says, "Training  
24 standards for optimized educational teaching  
25 effectiveness."

1 change, which is a logical outgrowth of what's  
2 proposed. So it's a change that can be made today.  
3 Thank you.

4 MR. KING: You said fifth line and we said  
5 third line, but I think we're all doing the same  
6 thing. You're starting from the caption and we're  
7 starting from the beginning.

8 MR. REYNOLDS: I'm sorry. Yeah.

9 MR. KING: It's paragraph A.

10 MR. REYNOLDS: Paragraph A, where it says,  
11 "The Director will also prepare lesson plans to  
12 effectuate the training program." Is that the one you  
13 were talking about?

14 MR. KING: Right.

15 MR. REYNOLDS: I'm sorry. Yes. I believe  
16 that should be program instead of standards.

17 MR. KING: So we're going to strike standards  
18 and insert program.

19 MR. REYNOLDS: Right.

20 MR. KING: I think we can do that.

21 MR. REYNOLDS: Thank you, Mr. Korn.

22 MR. KING: Actually I'm going to take that as  
23 an amendment to the rule that we published. Any  
24 discussion on the amendment? Is there a motion to  
25 approve the amendment?

1 MR. KORN: In the original program that we  
2 had last meeting, everything said standards. You  
3 pointed out that standards would not be consistent  
4 with the rest of our NMAC rules. You suggested  
5 changing all the standards to programs. I wonder if  
6 that's a typo or it doesn't matter.

7 MR. KING: At the beginning of the paragraph,  
8 it says, "The Director of the New Mexico Law  
9 Enforcement Academy shall develop minimum standards of  
10 training." What we call the overall program is the  
11 program.

12 MR. REYNOLDS: Mr. Chair and Vice Chairman  
13 Korn, this is a very good catch. I think my intention  
14 was that that first standards could stay there. But  
15 actually what should change is in the fifth line down,  
16 "The Director will also prepare lesson plans to  
17 effectuate the training." That standards should be  
18 program. I think you can develop the standards that  
19 go into the program.

20 And so looking at this, when I look at the  
21 whole rest of the section, I think we want to refer to  
22 it all as the program. I'm fine with the first two  
23 standards, but that second one should be program.

24 And I would suggest that, if the Board  
25 decides to adopt this today, they adopt it with that

1 MR. COON: I make a motion that we approve  
2 the amendment.

3 MR. KORN: I second.

4 MR. KING: All in favor say aye.  
5 (Those in favor so indicate.)

6 MR. KING: Okay. So that is changed. We  
7 struck the word "standards" and put in the word  
8 "program" on that line. You'll deliver a copy. Okay.  
9 It is indeed just a typo.

10 MR. REYNOLDS: Yes.

11 MR. KING: Any other questions? We're ready  
12 for a motion I think. And is there any special  
13 language that I need to say?

14 MR. REYNOLDS: No. I think you would invite  
15 a motion to adopt the rule change as amended here  
16 today and ask for any other discussion. And I think a  
17 rule change is appropriate for a roll call vote rather  
18 than just a voice vote.

19 MR. KING: Okay. Do I have a motion?

20 MR. KORN: I would so move.

21 MR. KING: Okay. The motion is to adopt the  
22 amended version of the NMAC changes that we've been  
23 discussing here today. Is there a second?

24 MR. BARNCASTLE: I second.

25 MR. KING: Seconded. And I believe that

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1 Mr. Reynolds is right, that this requires a roll call  
 2 vote. Ms. Secretary, please call the roll.  
 3 MS. LOPEZ: Gary King.  
 4 MR. KING: Yes.  
 5 MS. LOPEZ: Chief Kassetas.  
 6 MR. KASSETAS: Yes.  
 7 MS. LOPEZ: Sheriff Coon.  
 8 MR. COON: Yes.  
 9 MS. LOPEZ: Chief Betz.  
 10 MR. BETZ: Yes.  
 11 MS. LOPEZ: Chief McCall.  
 12 MR. McCALL: Yes.  
 13 MS. LOPEZ: Jaime Quezada.  
 14 MR. QUEZADA: Yes.  
 15 MS. LOPEZ: Nate Korn.  
 16 MR. KORN: Yes.  
 17 MS. LOPEZ: John Gratton.  
 18 MR. BARNCASTLE: You forgot me.  
 19 MS. LOPEZ: Pat Barncastle.  
 20 MR. BARNCASTLE: Yes.  
 21 MS. LOPEZ: I'm sorry.  
 22 MR. KING: By a vote we have eight in the  
 23 affirmative and none in the negative. We've adopted  
 24 this rule change.  
 25 Mr. Reynolds, you and Mr. Jones can work on

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1 talk to us about.  
 2 Generally we do this by section. So the  
 3 first section would be the default orders of  
 4 revocation. We generally announce the names in groups  
 5 just so we know if you are here. If you're here when  
 6 I call your name, please raise your hand. And then  
 7 we'll invite you in order to come up so.  
 8 ITEM NOS. 6, 7, AND 8: JOSEPH BALLESTEROS, PHILLIP  
 9 HOLGUIN, AND CARLOS SALAZAR  
 10 MR. KORN: So starting with default orders of  
 11 revocation, agenda item No. 6, Joseph Ballesteros;  
 12 No. 7, Phillip Holguin; and No. 8 is Carlos Salazar.  
 13 Are any of you three in the room today? Let  
 14 the record reflect that none of those persons are in  
 15 the room.  
 16 ITEM NOS. 9 AND 10: KEVIN SEDILLO AND ANGELO VEGA  
 17 MR. KORN: Next would be item No. 9, Kevin  
 18 Sedillo, and No. 10, Angelo Vega. Are any of you two  
 19 people in the room today? Let the record please show  
 20 that those people are not in the room.  
 21 ITEM NO. 11: TERESA LEMON  
 22 MR. KORN: Next would be default order of  
 23 suspension No. 11, Teresa Lemon. Is she in the room  
 24 today? Let the record reflect that Ms. Lemon is not  
 25 in the room.

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1 getting this published in the appropriate place.  
 2 MR. JONES: Sir, thank you very much.  
 3 MR. KING: Thank you, Mr. Jones. Thanks to  
 4 everybody for that.  
 5 The next item on the agenda is going to be  
 6 the misconduct hearings. And you all know that that  
 7 takes a little bit of a change anyway because I don't  
 8 sit on those. I'll turn the chair over to Mr. Korn.  
 9 But we're going to take a ten-minute break before we  
 10 do that. So ten minutes.  
 11 (Break.)  
 12 MR. KORN: We're going to call this second  
 13 half of the meeting to order. So if you'll take your  
 14 seats, please.  
 15 My name is Nate Korn, I'm the Vice Chair of  
 16 the Law Enforcement Academy Board. And I will be  
 17 conducting the misconduct portion of our Law  
 18 Enforcement Academy meeting today.  
 19 So the way we generally do this is we go line  
 20 by line in the agenda. And then we'll invite any  
 21 responding officer that might be in the room together  
 22 with his representative to approach the podium and  
 23 make a statement, if they'd like to. There's nothing  
 24 mandatory that says they have to. And they can  
 25 basically explain whatever items that they want to

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1 ITEM NOS. 12 AND 13: JAMES AGUILAR AND ROBERT ROSALES  
 2 MR. KORN: Next moving along to approval of  
 3 suspension or completion of fit for duty. The two  
 4 items there are, No. 12, James Aguilar, and No. 13,  
 5 Robert Rosales. I see one hand. And, sir, your name  
 6 would be?  
 7 MR. AGUILAR: James Aguilar, sir.  
 8 MR. KORN: James Aguilar. Okay. And, sir,  
 9 would you like to present anything to the Board?  
 10 MR. AGUILAR: Good morning, gentlemen. Just  
 11 I want to thank the Board for allowing me the  
 12 opportunity to prove myself.  
 13 And all conditions have been met that the  
 14 Board has requested. All documentation was turned in  
 15 directly to the Director's office. Thank you very  
 16 much again. I just respectfully request to be  
 17 reinstated as was discussed.  
 18 MR. KORN: And, Mr. Aguilar, if you would  
 19 stand for questions. Are there Members of the Board  
 20 that have any questions of Mr. Aguilar?  
 21 Sir, I have a question. Are you currently  
 22 employed with any law enforcement organization?  
 23 MR. AGUILAR: No, sir.  
 24 MR. KORN: And are you applying to any  
 25 places?

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1 MR. AGUILAR: Not until I'm reinstated. That  
2 was the understanding that I had whenever I discussed  
3 this with Director Medina, that I was not allowed to  
4 test until I am reinstated and I've met all  
5 requirements.  
6 MR. KORN: And how long has it been since  
7 you've been a law enforcement officer?  
8 MR. AGUILAR: March 14th this year.  
9 MR. KORN: So just a period of about six  
10 months?  
11 MR. AGUILAR: Approximately, yes, sir.  
12 MR. KORN: Any questions from the Board based  
13 on any of this? No. Sir, thank you very much for  
14 appearing before us.  
15 MR. AGUILAR: Thank you, gentlemen.  
16 MR. KORN: And let the record reflect that  
17 Mr. Rosales is not here.  
18 ITEM NOS. 14, 15, AND 16: JOSEPH LOPEZ, AUGUSTINE  
19 LUCERO, AND ANGELO ROMO  
20 MR. KORN: Moving on, these would be under  
21 the section called stipulated orders of suspension.  
22 Again the first three in order, item No. 14 is Joseph  
23 Lopez, item No. 15 is Augustine Lucero, and item  
24 No. 16 is Angelo Romo. Are any of those three people  
25 here? I see one hand and a face brush. Sir, your

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1 now on this case. I haven't been found guilty yet.  
2 MR. QUEZADA: But have you on your own done  
3 any drinking counseling, A.A. or anything?  
4 MR. LOPEZ: Yes.  
5 MR. KORN: Other Members of the Board, any  
6 questions?  
7 MR. BARNCASTLE: Mr. Chairman.  
8 MR. KORN: Yes, sir. Mr. Barncastle.  
9 MR. BARNCASTLE: What is the status of your  
10 case, sir?  
11 MR. LOPEZ: I have court still pending.  
12 Probably towards the end of this year I would think.  
13 That's what my attorney is saying.  
14 MR. BARNCASTLE: Okay. Thank you.  
15 MR. KASSETAS: I have one question.  
16 MR. KORN: Yes, sir.  
17 MR. KASSETAS: I don't know if it's an  
18 appropriate question. But is it okay to ask what type  
19 of counseling that you put yourself through?  
20 MR. LOPEZ: Just A.A.  
21 MR. KASSETAS: One time, two times, four  
22 times, once a week?  
23 MR. LOPEZ: It goes twice a week.  
24 MR. KASSETAS: Twice a week. So you've been  
25 going consistently twice a week for how long?

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1 name would be?  
2 MR. LOPEZ: Joseph.  
3 MR. KORN: You're Mr. Lopez. Anybody else  
4 from those three? Okay. Mr. Lopez, would you like to  
5 address the Board? You might want to give your name  
6 to the court reporter.  
7 MR. LOPEZ: Joseph Lopez. I made a mistake  
8 in getting that DWI that I got. The academy suggested  
9 a six-month suspension. And I'm hoping that the Board  
10 would agree with them, the six months.  
11 MR. KORN: Okay. Are there Members of the  
12 Board that have any questions?  
13 MR. QUEZADA: I have a question.  
14 MR. KORN: Mr. Quezada.  
15 MR. QUEZADA: What have you done as far as  
16 anything to better yourself from this incident?  
17 MR. LOPEZ: I quit drinking. It's been nine  
18 months now.  
19 MR. KASSETAS: I can't hear you, sir. You've  
20 done what?  
21 MR. LOPEZ: Quit drinking.  
22 MR. KASSETAS: Quit drinking.  
23 MR. LOPEZ: Yeah. For nine months.  
24 MR. QUEZADA: Any counseling or anything?  
25 MR. LOPEZ: No. We're still going to court

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1 MR. LOPEZ: I would say I guess three months,  
2 four months now.  
3 MR. KORN: Chief, do you have any other  
4 questions based on that?  
5 MR. KASSETAS: If the Board required it, can  
6 you show proof of attendance? There's probably a  
7 signup sheet or something.  
8 MR. LOPEZ: Yes.  
9 MR. KASSETAS: That's all I wanted to know.  
10 MR. KORN: And just to build on that, did you  
11 say that's A.A.?  
12 MR. LOPEZ: Yes.  
13 MR. KORN: Where is the A.A.?  
14 MR. LOPEZ: In Socorro.  
15 MR. KORN: In Socorro. Sir, I did have a  
16 question. In the paperwork that we received, we saw  
17 that there was a prior arrest for DWI.  
18 MR. LOPEZ: That was in 2000. I wasn't an  
19 officer at the time.  
20 MR. KORN: You were not an officer. What was  
21 the resolution of that case?  
22 MR. LOPEZ: I pled guilty.  
23 MR. KORN: You pled guilty?  
24 MR. LOPEZ: Yeah. I had no attorney at the  
25 time.

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<p>1 MR. KORN: So this would be your second 2 arrest? 3 MR. LOPEZ: Yes. 4 MR. KORN: So does that make it aggravated? 5 MR. LOPEZ: No. 6 MR. KORN: Okay. Thank you. Any other 7 questions? Mr. Lopez, thank you very much for 8 appearing before us. 9 ITEM NOS. 17 AND 18: DONALD VENABLE AND VANESSA 10 LARA-ZAMORA 11 MR. KORN: Moving on to item Nos. 17 and 18, 12 No. 17 is Donald Venable and No. 18 is Vanessa 13 Lara-Zamora. And I see two hands. You, sir, would 14 be? 15 MR. VENABLE: Donald Venable, sir. 16 MR. KORN: You're Donald Venable? 17 MR. VENABLE: Yes, sir. 18 MR. KORN: Okay. And, ma'am, you are? 19 MS. LARA: Vanessa Lara, sir. 20 MR. KORN: And you're Vanessa Lara. 21 MS. LARA: Yes, sir. 22 MR. KORN: Very good. So, Mr. Venable, would 23 you like to address the Board first. 24 MR. VENABLE: Donald Venable. Vice Chair, 25 Members of the Board, as far as I understood, the</p>	<p>1 suspension was reduced to six months -- I mean three 2 months. And I was terminated from law enforcement 3 back in March. 4 So I was just coming to ask if I could have 5 retroactive time or time served, because I mean I've 6 grown up around law enforcement my whole life, I hate 7 being away from it. My dad was in it for 21 years. I 8 love being around it. So I was just asking if I can 9 have retroactive time. 10 MR. KORN: Okay. And that would be up to the 11 Board about the retroactive time. I will tell you 12 that it's the Board's policy not to look at penalties 13 retroactively. But the Board will consider your 14 request. Did you want to tell us any of the 15 circumstances or is that everything you want to say? 16 MR. VENABLE: That's everything. 17 MR. KORN: Okay. Members of the Board, are 18 there any questions for Mr. Venable? Anybody? I may 19 have a question. 20 I guess my question would be did you lie the 21 first time? 22 MR. VENABLE: Yes, sir. 23 MR. KORN: Okay. Thank you, sir. Any other 24 questions? Okay. Sir, thank you for appearing before 25 us.</p>
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<p>1 MR. QUEZADA: Mr. Vice Chair, could I ask a 2 question. 3 MR. KORN: Yes, sir. 4 MR. QUEZADA: I apologize. This is more 5 towards your character a little bit. You are the 6 Mr. Venable I met not too long ago, correct? 7 MR. VENABLE: Yes, sir. Out at skate park in 8 Las Cruces. 9 MR. QUEZADA: Yes, exactly. What have you 10 done from the stuff you told me you were going to do 11 from that time? 12 MR. VENABLE: I've still just been staying 13 positive and looking at different places. I've talked 14 to the Mesilla marshals down there. They are telling 15 me to apply. I've filled out an application for Hatch 16 PD for whenever I do get reinstated, that way I can 17 turn it in, stuff like that. 18 MR. QUEZADA: Okay. Have you done anything 19 else with the kids that you mentioned that you were 20 going to do at the skate park? 21 MR. VENABLE: Actually about three weeks ago 22 I had taken a couple kids to Phoenix -- or Tucson, 23 Arizona. There was a competition held there. So I 24 took a couple kids over there. That way they could go 25 experience the skate park and the competition held by</p>	<p>1 Monster Energy drinks. 2 MR. QUEZADA: Yes. Okay. Thank you. 3 MR. KORN: And, Ms. Lara-Zamora, would you 4 like to address the Board? 5 MS. LARA: Yes. May I approach. 6 MR. KORN: Yes, please. And would you please 7 give the court reporter your full name. 8 MS. LARA: Yes, sir. My name is Vanessa 9 Lara. And I'm here to respectfully request to address 10 the Board in regards to the incident that occurred in 11 Dona Ana County earlier this year. 12 I met with the Director of the LEA back in 13 May. Subsequently the Director recommended a 14 three-month suspension and that I complete an ethics 15 course. 16 Thus far I feel that I have complied with the 17 Director's recommendations. I completed the ethics 18 course. And I have been out of the law enforcement 19 community for over six months already. 20 I'm sorry. I'm just a little nervous. 21 MR. KORN: That's okay. Take your time. 22 MS. LARA: I'm here today because I am taking 23 responsibility and accountability for my actions about 24 what happened. I feel that I traded my integrity for 25 loyalty to another officer because I didn't want to</p>

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<p>1 see either one of us get into trouble over this 2 matter.</p> <p>3 The decision has obviously affected me, 4 because I just want to move forward with my career 5 and, you know, just get back into law enforcement and 6 get back into what I love to do. I hope that the 7 Board can consider that I have never been in any kind 8 of trouble like this before.</p> <p>9 In fact, I have an honorable discharge from 10 the Navy for receiving numerous awards and citations 11 during the global war on terrorism and Operation Iraqi 12 Freedom.</p> <p>13 I also was nominated on several occasions for 14 my job performance at the sheriff's department for 15 leading my shift on arrests and reports and citations. 16 Not to mention I do have a Master's degree and 17 graduated with top honors.</p> <p>18 And I feel that this decision that I made has 19 just -- it's caused a blemish to my career. And I 20 just want to put this behind me and move forward. I'm 21 asking that the Board please have some leniency on 22 this for Venable and I.</p> <p>23 I'm respectfully requesting that the Board 24 please reconsider allowing the three-month suspension 25 to stand with time served. I think that I'm ready to</p>	<p>1 just move on past this. I want to put this behind me 2 and get back into my profession.</p> <p>3 And I guess that's pretty much all I have. 4 And I appreciate the time that you've taken to listen 5 to me about this.</p> <p>6 MR. KORN: Thank you, Ms. Lara. Are there 7 questions from the Board? Sheriff Coon.</p> <p>8 MR. COON: A couple. It says here that you 9 were dishonest in failing to cooperate with the 10 Internal Affairs investigation and numerous other 11 policy violations. So you did lie to the IA 12 investigator?</p> <p>13 MS. LARA: Yes, sir. See, what had happened 14 is, in the initial internal investigation, I did not 15 disclose the relationship. I voluntarily resigned on 16 March 5th of 2013. Prior to my resignation, I had 17 been exonerated from said allegations.</p> <p>18 And then I received a Notice of Contemplated 19 Action about a month and a half after I had resigned. 20 And that was when I was informed about everything that 21 had happened as far as the new allegations and the new 22 evidence with the investigation that they reopened 23 after I left.</p> <p>24 At that time is when I met with the Director 25 of the LEA, Mr. Louis Medina. And I disclosed to him</p>
<p style="text-align: right;">Page 80</p> <p>1 everything about what had happened and I told him the 2 truth about what happened.</p> <p>3 MR. COON: What were the new allegations? We 4 don't show this here in this report.</p> <p>5 MS. LARA: Well, to my understanding there 6 was an officer in training who the department allowed 7 to reside with me. She was -- she was living in my 8 house. I offered my house to her and her son. And 9 she knew a lot about what was going on in my personal 10 life.</p> <p>11 So after I resigned -- I'm not sure how the 12 events evolved. But after I had resigned, she came 13 forward to the department, you know, alleging things 14 about me and talking a lot of stuff about me. And I 15 think that's where those allegations stem from, was 16 what she was stating about me.</p> <p>17 MR. COON: Well, were the allegations true or 18 were they --</p> <p>19 MS. LARA: Some of them were, sir. Some of 20 them weren't. The truth is that I was involved with 21 Mr. Venable. And that's -- I mean as far as 22 anything -- there's a lot of other stuff that she said 23 that was not true. But that was the reason for the 24 initial investigation, was to see if I had been 25 involved with Mr. Venable or not.</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. COON: Are you still involved with 2 Mr. Venable?</p> <p>3 MS. LARA: No, sir. And if I may address the 4 Board, I mean I have known Mr. Venable since my 5 academy. You know, we used to sit next to each other 6 in our academy. We kind of remained friends after the 7 academy.</p> <p>8 So when he ended up coming back for the 9 second academy, I found out about that. So I've known 10 Mr. Venable for quite sometime now, since I started my 11 academy back in 2010.</p> <p>12 MR. COON: Do you have any job offers right 13 now or have you applied anywhere pending the outcome 14 of this right here?</p> <p>15 MS. LARA: I'm currently a case manager for a 16 law firm. And I'm just -- I'm completely bored there. 17 I'm trying to get back into -- you know, getting back 18 into something that I like to do. And that's pretty 19 much where I stand right now.</p> <p>20 MR. COON: I understand you said you had a 21 Master's degree?</p> <p>22 MS. LARA: Yes, sir.</p> <p>23 MR. COON: In what?</p> <p>24 MS. LARA: In criminal justice. And like I 25 said I have completed my ethics course and I have my</p>

1 certificates here with me.  
 2 MR. COON: That's all I have.  
 3 MR. KORN: Mr. Barncastle.  
 4 MR. BARNCASTLE: Mr. Vice Chairman, Ms. Lara,  
 5 it also states here that you gave favorable grades to  
 6 the trainee due to your ongoing relationship with him.  
 7 Were there performance evaluations that were  
 8 falsified? Tell us a little about that.  
 9 MS. LARA: Okay. I received a deputy -- or  
 10 Venable as my officer in training. And I can  
 11 sincerely and honestly tell you that I did not grade  
 12 him any different than I would have graded anyone  
 13 else. And I believe in the investigation that was  
 14 what was found, was that I didn't grade him favorably.  
 15 There was no discrepancies in regards to how  
 16 I was grading him. In fact, I mean I think, when he  
 17 was assigned to me, he had the most arrests than any  
 18 other field training officer he was assigned to.  
 19 We were recognized by the captain and by the  
 20 Criminal Investigations Division for our job  
 21 performance. We were even being looked at to do a  
 22 possible recruitment video for the department as far  
 23 as -- because of our job performance and how well we  
 24 were doing out there.  
 25 So to answer your question, sir, no, I did

1 not grade him in any kind of unfavorable manner.  
 2 MR. BARNCASTLE: You've answered my second  
 3 question that I had relating to what the investigation  
 4 surfaced. So thank you very much.  
 5 MS. LARA: You're welcome.  
 6 MR. KORN: Mr. Barncastle, apparently  
 7 Mr. Venable wanted to respond to you as well.  
 8 Mr. Venable.  
 9 MR. VENABLE: Yes, sir. I just wanted to add  
 10 in there I had -- during this whole time, I had  
 11 received a letter from my other FTOs saying that my  
 12 scores were high. It wasn't just her who made me  
 13 high. All of them graded me high. I just wanted to  
 14 add that.  
 15 MR. BARNCASTLE: Thank you.  
 16 MR. KORN: Other questions by the Board?  
 17 Anybody? A question that I have.  
 18 The penalty guidelines require four months  
 19 for lying. And your penalty that Mr. Medina  
 20 attributed was less. Do you have any idea why he  
 21 attributed less than our required guidelines?  
 22 MS. LARA: I can only assume, sir, that -- I  
 23 mean this was an act -- I don't think we imagined that  
 24 we would have to be up here, you know, coming before  
 25 Santa Fe or coming before a Board to disclose this to,

1 you know, anyone.  
 2 And I think if we would have known -- and I  
 3 think that Mr. Medina knew this. I think if we would  
 4 have known what the consequences of this could result  
 5 in, we would have disclosed this in the initial  
 6 internal investigation.  
 7 Not to mention that I think that Mr. Medina  
 8 does see the type of work ethic that we both have.  
 9 And I mean I don't really know why he decided to do  
 10 that. That's just something that happened I guess.  
 11 MR. KASSETAS: Can I ask one question.  
 12 MR. KORN: Chief Kassetas.  
 13 MR. KASSETAS: Just so I have this correct,  
 14 not to rehash it, but you're a training officer. That  
 15 gentleman is under your supervision for training  
 16 during this time period. Something develops, you're  
 17 initially approached, and an investigation is done by  
 18 your agency, correct?  
 19 MS. LARA: Correct.  
 20 MR. KASSETAS: And you both lied?  
 21 MS. LARA: Yes. Initially we did not  
 22 disclose --  
 23 MR. KASSETAS: Okay. Initially you lied?  
 24 MS. LARA: Uh-huh.  
 25 MR. KASSETAS: Then it rolls into some more

1 information by your roommate or someone living in your  
 2 home, additional information is presented, and then  
 3 you don't lie? It's re-engaged, the investigation,  
 4 and you're re-questioned and you choose to tell the  
 5 truth at that time?  
 6 MS. LARA: Well, at that time, being that I  
 7 was no longer an employee at the department, they did  
 8 not address any -- they did not let me know that the  
 9 internal investigation had been reopened so that I can  
 10 address the new allegations. And that's -- I mean  
 11 that's where I stand on that.  
 12 MR. KASSETAS: Okay.  
 13 MR. KORN: Yes, sir. Chief McCall.  
 14 MR. McCALL: What was the surrounding reason  
 15 for you leaving the department, was it this issue?  
 16 MS. LARA: No, sir. This issue -- this  
 17 matter had nothing to do with the reasons that I  
 18 resigned. I resigned for a whole different other  
 19 matter.  
 20 MR. COON: Was it a disciplinary matter that  
 21 you resigned over?  
 22 MS. LARA: No. I completed my two weeks.  
 23 And it was to my knowledge that I had left on good  
 24 terms when I had given my two-week resignation,  
 25 voluntary resignation.

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<p>1 MR. COON: But here you're telling us you 2 missed law enforcement so bad. 3 MS. LARA: I did. 4 MR. COON: But then you quit law enforcement 5 before it was ever resolved? 6 MS. LARA: Right. Well, there was a whole 7 separate matter that pertained to my resignation. 8 Quite honestly I had approached the department with an 9 issue that I was having. I went to the major and to 10 the undersheriff. 11 It was a supervisor and I wanted to pursue a 12 serious personal relationship. And we wanted to see 13 how that could be accommodated. The undersheriff 14 called us both in. And again this is a matter that we 15 took to them. 16 The undersheriff told us that, in order for 17 us to continue on with a personal relationship, one of 18 us would have to resign. So I talked to my family 19 about this. I talked to -- we talked to the 20 undersheriff again. 21 We tried to see, you know, if there was 22 anything they can do to help us, because in the past 23 they had accommodated other people. Unfortunately the 24 undersheriff told both of us that one of us has to 25 make the decision to leave in order for us to continue</p>	<p>1 on with the relationship. 2 I'm in a position in my life right now where 3 I need to have that balance professionally and 4 personally. So I decided that it would be me that 5 would resign because he had more time at the 6 department. 7 In turn I resigned. I started looking for 8 employment. I was all excited about my relationship 9 and also about finding a new job. I mean I'm educated 10 and I think that I could be a valuable asset to any 11 department. That was my mentality. 12 And like I said I found this temporary job 13 that I'm at right now to kind of have an income until 14 I can find something better. And then that's when -- 15 a month and a half to two months later was when I 16 received information that the Notice of Contemplated 17 Action had been imposed and whatnot. So that's what 18 happened as far as my resignation goes. 19 MR. COON: You confused me here. You had a 20 relationship with somebody else in the department? 21 MS. LARA: Yes. 22 MR. COON: Other than Mr. Venable? 23 MS. LARA: Yes. They were at completely 24 different times. 25 MR. KORN: Anything else? Any member of the</p>
<p style="text-align: right;">Page 88</p> <p>1 Board? Ms. Lara, thank you very much for appearing 2 before us. 3 MS. LARA: Thank you. 4 ITEM NO. 19: ANGEL LUNA 5 MR. KORN: Moving along, we're into 6 cautionary letters. Number 19 Angel Luna. Is 7 Mr. Luna here? 8 ITEM NOS. 20 AND 21: GUILLERMO RUIZ AND MICHAEL 9 WALDROP 10 MR. KORN: Moving to letters of no action, we 11 have Guillermo Ruiz and Michael Waldrop. Are any of 12 those two parties here? And, sir, you are? 13 MR. RUIZ: Guillermo Ruiz. 14 MR. KORN: Sir, would you like to appear 15 before the Board? 16 MR. RUIZ: My name is Guillermo Ruiz. I'm a 17 lieutenant with the Dona Ana County Sheriff's 18 Department. I've been a law enforcement officer for 19 23 years. First of all, I would like to thank the 20 Board for the opportunity to speak. 21 The matter that's been presented to the Board 22 involving me has been the subject of two hearings. 23 The first was before the Dona Ana County Manager who 24 found no dishonesty nor insubordination and, 25 therefore, that no disciplinary action was warranted</p>	<p style="text-align: right;">Page 89</p> <p>1 at that time. 2 The second hearing took place in an informal 3 setting with Director Louis Medina in Santa Fe. 4 Director Medina carefully considered the evidence 5 before me, asked a number of questions, and determined 6 that a letter of no action was the appropriate 7 response. I respectfully request that the Board 8 follow his recommendation here today. 9 I thank the Board for its time and 10 consideration. And I regret any actions I have taken 11 to let the Board and Director Medina to spend on this 12 matter as I know you are tasked with many important 13 issues to address. 14 MR. KORN: Thank you, sir. Are there 15 questions from the Board? 16 MR. COON: Yes, sir. 17 MR. KORN: Sheriff Coon. 18 MR. COON: Reading down here, it says, "When 19 questioned by a supervisor, the Respondent was 20 untruthful by telling the supervisor that he had a 21 required certification. But when told to provide a 22 copy of the certification, he told the supervisor that 23 he couldn't find it." Did you lie? 24 MR. RUIZ: No. 25 MR. COON: Did you find it?</p>

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<p>1 MR. RUIZ: No. I never did. If you want, I 2 can provide you with the letter. I've got five 3 copies.</p> <p>4 MR. COON: Sure.</p> <p>5 MR. KORN: Thank you.</p> <p>6 MR. COON: Are you currently still employed?</p> <p>7 MR. RUIZ: Yes, sir.</p> <p>8 MR. KASSETAS: Can I ask you what that 9 certification is?</p> <p>10 MR. RUIZ: Yes, sir. It is the STEP 11 certification. The majority of my career was spent as 12 an undercover narcotics agent. So early on in my 13 career, it was my understanding that I had taken the 14 STEP class.</p> <p>15 I have an affidavit that was provided to the 16 Board -- or I'm sorry. To the Director, an affidavit 17 from the person who taught me the class or allegedly 18 taught me the class. That was signed upon their 19 asking me if I had this certification. I was not sure 20 if I had it.</p> <p>21 In the manner that I was confronted by the 22 captain, if I had it or not, was somewhat 23 confrontational and intimidating at the time. Being 24 through -- having been through a divorce and not 25 knowing where a lot of my property was currently at</p>	<p>1 and not having a stack of certificates, I wasn't sure 2 if I really had that certification or not.</p> <p>3 That's why my responses were yeah, I think 4 I've got it, I'm not sure if I have it, let me check 5 my stuff. I went to the sheriff with this directly on 6 the day I got confronted. The sheriff says I don't 7 even know where my stuff is at, but just take another 8 class. No big deal.</p> <p>9 I rarely work uniform. In fact, the only 10 reason why I wanted to work in uniform is for -- like 11 everyone else, for overtime opportunities. So I 12 immediately signed up. This confrontation occurred on 13 August 6th when I was asked if I had this 14 certification.</p> <p>15 I believe by August 9th or August 10th I 16 completed a STEP class in Ruidoso that same year, just 17 a couple days. Three days after. And I can tell you 18 here today and the Board, when I walked into that 19 class, I knew I had not taken that certification at 20 that time because it was a longer class.</p> <p>21 The only certification, if any, for a class 22 that it was my understanding that I had obtained early 23 nineties, here you go, this is what we're going to do, 24 this is what we're doing, here is your hat, your 25 Traffic Safety Bureau hat, that kind of stuff, you're</p>
<p>1 good to go.</p> <p>2 And I had worked -- after leaving narcotics, 3 I had worked these grants before, these checkpoints, 4 STEP operation before after being asked to work them 5 under a different supervisor and stuff. And so I 6 thought I was always fine, that I had my 7 certification.</p> <p>8 But I do tell you here today, when I walked 9 in that STEP class in Ruidoso, I knew it, I'm like I 10 have not taken this class. So I was mistaken, I was 11 not dishonest about it. I made an error. I should 12 have used better judgment as a supervisor to make sure 13 that I had the proper training or whatever the 14 requirements were. I never intended to deceive 15 anyone.</p> <p>16 MR. KASSETAS: Can I just follow up real 17 quick with one more question. The hours you worked on 18 those projects, did you work and issue citations and 19 was it 10-8 time?</p> <p>20 MR. RUIZ: Yes. Absolutely. 10-8 time, I 21 met my quotas, I did everything. The fact, you know, 22 the background on that, Traffic Safety Bureau was 23 never affected. They never wanted me to pay it back, 24 although I was threatened by a captain that I needed 25 to pay it back in prison time. But that never</p>	<p>1 occurred.</p> <p>2 MR. KASSETAS: Let me just back up. All I 3 want to know is, from the period of whatever time the 4 project started to whatever time it ended, you're 5 telling the Board that you were engaged in the 6 activity that was in support of that particular grant, 7 you were doing that work, you were enforcing whatever 8 the STEP project was, be it citations or for seatbelts 9 or whatever?</p> <p>10 MR. RUIZ: Sure.</p> <p>11 MR. KASSETAS: You did that? We're not 12 talking about defrauding the agency for any time, 13 claiming too much time, or claiming citations that 14 weren't written, correct? We're good there, right?</p> <p>15 MR. RUIZ: Absolutely. We're good there.</p> <p>16 MR. KASSETAS: That's all I wanted to know.</p> <p>17 MR. RUIZ: I mean I worked the time. You 18 know, I remember I worked it two or three hours at a 19 time maybe for a couple, three or four months. Not 20 every day, of course, because my normal job is in 21 plainclothes anyway.</p> <p>22 MR. KASSETAS: Thank you.</p> <p>23 MR. KORN: Any other questions from the 24 Board? Anybody? Sir, thank you very much. Anything 25 else you want to say?</p>
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<p>1 MR. RUIZ: No. I appreciate the time. Thank 2 you. 3 MR. KORN: Thank you for coming before us. 4 Moving along, Mr. Waldrop is not in the room 5 I take it? Okay. 6 ITEM NO. 22A: NICHOLAS ZEPADA 7 MR. KORN: Next is No. 22A, Nicholas Zepada. 8 Mr. Zepada, are you in the room? Okay. 9 That concludes all of the informal hearings 10 and the other matters. 11 ITEM NOS. 23, 24, 25, AND 26: ANDREW CHAPA, LOUIS 12 REYNOLDS, ANTHONY RIVERA, AND TANK GUENTHER 13 MR. KORN: Now we're into the formal 14 hearings, item Nos. 23 through 26. It's not our 15 custom nor is it part of our rules to accept any 16 further testimony or discussion about those four 17 cases. 18 So we have reached the end of the misconduct 19 portion. And usually we discuss adding the misconduct 20 case agenda item at the end. But we might dispense 21 with that today I think. 22 MR. REYNOLDS: Okay. So, Mr. Chair, with 23 that said I think your motion here today would be to 24 invite a Member to make the motion to go into 25 executive session pursuant to NMSA Section 10-15-1H(1)</p>	<p>1 to discuss the licensing matters listed as Nos. 6 2 through 26 on the agenda. 3 MR. KORN: Thanks for clarifying our motion. 4 Do we have a motion as Mr. Reynolds has 5 suggested? 6 MR. COON: So moved. 7 MR. KORN: A motion by Mr. Coon. 8 MR. BARNCASTLE: I'll second. 9 MR. KORN: A second by Mr. Barncastle. And 10 we'll take a voice vote. 11 MR. REYNOLDS: No. I'm sorry. Mr. Chair, 12 this needs a roll call vote. 13 MR. KORN: A roll call. So if we could, 14 Monique, please call the roll. 15 MS. LOPEZ: Pat Barncastle. 16 MR. BARNCASTLE: Yes. 17 MS. LOPEZ: Chief Kassetas. 18 MR. KASSETAS: Yes. 19 MS. LOPEZ: Sheriff Coon. 20 MR. COON: Yes. 21 MS. LOPEZ: Chief Betz. 22 MR. BETZ: Here. 23 MS. LOPEZ: Chief McCall. 24 MR. McCALL: Yes. 25 MS. LOPEZ: Jaime Quezada.</p>
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<p>1 MR. QUEZADA: Yes. 2 MS. LOPEZ: Nate Korn. 3 MR. KORN: Yes. 4 So let the record reflect it's unanimous. So 5 we'll take a recess to work through these. Usually 6 these matters take half an hour to an hour I think 7 given what we have. And so we would ask you to clear 8 the room and we'll be deciding. 9 (Recess from 11:20 a.m. to 2:10 p.m.) 10 MR. KORN: The Law Enforcement Academy Board 11 will resume. I want to welcome you all back. I 12 suppose the first order of business is for me to 13 apologize for the errors in my time estimations. I'm 14 very sorry. I thought it would go a little bit more 15 swiftly. 16 You can tell that this Board is very detail 17 oriented. We give every single case as much time as 18 we think it takes to properly adjudicate it. So we're 19 trying to do the best job. But with that backdrop, 20 I'm very sorry for the inconvenience that I may have 21 caused people in my wrong timing. 22 So with that having been said, we'll begin 23 with the resolutions of the misconduct. We'll begin 24 on item No. 6. And I'll first ask do we have a motion 25 for items -- okay. I've been reminded.</p>	<p>1 We should probably call ourselves back into 2 session with a roll call. So can we do it the same 3 way that we did it this morning with our chairman, 4 Mr. King. We'll start from the right with 5 Mr. Quezada. Can you announce yourself and announce 6 your presence. 7 MR. QUEZADA: Jaime Quezada, Las Cruces 8 Police Department, representing the line officers. 9 MR. BETZ: Harry Betz, Santa Ana Police 10 Department, tribal. 11 MR. BARNCASTLE: Pat Barncastle representing 12 the District Attorney's Office, and I'm out of 13 Roswell. 14 MR. COON: Rob Coon, Sheriff, Chaves County, 15 representing the sheriffs. 16 MR. KORN: Nate Korn, I'm one of the two 17 citizen representatives. 18 MR. McCALL: Chris McCall, Hobbs Police 19 Department, representing the chiefs of police. 20 MR. KASSETAS: Pete Kassetas, Chief of the 21 State Police, representing State Police. 22 MR. KORN: So now we're officially back in 23 session. Thank you, Sheriff Coon. 24 MR. REYNOLDS: Mr. Vice Chair, just one other 25 legal cleanup. Let the record reflect that only those</p>

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<p>1 items identified in the motion to go into executive 2 session were actually discussed in the executive 3 session. 4 MR. KORN: Thank you, Mr. Reynolds. 5 And now we'll begin with items Nos. 6 through 6 10. Do I have a motion from the Board? 7 MR. BARNCASTLE: Mr. Chairman, I'd like to 8 make a motion to approve the default orders of 9 revocation for agenda item Nos. 6 through 10 as 10 recommended by the Director. 11 MR. KORN: We have a motion. Do we have a 12 second? 13 MR. COON: I'll second. 14 MR. KORN: A second by Sheriff Coon. All in 15 favor signify by saying aye. 16 (Those in favor so indicate.) 17 MR. KORN: All opposed nay. Let the record 18 reflect that we are unanimous. 19 MR. KASSETAS: Mr. Chairman, I would like to 20 point out that I recused myself from Nos. 6 and 8. 21 MR. KORN: Correct. For item Nos. 6 and 8, 22 Chief Kassetas had recused himself during our 23 deliberations. Thank you. 24 Next would be item No. 11, Teresa Lemon. Do 25 I have a motion?</p>	<p>1 MR. BETZ: Mr. Chairman, I'd like to make 2 motion to reject the former Director's recommendation 3 and refer it back to our new Director for further 4 action. 5 MR. KORN: A motion by Chief Betz. Is there 6 a second? 7 MR. QUEZADA: I'll second that. 8 MR. KORN: Seconded by Mr. Quezada. All in 9 favor signify by saying aye. 10 (Those in favor so indicate.) 11 MR. KORN: All opposed nay. Let the record 12 reflect that it was unanimous in the ayes. 13 The next item would be item No. 12, James 14 Aguilar. Do we have a motion? 15 MR. McCALL: Mr. Vice Chairman, I would make 16 a motion to reject the approval of suspension of 17 Mr. Aguilar and return it to the Director for further 18 action. 19 MR. KORN: A motion to reject and to return 20 it to the Director for future action. Is there a 21 second? 22 MR. BETZ: I'll second. 23 MR. KORN: A second by Chief Betz. All in 24 favor signify by saying aye. 25 (Those in favor so indicate.)</p>
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<p>1 MR. KORN: All opposed nay. Let the record 2 reflect that the motion was unanimously carried. 3 Next would be item No. 13, Robert Rosales. 4 Is there a motion? 5 MR. QUEZADA: Mr. Chairman, I would like to 6 make a motion to accept the Director's recommendation. 7 MR. KORN: Is there a second? 8 MR. BARNCASTLE: I'll second it. 9 MR. KORN: A second by Mr. Barncastle. All 10 in favor signify by saying aye. 11 (Those in favor so indicate.) 12 MR. KORN: All opposed nay. Let the record 13 reflect that the ayes carried it unanimously. 14 Next would be item 14, Joseph Lopez. 15 MR. COON: Mr. Chairman, I make a motion that 16 we accept the Director's recommendation but make it 17 effective after he brings us proof that he is in an 18 A.A. program and bring that documentation to the 19 Director with documentation. 20 MR. KORN: So the motion would be an approval 21 conditioned upon Mr. Lopez presenting evidence that he 22 attended the classes in A.A. that he said he did? 23 MR. COON: Yes. 24 MR. KORN: Is there a second? 25 MR. BETZ: I'll second.</p>	<p>1 MR. KORN: Second by Chief Betz. All in 2 favor signify by saying aye. 3 (Those in favor so indicate.) 4 MR. KORN: All opposed nay. Let the record 5 reflect that the Board was unanimous in approving 6 that. 7 Next would be item No. 15, Augustine Lucero. 8 Is there a motion? 9 MR. KASSETAS: I would like to make a motion, 10 Mr. Vice Chair, that we accept the Director's 11 recommendation, realizing that mitigating 12 circumstances exist which reduce the penalty from the 13 standard guidelines. 14 MR. KORN: We have a motion by Chief Kassetas 15 to accept the recommendation. Do we have a second? 16 MR. BARNCASTLE: I'll second it. 17 MR. KORN: A second by Mr. Barncastle. All 18 in favor signify by saying aye. 19 (Those in favor so indicate.) 20 MR. KORN: All opposed nay. Let the record 21 reflect that the ayes carried it unanimously. 22 Next is Angelo Romo. Do we have a motion? 23 MR. COON: Mr. Chairman, I would like to make 24 a motion that we reject the former Director's 25 recommendation and return it to the new Director for</p>

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<p>1 further investigation.  2 MR. KORN: We have a motion. Do we have a  3 second?  4 MR. McCALL: Second.  5 MR. KORN: A second by Chief McCall. All in  6 favor signify by saying aye.  7 (Those in favor so indicate.)  8 MR. KORN: All opposed nay. Let the record  9 reflect that the motion carried unanimously with the  10 ayes.  11 Next would be No. 17, that's Donald Venable.  12 Do we have a motion?  13 MR. QUEZADA: Yes. I would like to make a  14 motion not to accept the former Director's  15 recommendation and return it back to the Director at  16 this time.  17 MR. KORN: The motion was to reject it and  18 return it to the Director. Does the Director have  19 something to say to us?  20 MR. JONES: Mr. Vice Chair, yes, I do. I  21 have a new stipulated order of suspension of four  22 months for Mr. Venable for his actions.  23 MR. QUEZADA: I would like to make a motion  24 to accept the Director's recommendation.  25 MR. KORN: A motion to accept the four months</p>	<p>1 that the current Director is now proposing. Is there  2 a second?  3 MR. BETZ: I'll second.  4 MR. KORN: A second by Chief Betz. All in  5 favor of accepting the current stipulated order as  6 dictated by Director Jones indicate by saying aye.  7 (Those in favor so indicate.)  8 MR. KORN: All opposed say nay. Let the  9 record reflect that the ayes are unanimous.  10 Next is No. 18, that's Vanessa Lara-Zamora.  11 Do I have a motion?  12 MR. QUEZADA: I would like to make a motion  13 on that one, Mr. Chairman, also to reject the former  14 Director's recommendation and refer it over to the new  15 Director for follow-up.  16 MR. KORN: Director Jones, do you have  17 something to say?  18 MR. JONES: Mr. Vice Chair, I have a new  19 stipulated order of six months for Ms. Lara.  20 MR. KORN: And based on Director Jones'  21 recommendation for a six-month stipulated order, do  22 you have a motion?  23 MR. QUEZADA: Yes. I would like to make a  24 motion to accept the Director's recommendation.  25 MR. BARNCASTLE: I'll second.</p>
<p>Page 104</p> <p>1 MR. KORN: We have a motion to accept and a  2 second by Mr. Barncastle. All in favor signify by  3 saying aye.  4 (Those in favor so indicate.)  5 MR. KORN: All opposed nay. Let the record  6 please reflect that the ayes carried it unanimously.  7 Next would be item No. 19, Angel Luna. Do we  8 have a motion?  9 MR. BETZ: Mr. Chairman, I would like to make  10 a motion to go ahead and accept the Director's  11 recommendation and approve the letter of caution.  12 MR. KORN: We have a motion. Do we have a  13 second?  14 MR. QUEZADA: I'll second that.  15 MR. KORN: A second by Mr. Quezada. All in  16 favor signify by saying aye.  17 (Those in favor so indicate.)  18 MR. KORN: All opposed nay. Let the record  19 reflect the ayes carried it unanimously.  20 Next would be item No. 20, Guillermo Ruiz.  21 MR. COON: Mr. Chairman, I would like to make  22 a motion to accept the Director's recommendation of a  23 letter of no action.  24 MR. KORN: The motion is made. Is there a  25 second?</p>	<p>Page 105</p> <p>1 MR. McCALL: I'll second.  2 MR. KORN: A second by Chief McCall. All in  3 favor signify by saying aye.  4 (Those in favor so indicate.)  5 MR. KORN: All opposed nay. Let the record  6 reflect the ayes carried it unanimously.  7 Next would be item No. 21, Michael Waldrop.  8 Is there a motion?  9 MR. BETZ: Mr. Chairman, I would like to make  10 a motion to reject the former Director's  11 recommendation on the letter of no action and refer it  12 back to the new Director for further action.  13 MR. KORN: Is there a second on that?  14 MR. COON: I'll second.  15 MR. KORN: Seconded by Sheriff Coon. All in  16 favor signify by saying aye.  17 (Those in favor so indicate.)  18 MR. KORN: All opposed nay. Let the record  19 reflect the ayes are unanimous.  20 Next would be item No. 22A, Nicholas Zepada.  21 Do we have a motion?  22 MR. McCALL: Mr. Chairman, I would like to  23 make a motion to reject Mr. Zepada's request for  24 reinstatement of his certification.  25 MR. KORN: A motion to reject the request for</p>

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<p>1 certification. Do we have a second?  2 MR. COON: I'll second.  3 MR. KORN: Seconded by Sheriff Coon. The  4 motion was by Chief McCall. All in favor indicate by  5 saying aye.  6 (Those in favor so indicate.)  7 MR. KORN: All opposed nay. Let the record  8 reflect the ayes are unanimous.  9 MR. KASSETAS: Mr. Chairman, I would like to  10 note for the record that I recused myself on that  11 particular item.  12 MR. KORN: Let the record reflect that  13 Sheriff Kassetas did recuse himself from consideration  14 on that item.  15 MR. KASSETAS: Chief Kassetas.  16 MR. KORN: What did I say? Sorry. I don't  17 know if that's a promotion or a demotion.  18 MR. COON: It's a demotion.  19 MR. KORN: Okay. Next would be Andrew Chapa,  20 item No. 23. Is there a motion?  21 MR. BARNCASTLE: Mr. Chairman, I would like  22 to make a motion to accept the Hearing Officer's  23 recommendation as listed in this matter.  24 MR. KORN: A motion to accept the Hearing  25 Officer's recommendation. Is there a second?</p>	<p>1 MR. McCALL: Second.  2 MR. KORN: Seconded by Chief McCall. All in  3 favor signify by saying aye.  4 (Those in favor so indicate.)  5 MR. KORN: All opposed nay. Let the record  6 reflect that the ayes have carried it unanimously.  7 Number 24, Louis Reynolds. Is there a  8 motion?  9 MR. McCALL: A motion to accept the Hearing  10 Officer's findings and recommendations and request  11 that the Board move for revocation.  12 MR. KORN: So the motion is to accept the  13 Hearing Officer's recommendation and revoke the  14 certification of Mr. Reynolds. Is there a second?  15 MR. BARNCASTLE: I'll second that.  16 MR. KORN: Seconded by Pat Barncastle. All  17 in favor signify by saying aye.  18 (Those in favor so indicate.)  19 MR. KORN: All opposed. Let the record  20 reflect that the Board is unanimous revoking  21 Mr. Reynolds' certification.  22 Next is item No. 25, Anthony Rivera.  23 MR. KASSETAS: Mr. Chairman, I would like to  24 make a motion to accept the Hearing Officer's  25 recommendation and findings of dismissal.</p>
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<p>1 MR. KORN: So the motion is to accept the  2 findings of the Hearing Officer in dismissing the  3 action against Mr. Rivera. Is there a second?  4 MR. QUEZADA: I'll second that.  5 MR. McCALL: I'll second.  6 MR. KORN: A second by Chief McCall and  7 Mr. Quezada. All in favor indicate by saying aye.  8 (Those in favor so indicate.)  9 MR. KORN: All opposed nay. Let the record  10 reflect that the ayes are unanimous.  11 Finally item No. 26, Tank Guenther. Is there  12 a motion?  13 MR. QUEZADA: Mr. Chairman, I would like to  14 make a motion that we accept the Hearing Officer's  15 findings and the recommendation to move forward with  16 the revocation of his certification.  17 MR. KORN: So the motion is to accept the  18 recommendation and to revoke the certification of Tank  19 Guenther. All those in favor indicate by saying aye.  20 (Those in favor so indicate.)  21 MR. KORN: All opposed nay. Let the record  22 reflect that the ayes are unanimous and the revocation  23 is found to be the case.  24 That concludes the misconduct portion of the  25 Law Enforcement Academy Board for today. We will</p>	<p>1 resume with Chairman King.  2 ITEM NO. 27: DIRECTOR'S REPORT  3 MR. KING: Okay. The next item on the agenda  4 is item No. 27, the Director's report. Director  5 Jones, the floor is yours.  6 MR. JONES: Attorney General King, Vice Chair  7 Korn, ladies and gentlemen, I'd like to submit the  8 Director's report to the Law Enforcement Academy  9 Board.  10 Since April 2013 it's been a very busy place.  11 What I'd like to do is there should be one of these in  12 each one of your packets so that you can have it to  13 read. The New Mexico Law Enforcement Academy has  14 started a class with 48 participants. We're down to  15 40 with anticipation of a graduation on December 20th.  16 As of this time right now, there are  17 approximately 62 people that will be receiving  18 certifications. If they continue along the lines of  19 what they're doing with the different law enforcement  20 academies that we have, they will graduate before  21 January 2014.  22 As we move forward and we look at some of the  23 things that the academy has done, the academy  24 instructor, Elliott Guttman, has put together a  25 couple of great lessons, lesson plans, that he's</p>

<p style="text-align: right;">Page 110</p> <p>1 designed and developed for training in the basic  2 course in preparation and leaning forward to the  3 16-week academy that we're going to have.  4 He's worked towards assisting the New Mexico  5 State Police Academy class, the Hobbs Academy police  6 officer class, working with Santa Fe's DA's Office to  7 teach courtroom testimony and legal updates for DA  8 investigators throughout the state of New Mexico.  9 A summary of advanced training and service  10 training, there were 352 students since April that  11 have received advanced training, which amounts to  12 about 5,274 hours that have been taught throughout the  13 State of New Mexico at different places and different  14 times.  15 We have established and worked on train the  16 trainer for our general instructor courses, especially  17 for our defense tactics. We've done several courses  18 of that throughout the State.  19 We've attended several firearms instructor  20 courses, one of which was put on by the New Mexico  21 State Police that we were fortunate to be able to  22 attend and send a couple of our instructors to.  23 We've provided defense tactics and  24 use-of-force training to New Mexico Law Enforcement  25 Basic 186 class and done some preparation for the</p>	<p style="text-align: right;">Page 111</p> <p>1 shortened academy that we intend to do in January.  2 Personnel changes in the New Mexico Law  3 Enforcement Academy is we've had administrative  4 assistant Selena Trujillo that resigned August 9th.  5 The New Mexico Department of Public Safety HR posted  6 this position on September 6th. Sergeant Fred Jasler  7 from Special Investigations Division applied and  8 accepted the position as an instructor at the New  9 Mexico Law Enforcement Academy.  10 The New Mexico Department of Public Safety HR  11 has established a 30-day job posting for three  12 instructors. That will end this Friday. There have  13 been 35 candidates apply.  14 We're very, very fortunate that we're looking  15 at candidates now from the State of New Mexico. But  16 these candidates are police officers that have ten,  17 12, 15 years in a department and are looking to make a  18 change in their career, looking to make a change in  19 law enforcement in general across the State of New  20 Mexico.  21 So we're very fortunate that the Academy  22 Board, the agencies that assist us in the things that  23 we're doing right now, have changed the face of the  24 academy. And people are wanting to come up there and  25 go to work and make a difference in lives and what we</p>
<p style="text-align: right;">Page 112</p> <p>1 do.  2 What I'd like to do is draw everybody's  3 attention to the last page of the Director's report.  4 The New Mexico Law Enforcement Academy would like to  5 recognize several agencies that have assisted with the  6 training at the New Mexico Law Enforcement Academy.  7 It must be acknowledged and documented that  8 the New Mexico Law Enforcement Academy could not  9 produce the dynamic reality-based training and  10 high-intensity scenario development that is being  11 performed without the assistance of these agencies and  12 other academies.  13 The Alamogordo Police Department, Albuquerque  14 Police Department and the Albuquerque Police Academy,  15 Bernalillo County Sheriff's Department, Hobbs Police  16 Department, New Mexico State Police, New Mexico State  17 Police Academy, Roswell Police Department, Santa Fe  18 Police Department, Santa Fe County Sheriff's  19 Department, San Juan County Criminal Justice Academy,  20 San Juan Communication Authority, and Southeastern New  21 Mexico Law Enforcement Academy.  22 In recognition and appreciation of their  23 personnel and their exceptional leadership, knowledge  24 of tactics and techniques, firearms communications,  25 and devotion to the profession of arms in supporting</p>	<p style="text-align: right;">Page 113</p> <p>1 the New Mexico Law Enforcement Academy and the basic  2 officer training program, the staff of the New Mexico  3 Law Enforcement Academy express their most sincere  4 thanks.  5 They are diligent in their efforts and are  6 vital to the success of the New Mexico Law Enforcement  7 Academy. We can't do it without them. So we want  8 them to be recognized and everybody to know that they  9 do an outstanding job for us.  10 This is respectfully submitted to the New  11 Mexico Law Enforcement Academy Board. Do you have any  12 questions, sir?  13 MR. KING: Questions? Okay.  14 MR. KORN: I would just like to make a  15 comment. I have made this before. But, Director  16 Jones, I've noticed great forward strides since you  17 have assumed leadership. And I thank you for what you  18 are doing here and for bringing all the other agencies  19 together.  20 I guess your cohesiveness is one of the  21 things I see the most. You're communicating with  22 every one of our satellites, you're communicating with  23 the agencies around the State. And you can see that  24 already it's making a big difference. So thank you.  25 MR. JONES: Thank you.</p>

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1 MR. KING: Thank you, Mr. Jones.  
 2 MR. JONES: Thank you, sir.  
 3 ITEM NO. 28: PUBLIC COMMENT  
 4 MR. KING: The next item on the agenda is  
 5 No. 28, public comment. I don't know if anybody  
 6 signed up for public comment or if we have anyone.  
 7 MR. REYNOLDS: Mr. Chairman, I don't have  
 8 anybody on the list. Everybody who was on the list  
 9 was for making comments on the rulemaking. I don't  
 10 have anybody on the list otherwise.  
 11 ITEM NO. 29: RATIFICATION OF CERTIFICATIONS FOR LAW  
 12 ENFORCEMENT OFFICERS  
 13 MR. KING: Okay. So not seeing anybody else  
 14 that's raising their hands, we'll move on to the next  
 15 item, item No. 29, ratification of certifications for  
 16 law enforcement officers. And I'm hoping that  
 17 somebody has the list to make the motion.  
 18 I don't think that there's any real  
 19 discussion that's needed. Usually I just have  
 20 somebody move the list of officers to be certified,  
 21 yes?  
 22 MR. REYNOLDS: Yeah. I think you have  
 23 certification numbers. I would have one motion for  
 24 one number all the way through the last number for all  
 25 of them.

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1 MR. KING: Item No. 30, ratification of  
 2 certifications for public safety telecommunicators.  
 3 MR. KORN: Mr. Chairman, I would make the  
 4 motion to accept the certifications for item  
 5 Nos. 13-0029-PST up through and including 13-0057-PST.  
 6 MR. KING: Okay.  
 7 MR. McCALL: I'll second.  
 8 MR. KING: All in favor say aye.  
 9 (Those in favor so indicate.)  
 10 MR. KING: All opposed. So we have adopted  
 11 the ratification of certifications for public safety  
 12 telecommunicators included in item No. 30. Thank you.  
 13 ITEM NO. 31: DISCUSSION - IN-SERVICE TRAINING  
 14 REQUIREMENTS  
 15 MR. KING: The next item is item No. 31,  
 16 discussion of in-service training requirements.  
 17 Mr. Guttman.  
 18 MR. GUTTMANN: Yes, sir. Thank you. Elliott  
 19 Guttman is my name. And I did give you copies of  
 20 this proposal, Improving Law Enforcement In-Service  
 21 Training.  
 22 Attorney General King, Members of the Board,  
 23 thank you for allowing me to speak here today.  
 24 Actually part of the reason I'm here today is because  
 25 of the Board. I was here on June 17th of 2013 sitting

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1 MR. KORN: I'll make the motion.  
 2 Mr. Chairman, I would move the admission as  
 3 law enforcement officers from the list of item  
 4 Nos. 13-0047-P through 13-0190-P and 13-0192-P. And  
 5 in addition to that, item 01-0247-P and 00-0134-P.  
 6 In addition, item 04-0279-P and 04-0260-P.  
 7 And in addition, Nos. 06-0035-P, 89-0053-P, 81-0105-P,  
 8 03-0101-P, 01-0392-P, and 06-0059-P. So my motion  
 9 would be those numbers, that's my motion. Is there a  
 10 second?  
 11 MR. COON: I'll second it.  
 12 MR. KING: And I'll take that motion and  
 13 we'll look at the record. We have the list in front  
 14 of us. So we have a motion to accept or to ratify the  
 15 certifications of the law enforcement officers that  
 16 are included in your book, in item No. 29.  
 17 And we read the numbers to the best of our  
 18 knowledge. But we'll make sure that it covers all of  
 19 those numbers in the record.  
 20 All in favor signify saying aye.  
 21 (Those in favor so indicate.)  
 22 MR. KING: Any opposed. So those  
 23 ratifications are adopted.  
 24 ITEM NO. 30: RATIFICATION OF CERTIFICATIONS FOR  
 25 PUBLIC SAFETY TELECOMMUNICATORS

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1 here in this room.  
 2 And at that time Chief Shilling was right  
 3 there where you're sitting right now. And he was  
 4 really upset about the in-service training. And he  
 5 said right here, in front of all of us -- you know,  
 6 you could tell his frustration. We need to change it,  
 7 we need to fix it, we need to talk to legislators  
 8 about it, we need to do something about.  
 9 At that time I didn't realize he was going to  
 10 retire. I didn't know it. But I find it revealing  
 11 that one of the things that really concerned him as  
 12 he's ending his career is about the in-service  
 13 training.  
 14 In fact, you're going to find, as we talk  
 15 about it, I'm going to tell you what the problem is, I'm  
 16 going to tell you how we got there, and more  
 17 important, I'm going to give you some ideas of how to  
 18 go forward on it. I know you're familiar with it so I  
 19 won't go into too much detail.  
 20 But I want to say this morning we talked  
 21 about reducing the academy down to 16 weeks. And one  
 22 of the comments that didn't come out this morning, but  
 23 I think it summarizes what I'm hearing from  
 24 instructors over and over again in the basic academy.  
 25 They say, you know, with this class here,

<p style="text-align: right;">Page 118</p> <p>1 I've got to talk for eight hours but it's really only 2 a two-hour class. I hear that throughout the academy 3 I heard it from the instructors and the cadets. And 4 I'm very grateful that you decided to reduce the 5 academy. And also, Colonel Jones, for the work you 6 put on this.</p> <p>7 Chief Shilling said we need to fix it. On 8 our way back, Colonel Jones, Mr. Shea, we've all been 9 in law enforcement since the 1970s here in New Mexico. 10 Colonel Jones says, you know, he's absolutely right. 11 We need to get to work on it, we need to fix it.</p> <p>12 Here is the situation today. I've got the 13 New Mexico State Statutes right here. It's very 14 clear. Number 29-7-4, "Powers and Duties of the 15 Board." You're responsible for basic law enforcement 16 training and also for in-service training. That's 17 what the New Mexico State Statute says.</p> <p>18 But what happened -- and here is where the 19 problem starts to develop -- is over the years the 20 legislature with good intentions started adding things 21 to it. As you look on the first page, like on the 22 next page over, and all of a sudden it says -- well, 23 in addition, this is from the legislature. We need 24 domestic abuse training, child incident training, safe 25 pursuit training. So they kept adding requirements</p>	<p style="text-align: right;">Page 119</p> <p>1 with good intentions and they get it.</p> <p>2 One of the ways that we found this very 3 interesting, Mr. Shea -- and I don't know if he wants 4 to address you after I'm through here. We had one 5 person here that wanted to do something about the 6 mental illness training.</p> <p>7 What he did is he contacted the legislature. 8 He was concerned about soldiers coming back from 9 overseas that had post-traumatic stress, how do we 10 work with them and so forth.</p> <p>11 He went to the legislature. And he said now 12 that you have all these -- we've got a new 13 requirement. We have to do mental illness training. 14 And he's I believe a deputy secretary or deputy 15 cabinet secretary for Veterans Affairs.</p> <p>16 And he talked to Mr. Shea. He said I never 17 thought about going to the Board, it never occurred to 18 me. I went to the legislature, and the next thing I 19 found out it's locked into the legislature. Had I 20 known to come to the Board, I would have come here, I 21 would have presented it.</p> <p>22 On this one here, Colonel Jones said we need 23 to start to work on it. And so the first thing we did 24 is we sent out a survey, which Mark Shea sent out to 25 everyone. The responses came to me.</p>
<p style="text-align: right;">Page 120</p> <p>1 This is just part of it. But as you know, 2 and you have a summary of it, every single letter was 3 unanimous, the frustration about advanced training in 4 New Mexico.</p> <p>5 I got some surprises, though. One was the 6 tribal police, for example. They said a lot of our 7 training that we're required to take has nothing to do 8 with us. We have to take BIA training and so forth.</p> <p>9 The university police, UNM, and also New 10 Mexico State University, others would say, on our 11 police department, it's not the same training that 12 you're required if you're an Albuquerque police 13 officer or deputy over here or so forth. In other 14 words, the training today, it's required. And to a 15 lot of people, it doesn't apply to them.</p> <p>16 I should also add telecommunications, they 17 wrote me a letter that said don't forget us. Now we 18 have to take the State mandated training.</p> <p>19 Some of the remarks I would hear was like one 20 person said safe pursuit driving, I've taken this 21 class five or six times. It's the same class. I was 22 up at the academy where I work right now. I'm down in 23 one of the classrooms and there's a State Police 24 officer talking to me. It's in March.</p> <p>25 And he's going to take safe pursuit driving.</p>	<p style="text-align: right;">Page 121</p> <p>1 And he says, Elliott, four months ago in December I'm 2 taking the very same identical class, same instructor, 3 same slides. You've got people throughout New Mexico 4 that will tell you this.</p> <p>5 And I will tell you this as well, what we 6 talked about this morning was for the basic cadets or 7 State Police recruits. That's going to affect maybe 8 two, three, 400 cadets at the most.</p> <p>9 Here we're talking about 5,000 police 10 officers certified in New Mexico every two years have 11 to take the same thing. This is far bigger than what 12 we talked about this morning. What we did this 13 morning is very important. This affects far more 14 officers. It's also affecting training.</p> <p>15 We talked about, for example, safe pursuit 16 driving. In one of the letters I got from you, Chief, 17 from Hobbs -- I thank you for your letters. I got 18 letters from Lea County.</p> <p>19 I know down in Hobbs they just paid out 20 \$600,000 on a lawsuit involving safe pursuit driving. 21 Now I found out APD and BCSO did the very same thing 22 here in this county. They're going to be paying out a 23 lot of money up here.</p> <p>24 So it tells me the training that we're doing 25 now is not the most effective type of training. When</p>

1 I talk to officers and deputies, they like tune it  
 2 out, there it goes again, it's the same class.  
 3 Another comment I heard is hate crimes.  
 4 There is no hate crime in New Mexico, it's a  
 5 sentencing enhancement. And one of the letters said  
 6 it goes to sentencing, it's the same thing over and  
 7 over again.

8 In fact, out of the 40 hours of training  
 9 which this Board is responsible for, over half of it  
 10 is mandated classes that we're required to take every  
 11 cycle. Again done with good intentions. So I think  
 12 this is where we need to move forward. These are the  
 13 letters I got. Unanimous, they want change.

14 Colonel Jones and Mark Shea and I, we also  
 15 went down -- let me make sure I get the date right.  
 16 August 21st went to the sheriffs association. Sheriff  
 17 Coon, you were there in the audience.

18 And we said we need a proposal. We need to  
 19 either sunset these statutes that require the training  
 20 or just repeal it. Very simple. The above-named  
 21 statute needs to be repealed effective July 1, 2014.  
 22 We need something of that nature to do it. We went to  
 23 the sheriffs association. Sheriff Coon as you well  
 24 know is unanimous about it.

25 Also it was very emotional. Am I correct on

1 that, sir? It's very emotional, people felt strongly  
 2 about it. What I'm getting to some extent is what I  
 3 call the broken windows theory, where you don't fix  
 4 the broken windows and crime goes up in a  
 5 neighborhood.

6 It's the same with police officers who keep  
 7 saying when are we going to fix this, how do you fix  
 8 it. We've got a lot of emotion down there. They're  
 9 unanimous.

10 Also the sheriffs said, virtually all of them  
 11 said, look, we're all elected officials. This is not  
 12 a Democrat issue, Republican, liberal, conservative,  
 13 this is just efficiency versus inefficiency. We'll  
 14 work for change.

15 We can contact legislators, we can try to get  
 16 it changed. In other words, in the future, if you go  
 17 to legislature, they can refer it to the LEA Board,  
 18 which is statutorily bound to do so for all the  
 19 training. That was in Las Cruces, New Mexico, the  
 20 sheriffs association.

21 A week later Colonel Jones, Mark Shea, and  
 22 myself, we went to the New Mexico Association of  
 23 Chiefs of Police in Taos, New Mexico. Again it was  
 24 unanimous, very emotional. I thought we were going to  
 25 talk for ten or 15 minutes. We ended up talking for

1 45 minutes to an hour. That was the main topic. They  
 2 want changes here and you can see it.

3 I see how we got off track, because the  
 4 legislature with good intentions, all of a sudden,  
 5 you're going to have hate crimes come up. We have on  
 6 average one hate crime per year in New Mexico,  
 7 high-profile hate crime.

8 Once you put it in the state statutes, once  
 9 you put it in this book, it stays there forever. So  
 10 long after we all retire, it just stays there forever.  
 11 And each year they're going to keep adding more and  
 12 more and more until we enlighten people as to the fact  
 13 that there is a better way to do it through this  
 14 Board.

15 We're going suggest to you the following as  
 16 to where to go. The police were unanimous, the  
 17 sheriffs. In fact, I have yet to see anyone that said  
 18 we shouldn't reform. It's one of these issues like  
 19 let's just do it now.

20 Colonel Jones, I want to thank you, because  
 21 he went down, and just like Chief Shilling, let's fix  
 22 it. He's been after me like week after week, like  
 23 let's get on this. I appreciate that. I also  
 24 appreciate having Colonel Jones here. I think he's  
 25 just been fantastic.

1 I was set to retire. I was the senior  
 2 prosecutor here in New Mexico. I have 27 and a half  
 3 years here in Albuquerque. I went to work for the Law  
 4 Enforcement Academy, I got eight years there by now.  
 5 And it's kind of like the end of the trail.

6 Colonel Jones comes in the academy. I've got  
 7 to stay a little bit longer, because we're going to do  
 8 some things. And I've got to thank you for that, sir,  
 9 I really do. I was set to go in June with Mr. Holmes.  
 10 But after he came in, I said I've got to stay here.

11 This is one of the things I think we can make  
 12 happen. I would recommend this. And again I'm going  
 13 to open it up for discussion. Obviously the LEA Board  
 14 needs to take a position on it. I have a feel for  
 15 where you're going to go on this.

16 I think we need to get legislation hopefully  
 17 very quickly. We need someone to draft legislation.  
 18 It's fairly simple. The above statute needs to be  
 19 repealed.

20 I have sheriffs, I have police officers, and  
 21 I have chiefs telling me we will contact the  
 22 legislators far ahead of January. We don't want to  
 23 wait until January to go to Santa Fe, we can do that  
 24 now. Contact the legislators, because we feel this is  
 25 a win-win situation. It has to do with law



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<p>1 enforcement training.</p> <p>2 So this morning was about basic training.</p> <p>3 Now there's a much bigger issue of advanced training.</p> <p>4 And so that's where I would recommend we go here. The</p> <p>5 last time that I was here was June 17th, the last</p> <p>6 meeting.</p> <p>7 Mr. Korn, I know you were thinking the same</p> <p>8 thing I was, because I see you're on the same agenda,</p> <p>9 we have the very same thing. So I know you want to</p> <p>10 address this as well.</p> <p>11 I'd like to ask Colonel Jones or Mark Shea,</p> <p>12 they may want to follow me. Let me ask Mr. Mark Shea</p> <p>13 first, if I may. I want to keep it simple, I know</p> <p>14 it's been a long day for you. Mr. Shea, do you want</p> <p>15 to say something, perhaps address this? And perhaps</p> <p>16 Colonel Jones can finish. Then, of course, we'll take</p> <p>17 questions.</p> <p>18 MR. KING: Mr. Shea. Go ahead.</p> <p>19 MR. SHEA: Chairman, Mark Shea with the Law</p> <p>20 Enforcement Academy. Members of the Board, Elliott</p> <p>21 has really championed this cause based upon Chief</p> <p>22 Shilling's remarks.</p> <p>23 As part of the Advanced Training Bureau, my</p> <p>24 responsibility is providing that post-academy</p> <p>25 training. And in doing so I have a lot of</p>	<p>1 communication with officers, deputies, their</p> <p>2 commissioned personnel throughout the State including</p> <p>3 chiefs and sheriffs and department heads.</p> <p>4 And just to reinforce what Mr. Guttman has</p> <p>5 said, it's been a recurring theme from chiefs and</p> <p>6 sheriffs especially that the training that we provide</p> <p>7 and the very scarce training dollars that we have</p> <p>8 available to us at agency is not effectively being</p> <p>9 used, because more than half of our training</p> <p>10 requirements are statutorily required.</p> <p>11 What I come before the Board in support of</p> <p>12 what Elliott has presented to you is that it's very</p> <p>13 easy for us to say this needs to be changed. Where</p> <p>14 the rubber hits the road is contacting legislators,</p> <p>15 both as chiefs and sheriffs and department heads and</p> <p>16 as an Academy Board, to lobby them.</p> <p>17 My feeling is we should never go into a</p> <p>18 committee meeting at the legislature without knowing</p> <p>19 pretty much what each one of those committee members</p> <p>20 is going to vote. And in order to do that, we need to</p> <p>21 get a grass roots movement going on through the law</p> <p>22 enforcement community and contacting our legislators</p> <p>23 to make sure that they understand, to educate them as</p> <p>24 to what the needs are.</p> <p>25 Obviously, as has been pointed out earlier,</p>
<p>Page 128</p> <p>1 what happens in one part of the State is different</p> <p>2 from what happens in the another part of the State.</p> <p>3 The needs of that community are different from the</p> <p>4 needs of other communities.</p> <p>5 A big area is -- and we kind of addressed it</p> <p>6 in our last biennium, where we made suggestions on</p> <p>7 different levels of training, is the fact that you as</p> <p>8 chiefs and sheriffs, your job responsibilities are</p> <p>9 completely different from an officer or a deputy in</p> <p>10 the field that's stopping vehicles or answering calls</p> <p>11 for service.</p> <p>12 But we require the same mandatory training of</p> <p>13 you as a chief or a sheriff to attend the Safe Pursuit</p> <p>14 Act, to attend those types of trainings that really</p> <p>15 are not pertinent to your job.</p> <p>16 So our goal is to request the legislature to</p> <p>17 sunset this mandatory training and to put that</p> <p>18 responsibility of identifying the training that our</p> <p>19 individual communities need, put that back in the</p> <p>20 hands of the Board as the statute requires. I think</p> <p>21 that that will give us much better training, much more</p> <p>22 effective training, and enable us to use our training</p> <p>23 dollars much more effectively.</p> <p>24 So what we would like to do is, knowing that</p> <p>25 the legislature is going to look at this issue, a lot</p>	<p>Page 129</p> <p>1 of them don't understand what the needs are of law</p> <p>2 enforcement; and they're well-intentioned in what they</p> <p>3 do, we need to educate them as to the fact that once</p> <p>4 it's put into statute and it remains in statute, the</p> <p>5 need for that training may go away, but the statute</p> <p>6 does not.</p> <p>7 And again legislators also we feel will</p> <p>8 probably feel reluctant about feeling like they are</p> <p>9 giving up control of identifying what their local</p> <p>10 community needs are and addressing them if it may be a</p> <p>11 law enforcement training issue.</p> <p>12 Our proposal is going to be to sunset these</p> <p>13 laws that are on the books now. But also to speak to</p> <p>14 the legislators so that, if a constituent comes to</p> <p>15 them and says we've got a problem in our community,</p> <p>16 our sheriff's department, our municipal police</p> <p>17 department, whatever the agency that has jurisdiction</p> <p>18 in our community, they're not providing a service that</p> <p>19 we think that we need and we believe it's a training</p> <p>20 issue.</p> <p>21 What avenue does that leave the legislator?</p> <p>22 We are proposing that we create a system where the</p> <p>23 legislator can introduce a resolution to the</p> <p>24 legislature to push forward. And, if it passes, then</p> <p>25 that resolution would go to you, the Board, saying</p>

1 that the constituency has indicated that this is a  
2 training need and we are sending it to you, the Board,  
3 to decide how best to provide that training to our  
4 communities.

5 That way it is not in statute where it  
6 remains forever, it is in the hands of the Board under  
7 the administrative code. You can put that into the  
8 biennium in-service training.

9 Now, we've got a two-year cycle where, if  
10 it's not required again, it automatically sunsets. So  
11 that we can meet the training need, address the  
12 training need, and then once that need has been met,  
13 we can move on to other needs as they come.

14 We can also segment our training through the  
15 Board's approval to where command level staff may have  
16 different training requirements versus our  
17 mid-management staff versus our street officers to  
18 where they get the training they need to do their job  
19 rather than use the one-size-fits-all type of model.

20 And again, if there's regional training that  
21 needs to occur, where the southeast part of the State  
22 has an issue that needs to be addressed, the Board can  
23 tailor training through the in-service training so  
24 that that local need is met rather than again using  
25 the one size fits all.

1 So that's what we want to do, is to sunset  
2 these one-size-fits-all training requirements, make  
3 training more in tune with what our local law  
4 enforcement agencies need and what our local  
5 communities need, and do that through the Board  
6 mandating the training rather than the legislature  
7 putting training in the statutes. Thank you.

8 MR. JONES: Mr. Attorney General, I really  
9 don't have a whole lot more to add to this other than  
10 the fact that we're spending training dollars on  
11 things that our officers have already been trained on.

12 What we need to do is we need to look forward  
13 and look at those training requirements that are  
14 coming up because of different issues that are  
15 happening across the State and through our different  
16 regions of the State.

17 We would be glad to take any questions. I  
18 know Elliott needs to finish up up here. But this is  
19 important to us on the training side for law  
20 enforcement in the State of New Mexico, so we can  
21 start doing advanced training and using those dollars  
22 that we're spending now on things that are just  
23 reoccurring versus what is new and will save police  
24 officers' lives and better benefit our communities.  
25 Thank you, sir.

1 MR. KING: Thank you. Mr. Guttman.

2 MR. GUTTMANN: We'll take questions. If you  
3 have any, the three of us are here. Perhaps Mr. Korn  
4 might have some comments to make as well.

5 MR. KING: So I'm going to go to questions of  
6 the committee. And if Mr. Korn wants to boost up his  
7 item No. 34 and include it in this discussion, we can.  
8 We can talk about that.

9 MR. KORN: Sure. I can talk about that.

10 MR. GUTTMAN: I can try to answer any  
11 questions that you might have. I know you have three  
12 of us here to talk today. But any comments or  
13 questions I can take.

14 MR. KING: Okay. I think we'll have some.  
15 But I think what I'm going to do is I'm going to jump  
16 to item 34 and let Mr. Korn at least tell us what's on  
17 his item 34, and then we'll have a discussion on it.

18 ITEM NO. 34: TRAINING MANDATED BY LEGISLATION: BOARD  
19 ACTION TO INVESTIGATE EXTENT AND EFFECTIVENESS OF  
20 MANDATED TRAINING AND TO ESTABLISH METHODS TO BEST  
21 ACHIEVE TRAINING GOALS

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

24 And, Mr. Guttman, thank you for putting  
25 together such a good presentation. You pointed out

1 that it was Chief Shilling that kind of motivated you.  
2 And you're right. He made kind of an impassioned plea  
3 that last time that there are problems that exist.  
4 And that affected you.

5 And actually it affected me too. And I put  
6 item No. 34 together not knowing that you were putting  
7 together your own item. So we were kind of working in  
8 concert.

9 MR. GUTTMAN: Yes, sir.

10 MR. KORN: And I think what you've done is  
11 you've demonstrated the background of where the  
12 problem is and how it got to be where it's at. And my  
13 No. 34 was trying to look at the problem, how can we  
14 as a Board address it.

15 So my item No. 34 says "Training Mandated By  
16 Legislation," which is what we have, it's mandated to  
17 us. "Board action to investigate the extent and  
18 effectiveness of the mandated training and to  
19 establish methods to best achieve training goals."

20 Well, you've already done the first part. If  
21 the Board agrees, you've already investigated it.  
22 You've already talked to agencies around the State to  
23 see whether it's effective or not.

24 MR. GUTTMAN: Yes, sir.

25 MR. KORN: And I think, to nobody's huge

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<p>1 surprise, most law enforcement agencies think it's 2 very ineffective to have that.</p> <p>3 MR. GUTTMAN: Yes, sir.</p> <p>4 MR. KORN: And we were talking out in the 5 hall. And I don't know if you said this during your 6 presentation. But what you pointed out to me was very 7 impressive, that when we talk about changing the NMAC 8 rules to make the training down to 16 weeks, we're 9 affecting 100 cadets every six months.</p> <p>10 But your program, what you've come up with is 11 going to affect virtually 5,000, every one of our 12 officers that are always getting training. So I think 13 the work you've done is very, very forceful.</p> <p>14 MR. GUTTMAN: Thank you, sir.</p> <p>15 MR. KORN: I think, from the standpoint of 16 the Board, we've already examined this idea of 17 committees of our Board; where it's less than a 18 quorum, they can talk together, establish ideas, and 19 then come up with a plan to present to the Board as an 20 agenda item.</p> <p>21 So I think, from the Board's standpoint, what 22 I was going to propose, Mr. Chairman, is that we 23 consider a motion to enact a subcommittee of our 24 Board. And in anticipation of rounding this out, I've 25 spoken to John Gratton from our Board.</p>	<p>1 For those of you that aren't connected with 2 the Board, John Gratton is the president of New Mexico 3 State University in Carlsbad. And he's a man of great 4 esteem, both inside the law enforcement community and 5 without, within the State. He's a professional 6 educator of 35 years. He sits on the Board, but he's 7 also a doctor, you know, a Ph.D.</p> <p>8 And I've asked him if he would perhaps lead 9 our little subcommittee. I've spoken to Chief McCall 10 to ask if he might use his knowledge of legislators to 11 also be part of this committee and as well asked Harry 12 Betz if he would be willing to be on the committee.</p> <p>13 And I was going to propose that those three 14 people could be the committee, knowing, however, that 15 the one man that knows most about the legislature that 16 sits on our Board happens to be Chairman King, because 17 the chairman has been a legislator for, what, five 18 terms.</p> <p>19 MR. KING: Six.</p> <p>20 MR. KORN: Six terms. And although I know 21 his duties wouldn't allow him the time to sit on the 22 committee, I've asked him if he would advise the 23 committee as to how, if we decide we want to promote 24 repealing or sunseting certain acts, we might 25 proceed. So I think Chairman King has consented to</p>
<p>Page 136</p> <p>1 advise if the Board agrees to create the committee. 2 So that's basically the nucleus of my idea 3 and how it dovetails with yours.</p> <p>4 The only one last thing I wanted to point out 5 is that, besides repealing the legislation that's 6 already existing and besides forming a committee to 7 contact legislators and perhaps educate them on what 8 we do, there's one other facet.</p> <p>9 And I see Secretary Eden agreeing. But the 10 other facet is that many, many bills that come up are 11 just begging to be retired. We need to recognize that 12 most of the bills that we see come out of the 13 legislature that really get passed are just a tiny 14 percentage of the ones that are introduced. And many, 15 many of the ones that are introduced deserve to be 16 killed.</p> <p>17 And I'll give you an example. There were two 18 bills that came up that affected the LEA Board this 19 last session. And one of them was to insist that 20 Hearing Officers had to be attorneys. And luckily we 21 petitioned.</p> <p>22 I know Gorden Eden petitioned. I personally 23 petitioned as an individual and as a Board Member but 24 not as a committee. But luckily, among all of our 25 efforts, we were able to kill that bill; because it</p>	<p>Page 137</p> <p>1 would have insisted and mandated that attorneys had to 2 be the ones that would be the Hearing Officers.</p> <p>3 And instead this Board through its 4 subcommittee now has 13 police officer Hearing 5 Officers, each of whom has in excess of 20 years 6 experience, each of whom understand law enforcement 7 issues and do an absolutely excellent job at hearing 8 cases, some of which we've even heard today.</p> <p>9 And I'm one of the people that would argue an 10 attorney might do a more polished job of writing. But 11 an attorney could never see all the issues that 12 surround formal hearings like a dedicated law 13 enforcement officer. And so we were able to kill that 14 bill.</p> <p>15 The other bill that we were able to kill was 16 even more dramatic. That was going to completely 17 change the organization of our Board. It was going to 18 get rid of the AG, it was going to get rid of the line 19 officer, it was going to get rid of the State Police 20 chief, and it was going to divide people like me. 21 There are two members that represent the public. It 22 was going to divide them in half.</p> <p>23 And meanwhile they've bloated the Board by 24 making many more positions that would be very hard for 25 us to do our job. And we were able to kill that bill</p>

<p style="text-align: right;">Page 138</p> <p>1 again with Secretary Eden and myself, because we have 2 a perfectly well-run Board with the composition that 3 we have now. 4 And so my point is only, while yours is 5 well-said also, we do need to sunset the bills that 6 are there, we need to educate the legislators that the 7 Board exists and what we do. 8 We also have to be vigilant to kill bills 9 that have no sense being in our legal community so 10 that we get them before they become bad law. So 11 that's my presentation, sir. Okay. And I thank you 12 for everything you've done. 13 MR. GUTTMAN: Thank you, sir. 14 MR. KING: Questions or comments from the 15 committee, either for Mr. Guttman or Mr. Korn or 16 Mr. Shea or anybody? Questions? Seeing none, I would 17 take a motion to create a subcommittee. 18 And I think that I have enough authority to 19 appoint them. But I'll appoint them since we have 20 volunteers that are happy to do it. And we can talk 21 about it or whatever. 22 But I'll take a motion to create a 23 subcommittee to do essentially what Mr. Korn says 24 here, because I think we can do this. And then we can 25 take advantage of what Mr. Guttman has done.</p>	<p style="text-align: right;">Page 139</p> <p>1 But a subcommittee to invest the extent and 2 effectiveness of mandated training and establish 3 methods to best achieve training goals. 4 MR. KORN: I would make that motion, if I 5 may, Mr. Chairman. 6 MR. COON: I'll second. 7 MR. KING: We have a motion and a second to 8 create the subcommittee. Discussion on the motion? 9 For my part I will say that I'm happy to help out with 10 that. And we have our legislative group who also 11 testified against these bills too. 12 MR. KORN: Yes. 13 MR. KING: I will also as a matter of full 14 disclosure say that, of all of these hours of extra 15 training, I might have actually testified in favor of 16 one or two of these. 17 MR. KORN: You're a new man now. 18 MR. KING: I'm a new man. Actually I have 19 some ideas. For one, I don't think that I even 20 realized that, at the point in time when they were 21 passing these, that this was training every two years. 22 I mean some of those, you know, there was talk about 23 making it part of basic training or something like 24 that too. 25 And frankly I don't think it's a very good</p>
<p style="text-align: right;">Page 140</p> <p>1 idea for the legislature to mandate curriculum. And 2 now that we have this new rule that we've adopted, 3 where we're putting a lot more of the curriculum 4 decisions in the hands of the Executive Director, I 5 think that that's wise. 6 And I think it gives us a really good 7 opportunity to go to the legislature now and talk 8 about why this is sort of outdated. So I think 9 there's a shot. You're going to get some interest 10 groups that are going to bridle that, taking out their 11 particular thing that they're interested in. 12 So I think, rather than just do a repeal, we 13 need to offer some language that talks about the fact 14 that we think that these are all important in 15 training; but that we don't manacle the Law 16 Enforcement Academy by mandating a certain number of 17 hours every two years or whatever. I think we can do 18 that. 19 That being said, we have a motion and a 20 second to create a subcommittee. All in favor say 21 aye. 22 (Those in favor so indicate.) 23 MR. KING: Any opposed. Okay. So we're 24 going to create the subcommittee. And I'm going to 25 appoint John Gratton and Chief Betz and Chief McCall</p>	<p style="text-align: right;">Page 141</p> <p>1 to that subcommittee. And it will be up to them to 2 get together and organize themselves, and I'll work 3 with them on that. 4 MR. KORN: Thank you very much. Thank you. 5 MR. GUTTMAN: Thank you, sir. 6 ITEM NO. 31A: DISCUSSION - NMAC PSYCHOLOGICAL 7 REQUIREMENTS 8 MR. KING: All right. The next item on the 9 agenda is item No. 31A, discussion of NMAC 10 psychological requirements. Pete DiVasto. 11 MR. DiVASTO: Mr. Chairman, Mr. Vice 12 Chairman, Members of the Board. For the couple of 13 Board Members that I don't know, I'm a police 14 psychologist. I've been doing this for about 15 35 years. I authored some of the language in the NMAC 16 section on police psychology. 17 And the topic I wanted to bring up to the 18 Board is the issue of preemployment screening. 19 There's some conflicting language in NMAC. And then 20 also Dr. Rogers, my colleague in the back, had entered 21 into some discussions with Mr. Medina about perhaps 22 it's time to take a look at the whole screening 23 process. 24 It's been about -- by my recollection about a 25 dozen years since we have tuned up the process and</p>

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<p>1 taken a look at it and seeing if it's doing what we 2 want it to do. So I just wanted to ask Dr. Rogers to 3 speak to that issue.</p> <p>4 Vicki Lusk from the Dona Ana County Sheriff's 5 Department has a much bigger issue which runs the 6 risk -- to use perhaps the most clever phrase that's 7 ever been uttered in the State of New Mexico, runs the 8 risk of opening a whole box of Pandoras. So I'm going 9 to give it to Vicki Lusk.</p> <p>10 MR. KING: Go ahead.</p> <p>11 MS. LUSK: Mr. Chairman and Members of the 12 Board, my name is Vicki Lusk and I am the department 13 manager for the Dona Ana County Sheriff's Department. 14 And I'm here today to request that the Board 15 consider revising the language that Pete DiVasto just 16 spoke about, specifically in the appeal process 17 section.</p> <p>18 In section D of the appeal process, 3B 19 states -- and I think you all received this. Actually 20 it's in reference to your item 5 earlier this morning. 21 You have this regulation.</p> <p>22 But on page 8 of it, and again D, "Appeal 23 Process," 3B states that, "The psychologist will 24 review all test data and other information that was 25 available to the initial psychologist."</p>	<p>1 And then right after that, in C, it says, 2 "The second evaluation at minimum will follow the 3 guidelines for preemployment evaluations as outlined 4 by the New Mexico Law Enforcement Academy." Then the 5 next sentence says, "The psychologist may review the 6 original test data."</p> <p>7 And so let me tell you what's happened with 8 our agency. In the past eight months, we've had two 9 rejections for cadet applications -- for cadet 10 applicants by our original psychologist, in which the 11 applicant applied for an appeal to DPS and was granted 12 that second opinion.</p> <p>13 In both of these cases, the second evaluation 14 was performed without reviewing the original test data 15 and the second evaluation was positive. So they 16 passed them on the second evaluation.</p> <p>17 Because the applicant is informed by the 18 original psychologist about why they're being 19 rejected, the applicants minimized their behaviors 20 that led to the rejection with the second evaluator.</p> <p>21 When our HR department contacted the second 22 evaluator and questioned them, he said he wasn't 23 required to review the original test data or the 24 report and that he did not do so. We ask that you 25 make this a requirement.</p>
<p>Page 144</p> <p>1 And additionally we have concerns about the 2 regulation actually allowing for an appeal process at 3 all. And Dr. DiVasto spoke about that. And so on 4 behalf of Sheriff Todd Garrison, he would like the 5 Board to consider removing this provision altogether 6 from the regs. Thank you.</p> <p>7 MR. KING: Let me ask you a quick question. 8 Can you sort of draft up the language change that you 9 would like to have to give to us to go along with your 10 recommendation. I know you said it. But if you have 11 it there somewhere, can you write it down and make 12 sure you submit it to us.</p> <p>13 MS. LUSK: Yes, sir. I can do that.</p> <p>14 MR. KING: Okay. Let's see. You had 15 somebody else, Dr. DiVasto.</p> <p>16 DR. DiVASTO: Dr. Rogers.</p> <p>17 MR. KING: Dr. Rogers.</p> <p>18 DR. ROGERS: I'll give a little background as 19 well, because Dr. DiVasto approached me a couple of 20 days ago and asked me to give some background.</p> <p>21 MR. KING: Say your name again too for us.</p> <p>22 DR. ROGERS: Oh. Dr. Troy Rogers. I am a 23 police psychologist here locally with many different 24 departments.</p> <p>25 In January of this year, I approached the</p>	<p>Page 145</p> <p>1 Board with a couple of concerns. And the three major 2 concerns that we had were some wording in the LEA-4 3 form as well as the second opinion evaluations. And 4 then the third piece was the qualifications for 5 psychologists doing not only the initial evaluations, 6 but the secondary evaluations.</p> <p>7 I spent some time working with former 8 Director Medina on some ideas. We kind of threw some 9 things out. We were getting the ball rolling in terms 10 of putting some stuff together, gathering more 11 information. But at this point it's kind of stalled 12 in the sense that some of these other issues have come 13 up.</p> <p>14 And so one of the things Dr. DiVasto and I 15 had talked about was potentially asking the Board if 16 some sort of advisory board could be created of 17 psychologists to revamp some of the wording, much like 18 Attorney General King was asking for earlier, that we 19 can then provide to the Board as guidance for future 20 steps in this area due to some of these problems.</p> <p>21 And some of the problems in particular that 22 we're seeing is some departments getting these second 23 opinions, which then potentially creates liability if 24 they hire that person. We're also seeing on a 25 national level a push by IACP to not have second</p>

1 opinion evaluations in certain areas around the  
2 country, different standards for the psychologists  
3 being evaluators because it is such a specialty niche.

4 And those are some of the issues that I think  
5 we need to hash out and discuss a little bit more.  
6 And I think Dr. DiVasto's concern kind of brings that  
7 to the forefront again. That was essentially my role.

8 MR. KING: Thank you.

9 DR. DiVASTO: Mr. Chairman, Secretary Eden  
10 pointed out to me that it is his understanding that by  
11 state statute, if you're denying someone a license,  
12 and I'm not sure if that branches over certification,  
13 that there needs to be an appeal process.

14 So perhaps it's a moot point even to discuss  
15 doing away with the appeal process until we clarify  
16 that issue.

17 MR. KING: Well, I think -- and Mr. Reynolds  
18 doesn't have enough to do. We've actually had this  
19 discussion on occasion about, you know, what rights  
20 are, property rights basically I guess for lack of a  
21 better term, which require more due process in order  
22 to decertify. I don't know about certification or  
23 prescreening or whatever, whether you have the same  
24 set of rights that go along with something like that  
25 or not.

1 do some research and see how that's played out across  
2 the country in maybe places that have taken away that  
3 appeal process to see if there's anything out there to  
4 give us guidance on it.

5 I'm sorry. That's kind of a real long answer  
6 to the question. But I believe in my mind that's  
7 where it is right now.

8 MR. KING: Thanks. I think it would be hard  
9 to do that analysis unless we know the exact language  
10 change you're talking about. I think you recommended  
11 one language change too is just changing the "may" to  
12 a "shall" or something for the review.

13 So for us process-wise, in order to look at a  
14 rule change, I think that, if you all can get together  
15 and draft up, you know, what you think the actual  
16 language changes would be, that would be helpful to  
17 us.

18 DR. DiVASTO: That would be a fairly simple  
19 language change.

20 MR. KING: I mean we should get a sense from  
21 the Board as to whether they really want you to go to  
22 that much work or not, if they think that this is a  
23 topic that they want to move forward on.

24 But you sat through some of that -- if you  
25 were here this morning, that rulemaking this morning.

1 MR. REYNOLDS: Mr. Chair, if I may, I think  
2 it's a bit of a complicated question. And the real  
3 short answer is yes. I mean, if we deny an  
4 application for a certification, there needs to be an  
5 appeal process.

6 However, the appeal of the psychological  
7 evaluation is a different animal than an appeal of the  
8 denial of the certification. So what I am not sure  
9 about, and I'm interested to see how this has played  
10 out across the country, if not having an appeal  
11 process of a psychological evaluation that finds  
12 somebody not fit, whether or not that violates due  
13 process.

14 It certainly would violate due process to not  
15 have an appeal process of a denial of the  
16 certification or denial of the application. But not  
17 having an appeal of the evaluation that led to the  
18 denial of the application is a different question.

19 As I stand right here, I'm going to guess it  
20 is not a violation of due process if the Board can  
21 say, hey, here is the evaluation from the psychologist  
22 that we have that found them not to be fit and that's  
23 why we're denying the certification.

24 I'm going to guess that's not a violation of  
25 due process. But I certainly would like to be able to

1 So you know that, if we want do an official rule  
2 change, we would have to discuss it, have it  
3 published, and then have a meeting later on, a formal  
4 hearing, to adopt it. So there's a little bit of time  
5 in that process to do something.

6 DR. DiVASTO: But I think this is worth  
7 pursuing a rule change within NMAC, because the  
8 language is conflicting.

9 MR. KING: Questions of the Board for  
10 Dr. DiVasto or comments? Anything?

11 MR. KORN: I have a comment. I think  
12 Chairman King's point is well made. If it comes to us  
13 in a package that is kind of redlined so we understand  
14 exactly what you're doing, it will be easier for us to  
15 understand. So I think that's the chairman's point  
16 and I think that's well-taken.

17 I also have to say, not knowing anything -- I  
18 mean I'm probably the one that knows the least on the  
19 Board about how the psychology reviews come through  
20 and what chiefs look at. But it just seems to me  
21 that, if you're going to say you're not going to give  
22 a person the right to appeal one person's evaluation  
23 that's subjective of his qualifications and then if we  
24 say that it's not due process to say he can't appeal  
25 that, it just doesn't seem fair to me, you know.

1 And I mean I'm not saying it wouldn't change  
2 my opinion. But it just doesn't seem fair that just  
3 one guy says no, he could have had a bad day, the  
4 evaluator, the psychologist. And a perfectly  
5 acceptable candidate might not be able to get into his  
6 chosen profession. You know, it just doesn't seem to  
7 fit right to me.

8 DR. DiVASTO: I guess the difficulty becomes  
9 where, if we have someone who fails a psychological  
10 exam as we have in a situation now in Dona Ana County,  
11 the person has failed an exam. They then go through  
12 the appeals process as per the academy's rules and  
13 they pass the next exam.

14 If that person were to be hired and later get  
15 into some incident that was brought to the attention  
16 of the courts, then at some point discovery is going  
17 to find that failure. And the question then becomes  
18 why did you hire this person knowing they failed.

19 MR. KORN: I think the equal argument can be  
20 made that the first evaluator, the psychologist, was  
21 just a person that looked at a bunch of data and made  
22 an opinion; and the second psychologist was just a  
23 person -- granted, I mean an educated person that knew  
24 more than a layman like myself.

25 But he looked at a bunch of data and came to

1 right on the head.

2 DR. DiVASTO: At the minimum, Mr. Chairman,  
3 we would like to submit language changing the NMAC,  
4 page 11 in the NMAC section, just for your  
5 consideration to eliminate the conflicting language.  
6 And then beyond that, if the Board has any interest in  
7 us pursuing any other aspects of this process, we're  
8 at your disposal.

9 MR. KING: My feel from the Board, I'm not  
10 hearing any dissension here, is that that would be  
11 helpful. If you would do that, that would be the next  
12 step.

13 DR. DiVASTO: Consider it done.

14 MR. KASSETAS: Dr. DiVasto.

15 DR. DiVASTO: Sir.

16 MR. KASSETAS: Mr. Chairman, I would like to  
17 point out too, I would also like to see kind of a  
18 summation or summary of the collective group on why,  
19 tell us why again, just surmising why this is needed  
20 and what it's going to prevent or how it's going to  
21 better enable us to hire. I know we went over it.  
22 But I think that would be the first part within the  
23 language change, if I may.

24 MR. KING: Good.

25 DR. DiVASTO: Thank you.

1 a different conclusion. And how many law enforcement  
2 officers have been hired that have proven to be  
3 excellent law enforcement officers that may have been  
4 not able to pursue that profession. I suppose that's  
5 my only point. I don't know if others have an  
6 opposing view.

7 MR. KING: Sheriff Coon.

8 MR. COON: Well, I have an example where I  
9 hired a guy that I knew was top quality. He failed  
10 his psych. And it just devastated all of us. And we  
11 went psych shopping, found another one, got him  
12 through.

13 Well, everything the first psychiatrist said  
14 about why we shouldn't hire him, I mean on a timeline.  
15 We ended up firing this guy. And I learned a valuable  
16 lesson, that go with your first instinct.

17 DR. DiVASTO: Sir, even a blind hog finds an  
18 acorn once in awhile.

19 MR. COON: To tell you the truth, I never had  
20 much faith in psychiatrists up to that point. But our  
21 psychiatrist hit it right on the nose. Everything  
22 this guy did, he was going to come late for work and  
23 he was going to miss X numbers of days of work calling  
24 in sick and, you know, everything that goes on these  
25 tests. And it was just a classic example of he hit it

1 MR. KING: Thank you.

2 ITEM NO. 32: FORMAL HEARING BACKLOG: BOARD ACTION  
3 FOR SOLUTIONS, HEARING OFFICER TRAINING AND MANAGEMENT

4 MR. KING: The next item on the agenda is  
5 item No. 32, formal hearing backlog: Board action for  
6 solutions. Mr. Korn.

7 MR. KORN: Thank you, Mr. Chairman. Usually  
8 we submit a report based on an analysis of where the  
9 cases are and how we're catching up.

10 Unfortunately, for this particular Board  
11 meeting, we just don't have that prepared. But it  
12 does look empirically as if our Board backlog is  
13 catching up again due in large part to Director Jones  
14 and Monica Medrano.

15 I also in this part usually talk about the  
16 appeals. And Mr. Reynolds has sent us a spreadsheet,  
17 both of which I sent to the Board a little late.

18 But in the appeals process, Mr. Reynolds,  
19 perhaps you would best be able to speak to that. It  
20 looks like our appeals are almost zero for all intents  
21 and purposes. I guess there's one pending, but it's  
22 not going anywhere.

23 MR. REYNOLDS: Sure. The good news is, since  
24 I've come on, we haven't lost an appeal. How about  
25 that.

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<p>1 MR. KORN: It's no happenstance.  2 MR. REYNOLDS: Sure. I'm the sole factor for  3 that.  4 MR. KORN: I think you are.  5 MR. REYNOLDS: I don't think so.  6 MR. KING: Strike that from the record.  7 MR. REYNOLDS: Yeah. We have one very recent  8 appeal that's gone to a decision. I think we're  9 basically at the point where we have three that are  10 out there and we have two of which the court doesn't  11 seem to have any interest in whatsoever.  12 So I think as of right now, with our appeals  13 situation, I can't describe it any other way than that  14 we're looking pretty good. I'm amazed that we have  15 not gotten more appeals of decisions recently. We  16 just haven't. There haven't been new appeals.  17 I certainly anticipate, you know, new appeals  18 coming any time. But we have gotten rid of the ones  19 that were there gradually and haven't received new  20 ones, although I'm sure those will come in waves and  21 new ones will be coming shortly. I don't think we've  22 stopped seeing appeals of our decisions. So that's  23 all I have to report on the appeals.  24 MR. KORN: Well, all kidding aside, I think  25 you do an excellent job. I think you're on top of</p>	<p>1 every one of these when we talk. I appreciate it.  2 MR. REYNOLDS: Thank you.  3 MR. KORN: And one other matter. On item  4 No. 32, you may recall that a couple of Board meetings  5 ago, we were backlogged with 16 or 17 formal hearings  6 that were pending resolution. At that time we only  7 had one Hearing Officer that was dedicated to the  8 Board.  9 Because we formed that subcommittee -- and  10 the subcommittee would be Pat Barncastle and Sheriff  11 Coon and Chief Schultz, who no longer is part of our  12 subcommittee, of course, or our Board and myself.  13 But through the vetting efforts of we four,  14 we were able to identify approximately 13 Hearing  15 Officers. And those Hearing Officers were all, as I  16 mentioned earlier, law enforcement officers of many,  17 many decades of experience.  18 Each of them committed themselves to learning  19 our rules and learning the procedures. And they've  20 been conducting hearings. And I'm pleased to say  21 that, because of I think what our subcommittee has  22 done, we were able to take those 15 cases backlogged  23 to just about current. And that's had a lot do with  24 getting our backlog and our misconduct cases up to  25 date.</p>
<p style="text-align: right;">Page 156</p> <p>1 The goal has always been, of our committee  2 and also of our Board, that if a misconduct case  3 happens today, that it's heard within a couple weeks,  4 it's resolved or it's sent on to a formal hearing, and  5 that the responding officer is assured quick and  6 consistent and fair judgment. And that's what we're  7 trying to achieve.  8 Also, as one final note, we have an opening.  9 Since it's a committee of four, with Chief Schultz  10 retiring, that leaves an opening. I would like to  11 propose that Chief Kassetas fill that slot, because he  12 has an interest in continuing the standards of the  13 Hearing Officers.  14 So that would be a motion that I would make,  15 Mr. Chairman, that Mr. Kassetas be admitted to our  16 committee.  17 MR. KING: We may not need a motion.  18 Mr. Kassetas, are you willing to do that?  19 MR. KASSETAS: I am.  20 MR. KING: Okay. I'll just appoint you.  21 MR. KASSETAS: Thank you.  22 MR. KORN: Thank you. And I should say that  23 I have spoken with the committee in advance. We're  24 all eager and excited about having Chief Kassetas join  25 us. Thank you, sir.</p>	<p style="text-align: right;">Page 157</p> <p>1 ITEM NO. 33: MISCONDUCT CASES: BOARD REVIEW OF  2 MISCONDUCT CASES, TRACKING AND MANAGEMENT  3 MR. KING: Item No. 33, anything else on  4 that?  5 MR. KORN: No.  6 MR. KING: And we've covered item No. 34.  7 ITEM NO. 35: INDIVIDUAL BOARD MEMBER COMMENTS  8 MR. KING: So that leaves us at Item No. 35,  9 individual Board Member comments. Anybody? You all  10 have done good work today. Yes, Sheriff Coon.  11 MR. COON: I just think we hit a home run  12 with our two new Board Members, two chiefs. Both of  13 them I've known for a long time and they're going to  14 be a real asset.  15 MR. KING: I was going to ask you guys how  16 you're feeling about that after today? We're happy to  17 have you on board with the Board. I think it's nice  18 to have members that have been here a long time. I  19 think it's nice to have new members to bring some new  20 perspective to the Board.  21 MR. COON: We're kind of swayed to the  22 southern part of the state a little bit too.  23 MR. KORN: I had one comment. You know, this  24 is just by way of introduction. I'd like to introduce  25 our Board Member, Jaime Quezada, who spoke to me about</p>



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<p>1 an idea that is new as far as this Board is concerned.  2 And I think it's, as Sheriff Coon says, a  3 home run in ideas. And I would like to ask  4 Mr. Quezada if he could perhaps tell the idea so that  5 we might have yet another subcommittee.  6 MR. QUEZADA: I guess my idea that came up,  7 Chairman, is I have noticed, since I've been new to  8 the Board, that we do, you know, run across a lot of  9 disciplinary action towards our officers for their  10 certification.  11 I notice there's nothing being done for  12 officers, you know, in New Mexico that are going  13 beyond their duty and doing some great work out there.  14 I see it every day with officers with my department  15 and Dona Ana County Sheriff's Department and some  16 State Police officers.  17 But I'm also reading about a lot of different  18 officers in Albuquerque and Bernalillo County  19 Sheriff's Department and stuff. I just wonder if  20 there's a way, I don't know the exact process, that we  21 can possibly come up with a committee where people can  22 recommend officers for awards of some sort or some  23 type of recognition, get it out to the media, and make  24 it a positive thing for officers not to fear the Board  25 so much as far as just thinking it's disciplinary but</p>	<p>1 recognizing their hard work and their dedication.  2 MR. KING: I think that's an interesting  3 idea, Mr. Quezada.  4 Actually I'm going to turn to, Mark. You  5 know, we have I'm sure statutorily required duties.  6 But I don't see any reason why we couldn't do  7 something like this too. Are you aware of anything  8 I'm not?  9 MR. REYNOLDS: Mr. Chair, I see absolutely no  10 reason why this Board couldn't have a process like  11 that.  12 MR. KING: Good. Yeah, you're more familiar  13 with the statute than I. It seems like a good idea.  14 I'm a little leery about creating lots of  15 subcommittees.  16 And so I don't know if we need a subcommittee  17 for this or if Members of the Board can come up with  18 something that they know that's exemplary and we can  19 put it on the agenda and do something about it.  20 Mr. Korn, go ahead.  21 MR. KORN: I kind of think that, if we make a  22 subcommittee that's an official committee that's kind  23 of dedicated to seeking good acts or reports of good  24 acts from law enforcement agencies around the State, I  25 think that will bring goodwill for the State, I think</p>
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<p>1 it would be good for the Board.  2 And if we have a subcommittee, it's kind of a  3 formal process, so that we can say these four people  4 are committed to making contacts and communicating  5 regularly between themselves rather than keep it  6 loose.  7 So I would, if it would be okay, make a  8 motion that we have a subcommittee, that we ask  9 Mr. Quezada, since it was his idea, to be the leader  10 of the subcommittee. And maybe he could either ask  11 for three volunteers or appoint, whatever the Chairman  12 would accept. I would ask for a motion, if that would  13 be okay.  14 MR. KING: We have a motion. Before we make  15 the motion, what will we call the subcommittee?  16 MR. KORN: The awards and achievement. Well,  17 it's your subcommittee. What would you suggest?  18 MR. BARNCASTLE: Recognition.  19 MR. QUEZADA: Officer recognition.  20 MR. KING: Officer recognition. I like that.  21 All right. So I have a motion to create an officer  22 recognition subcommittee. Is there a second?  23 MR. COON: I'll second.  24 MR. KING: Okay. All in favor say aye.  25 (Those in favor so indicate.)</p>	<p>1 MR. KING: Any opposed. Okay. We will do  2 that. We'll appoint Officer Quezada to be the chair.  3 And I will hold under advisement who else we'll put on  4 it until we get some volunteers.  5 MR. KORN: I would volunteer.  6 MR. KING: Mr. Shea.  7 MR. SHEA: Chairman, Vice Chairman, I would  8 like to offer up as a vehicle for facilitating this,  9 of course, the Law Enforcement Academy runs a website.  10 I think that would be a good venue. If we recognize  11 somebody by the Board, that we can advertise that on  12 the website.  13 We can also set up a mechanism on the website  14 for people to nominate people to the subcommittee.  15 And then the subcommittee could vet those nominations  16 so it can come from within the law enforcement  17 community or from citizens.  18 I know internally, through the Department of  19 Public Safety, on our Insider, we do recognize  20 employees. That way, on the website, I think that  21 would be good, to do it on a statewide basis. I would  22 be willing to help with making that happen on our  23 website.  24 MR. COON: You could have them send in an  25 LEA-91 form.</p>

1 MR. KING: Anybody else on the committee that  
2 wants to volunteer, I recommend that you talk to  
3 Officer Quezada. And frankly I don't think it has to  
4 be limited to four members.

5 MR. REYNOLDS: Actually, Mr. Chair, to avoid  
6 a quorum and a violation of the Open Meetings Act,  
7 four would be our max.

8 MR. KING: Four is the max. All right.  
9 Thank you. That's good advice. All right. So we  
10 have two.

11 So if somebody else wants to approach me or  
12 Nate or Officer Quezada after the meeting, we'll  
13 appoint the other two or we'll draw straws or  
14 something. This is the kind of committee I think  
15 everybody is going to want to be on.

16 That having been done, any other comments,  
17 any other questions from the Board? Business to be  
18 taken care of this afternoon?

19 ITEM NO. 36: SCHEDULING OF NEXT BOARD MEETING

20 MR. KING: The last item is scheduling of a  
21 Board meeting. We had a recommendation of  
22 December 10th, which may not be a bad idea. Do we  
23 have another regularly scheduled meeting, Monique?

24 MS. LOPEZ: We don't. We just need to have  
25 one more. And we can call that a regular Board

1 MR. JONES: I will, sir.

2 MR. KING: Good. I was going to say,  
3 December is a great time to meet in Las Cruces, but we  
4 do have a reason for this. But we'll take you up on  
5 your offer to meet in Las Cruces fairly quickly.

6 MR. DeROUEN: Mr. Chairman, we have a very  
7 nice 300-seat facility that would be great.

8 MR. KING: Well, we'll have to wait until we  
9 have something controversial. It seems like the last  
10 time we had something like that, it was in Las Cruces.  
11 We'll see what we can do about that.

12 MR. COON: That's at the Crowne Plaza by the  
13 way, the conference. If we could find something close  
14 to that.

15 MR. KING: Okay. Excellent. Anything else  
16 to come before the Board?

17 ITEM NO. 37: ADJOURNMENT

18 MR. KING: I'll take a motion to adjourn.

19 MR. BETZ: I make a motion to adjourn.

20 MR. COON: I'll second.

21 MR. KING: All in favor say aye.

22 (Those in favor so indicate.)

23 MR. KING: All opposed. We're adjourned.

24 (The meeting concluded at 3:30 p.m.)  
25

1 meeting instead of a special one, if you like. I know  
2 there's a gentleman here from Dona Ana Community  
3 College. He recommended that their college can host  
4 us down there in Las Cruces.

5 MR. KORN: I think Sheriff Coon was pointing  
6 out that Albuquerque would probably be the place,  
7 because that's the day of the Municipal League. Is  
8 that right?

9 MR. COON: Right. That's the day before the  
10 Municipal League, Police in the New Millennium, starts  
11 or the 21st Century or whatever it is. That would be  
12 a great time to have it. Those guys are going to be  
13 up here anyway. And a lot of chiefs will be coming  
14 and sheriffs, and they can actually come to a Board  
15 meeting.

16 MS. LOPEZ: All right. So December 10?

17 MR. COON: The 11th through the 13th is the  
18 meeting, the conference.

19 MR. KING: All right. So here is what I'm  
20 going to do. We'll have the Director look at those  
21 dates and talk to the committee members and see what's  
22 on the agenda and see if that date works.

23 So, Mr. Jones, we're going to have you look  
24 at December 10th as the next Board meeting date. But  
25 you'll send a notification out to the Board.

1 REPORTER'S CERTIFICATE

2  
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