

NEW MEXICO LAW ENFORCEMENT ACADEMY

BOARD MEETING

July 16, 2014

9:00 a.m.

African American Performing Arts Center

310 San Pedro Drive, N.E.

Albuquerque, New Mexico 87108

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

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1 ITEM NO. 1: CALL TO ORDER
 2 MR. KING: I'm going to call this meeting to
 3 order. We actually have a long agenda today. So
 4 since we have a long agenda, we're going to try and
 5 run expeditiously and on time today. So the first
 6 order of business is call to order, which I have done.

7 ITEM NO. 2: ROLL CALL

8 MR. KING: The second order of business is
 9 roll call. Usually we just all introduce ourselves
 10 here at the front table. So let's do that. I'll
 11 start down here.

12 MR. QUEZADA: I'm Jaime Quezada, sergeant
 13 with the Las Cruces Police Department, I represent the
 14 line officers.

15 MR. GRATTON: John Gratton, University of
 16 Carlsbad, one of the citizen reps.

17 MR. KORN: My name is Nate Korn, I'm the
 18 second citizen rep.

19 MR. KING: Gary King, I'm the Attorney
 20 General.

21 MR. BARNCASTLE: My name is Pat Barncastle, I
 22 represent the district attorneys throughout the state,
 23 I'm from Roswell.

24 MR. KASSETAS: Pete Kassetas, State Police.

25 MR. COON: Rob Coon, I'm the Sheriff of

1 And I'm assuming that these microphones down front are
 2 live. So when people are speaking from out in the
 3 room there, you should come up to one of these
 4 microphones to speak.

5 ITEM NO. 3: APPROVAL OF AGENDA

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

9 MR. GRATTON: I move for approval.

10 MR. KING: Okay. I have a motion for
 11 approval.

12 MR. COON: Second.

13 MR. KING: Second. All in favor say aye.
 14 (Those in favor so indicate.)

15 MR. KING: Any opposed. All right. The
 16 agenda is approved.

17 ITEM NO. 4: APPROVAL OF MEETING MINUTES

18 MR. KING: The next item on the agenda is
 19 approval of the minutes. Any additions or corrections
 20 to the minutes? You all got the minutes of the last
 21 meeting, which was on February 11th, 2014. Additions
 22 or corrections to the minutes? Okay. I'll take a
 23 motion.

24 MR. McCALL: Motion to approve.

25 MR. KING: We have a motion to approve. A

1 Chaves County, and I represent the sheriffs.

2 MR. McCALL: Chris McCall, the chief from
 3 Hobbs, I represent the municipal chiefs.

4 MR. KING: Okay. Why don't you guys go ahead
 5 and introduce yourselves too so people out there know
 6 who everybody is.

7 MR. REYNOLDS: Mark Reynolds with the
 8 Attorney General's Office, acting as counsel to the
 9 Board.

10 MR. WORD: Rick Word with the Attorney
 11 General's Office, also assisting as counsel for the
 12 Board.

13 MS. LOPEZ: Monique Lopez, Law Enforcement
 14 Academy.

15 MS. MEDRANO: Monica Medrano, Law Enforcement
 16 Academy.

17 MR. JONES: Jack Jones, Law Enforcement
 18 Academy.

19 MR. KING: I know that some of you out there
 20 might not be able to hear people when they're not
 21 using the microphones. So when we're asking questions
 22 and such, I'll ask Members to use the microphones. If
 23 they're not on, we'll turn them on.

24 And obviously, people that are speaking, I
 25 think, for instance, there's a microphone up here.

1 second.

2 MR. KASSETAS: I second.

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

5 MR. KING: Any opposed. The minutes from
 6 February 11th are approved.

7 ITEM NO. 5: DISCUSSION BY BOARD OF THE NMLEA
 8 CURRICULUM AND CHANGES TO THE CONTENT OF LESSON PLANS
 9 RELATED TO THE 16-WEEK ACADEMY

10 MR. KING: Next on the agenda is new
 11 business. Normally we actually go directly into
 12 certification hearings, which is a closed meeting.
 13 But because we knew there was a lot of public interest
 14 in the meeting today, we moved one of the items up on
 15 the agenda, which is a discussion of the lesson plans
 16 related to the curriculum changes that were adopted in
 17 December.

18 We have a presentation by Director Jones.
 19 And then I think what we will do is we'll have
 20 questions from the committee. And then we'll have any
 21 comments from folks that are here that are interested
 22 in that issue. And then we'll decide whether to take
 23 action on that or not. Mr. Jones.

24 MR. JONES: Mr. Chairman, Members of the
 25 Board, ladies and gentlemen, it's a pleasure to be

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| <p>1 here today.</p> <p>2 MR. KING: Mr. Jones, hang on a second.</p> <p>3 Would you see if you can get that microphone either</p> <p>4 closer to you or it might not be on.</p> <p>5 MR. JONES: Thank you very much.</p> <p>6 Mr. Chairman, Members of the Board, ladies and</p> <p>7 gentlemen, I'm Jack Jones, the Director of the New</p> <p>8 Mexico Law Enforcement Academy.</p> <p>9 Some of the things we've talked about in the</p> <p>10 past is we've made changes to parts of the law</p> <p>11 enforcement curriculum. The parts that we made</p> <p>12 changes to have only been content. We have not</p> <p>13 changed the things that we're teaching.</p> <p>14 We are still teaching 15 blocks of law</p> <p>15 enforcement instruction. And what we're handing out</p> <p>16 there to you now is the blocks of instruction that</p> <p>17 we're doing. There is Instruction, Introduction to</p> <p>18 the Academy, Introduction to Law Enforcement in New</p> <p>19 Mexico, Physical and Emotional Readiness, Law and</p> <p>20 Procedures, Patrol Procedures and Operations,</p> <p>21 Principals of Criminal Investigation, Motor Vehicle</p> <p>22 Operations, Motor Vehicle Collision Investigation,</p> <p>23 Crisis Intervention, Report Writing, Defense Tactics</p> <p>24 and Handling the Arrest of Persons, Case Presentation,</p> <p>25 Operation of Patrol Vehicle, Basic Firearms, and</p> | <p>1 Administrative Requirements.</p> <p>2 When we look at the NMAC rule, all of these</p> <p>3 15 blocks of instruction are the same as they have</p> <p>4 always been. What we were able to do is take out the</p> <p>5 redundancy in some of these. And we have made minor</p> <p>6 changes to some of the content.</p> <p>7 One of the minor changes that we're getting</p> <p>8 ready to make for this next class is the fact that the</p> <p>9 Supreme Court just handed down a requirement that says</p> <p>10 you can no longer search somebody's cell phone</p> <p>11 incidental to an arrest.</p> <p>12 That lesson plan that we have for arrest</p> <p>13 procedures has not changed. All we're going to do is</p> <p>14 add a paragraph in there that says the Supreme Court</p> <p>15 says incidental to an arrest you cannot search a cell</p> <p>16 phone. That lesson plan has not changed.</p> <p>17 Where I see that we have conflict and what I</p> <p>18 just handed out is the New Mexico Law Enforcement</p> <p>19 Academy use-of-force curriculum. That use-of-force</p> <p>20 curriculum has not really changed.</p> <p>21 What we have done is we have, as a Law</p> <p>22 Enforcement Academy, taken out the Reactive Control</p> <p>23 Model. And you all have a copy of the Reactive</p> <p>24 Control Model. The Reactive Control Model is a policy</p> <p>25 issue that, if an agency wishes to have a policy that</p> |
| <p>Page 12</p> <p>1 is something that can be explained to their officers,</p> <p>2 they can use the Reactive Control Model.</p> <p>3 At the New Mexico Law Enforcement Academy,</p> <p>4 and as a matter of fact across the United States, of</p> <p>5 the 40 academies that we have talked to, 38 of them do</p> <p>6 not have a Reactive Control Model that they teach in</p> <p>7 their curriculum at the Law Enforcement Academy,</p> <p>8 because it's policy.</p> <p>9 What we teach is Constitutional law, what is</p> <p>10 case law, and what is current case law. And it comes</p> <p>11 back to what the Supreme Court looks at when it comes</p> <p>12 to what is that officer expected to do and what is he</p> <p>13 going to be judged on. So as we move forward with</p> <p>14 this, all of the lesson plans have been looked at at</p> <p>15 the Law Enforcement Academy by the Board.</p> <p>16 I handed out a thumb drive that has all of</p> <p>17 the current updated lesson plans on it that are signed</p> <p>18 by all the instructors that are current to this date.</p> <p>19 The redundancy we have taken out. You'll just see</p> <p>20 that there is not a lot redundancy in the lesson plans</p> <p>21 anymore.</p> <p>22 For an example, part of the redundancy we had</p> <p>23 in the past is that, when it came to crime scene</p> <p>24 investigation, there were several things in different</p> <p>25 investigation techniques, investigation and</p> | <p>Page 13</p> <p>1 interrogation techniques.</p> <p>2 There was one for accident investigation,</p> <p>3 there were investigation techniques for criminal,</p> <p>4 there were investigation techniques for narcotics. So</p> <p>5 what we did is we reduced it down to one investigation</p> <p>6 technique lesson plan that we have within the</p> <p>7 curriculum itself. So all we've done is reduce the</p> <p>8 redundancy here.</p> <p>9 What I'd like to talk about and something</p> <p>10 that we obviously need to discuss I believe today is</p> <p>11 part of the change that we made in the physical</p> <p>12 fitness requirements. Those changes we made in the</p> <p>13 physical fitness requirement are at the back page of</p> <p>14 your book, the last two pages. The one that was just</p> <p>15 handed out to you, the little skinny book.</p> <p>16 At the Board meeting in December, the New</p> <p>17 Mexico Law Enforcement Academy Board said that the</p> <p>18 Director of the New Mexico Law Enforcement Academy</p> <p>19 could make changes. And what I did was I made this</p> <p>20 change to the physical fitness requirements.</p> <p>21 We tested it because I wanted to see what the</p> <p>22 law enforcement agencies out there thought about it</p> <p>23 and how well they would receive it. We went from</p> <p>24 having a standard in the Cooper Institute of being</p> <p>25 male and age specific to a generic physical fitness</p> |

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| <p>1 requirement.</p> <p>2 The generic physical fitness requirement is</p> <p>3 as you see it. It's a 1.5-mile run for aerobic power,</p> <p>4 it's a 300-meter run for anaerobic power, it's 31</p> <p>5 repetitions in situps for muscular endurance, and 29</p> <p>6 pushups for upper body strength.</p> <p>7 Right now we've done three academies where we</p> <p>8 have tested this physical fitness standard. We have</p> <p>9 had less failures on this new physical fitness</p> <p>10 standard, male and female, less failures than we did</p> <p>11 before.</p> <p>12 One of the things was that a male the age of</p> <p>13 20, you know, 21 years of age was having a hard time</p> <p>14 meeting that requirement of an 11-minute-and-59-second</p> <p>15 mile-and-a-half run, whatever it was. Now they all</p> <p>16 have to meet that requirement at 15 minutes and</p> <p>17 20 seconds to enter the Law Enforcement Academy. It's</p> <p>18 easier for them to get in.</p> <p>19 They have more time to run, but they have to</p> <p>20 be stronger. One of the reasons they have to be</p> <p>21 stronger is, throughout the whole academy, they have</p> <p>22 to do defense tactics, they have to be prepared to go</p> <p>23 to the range and stand on the range for long hours,</p> <p>24 they have to go to the defensive driving track, they</p> <p>25 have to stand on the defensive driving track for EVOC</p> | <p>1 for long hours and then drive. So they have to be</p> <p>2 physically fit.</p> <p>3 And we have to maintain that physical fitness</p> <p>4 once they enter the Law Enforcement Academy. I've</p> <p>5 been told by the sheriffs and chiefs of police that</p> <p>6 they like the new physical fitness requirement that</p> <p>7 has been established. It is a little harder for the</p> <p>8 individual to get in. But as they move forward, they</p> <p>9 must be prepared to come and be law enforcement</p> <p>10 officers.</p> <p>11 The generic approach to this that we have</p> <p>12 learned and talked about with other academies across</p> <p>13 the United States is that the individual criminal does</p> <p>14 not care whether that individual is 59 years old and</p> <p>15 can run the mile and a half in 18 minutes or they're</p> <p>16 20 years old and can run that mile and a half in</p> <p>17 12 minutes. But what they do care about is how well</p> <p>18 they look, what they do, and how well they're prepared</p> <p>19 to leave and go to the street.</p> <p>20 I believe the Board's responsibility is to</p> <p>21 ensure that people, when they do leave the New Mexico</p> <p>22 Law Enforcement Academy and any other law enforcement</p> <p>23 academies that are out there, that they meet the</p> <p>24 minimum requirements that we're looking at for</p> <p>25 physical fitness to do the minimum things that they're</p> |
| <p>Page 16</p> <p>1 required to do.</p> <p>2 The last two things that they have to do</p> <p>3 before they leave the Law Enforcement Academy as they</p> <p>4 are moving forward with this is they must do two</p> <p>5 agility tests. One agility test is that they are in a</p> <p>6 patrol vehicle seatbelted in. They unlock themselves</p> <p>7 out of the patrol vehicle.</p> <p>8 They have to run up a set of stairs, run down</p> <p>9 a set of stairs, run up a set of stairs, wait a few</p> <p>10 seconds, come back down a set of stairs, run up an</p> <p>11 incline, jump off a five-foot platform, come back</p> <p>12 around, climb a six-foot wall, run around a six-foot</p> <p>13 wall, and then they have to do an arrest simulator.</p> <p>14 In that arrest simulator, what they have to</p> <p>15 do is they to show that they have the stamina and</p> <p>16 strength to end this. And they have to hold the</p> <p>17 arrest simulator for 30 seconds when it's in.</p> <p>18 The other thing they must do is they must</p> <p>19 jump a three-foot ditch, they must go over a four-foot</p> <p>20 wall, they have to push a full-size cruiser, and then</p> <p>21 drag a 180-pound dummy ten yards.</p> <p>22 All of this came from a task analysis that</p> <p>23 was done for law enforcement officers several years</p> <p>24 ago. And that is what the Law Enforcement Academy has</p> <p>25 been using for the last several years. All law</p> | <p>Page 17</p> <p>1 enforcement agencies are required to do those last two</p> <p>2 physical tests for the individuals to leave the Law</p> <p>3 Enforcement Academy.</p> <p>4 As we move forward with this and we look at</p> <p>5 the lesson plans, I'm open for your questions for what</p> <p>6 you want to do. I gave you the current lesson plans</p> <p>7 on the thumb drive. We'll look at anything you want</p> <p>8 to.</p> <p>9 One of the issues that I have is that the</p> <p>10 requirement in the Board rules says that the New</p> <p>11 Mexico Law Enforcement Academy Board will look at all</p> <p>12 lesson plans. It's voluminous. It's a 16-week</p> <p>13 academy. There are a lot of lesson plans. Once you</p> <p>14 open up the thumb drive, you'll see how many lesson</p> <p>15 plans are there and what's going on.</p> <p>16 I don't know that Members of the Board will</p> <p>17 have the time to read each one of those lesson plans.</p> <p>18 Whether you do or not, I don't know that you have the</p> <p>19 expertise to really understand what goes into those</p> <p>20 lesson plans that's being taught. I appreciate</p> <p>21 everybody's experience on the Board.</p> <p>22 The New Mexico Law Enforcement Academy Board</p> <p>23 has taken several steps forward to be proactive and</p> <p>24 take care of law enforcement officers throughout the</p> <p>25 State of New Mexico. And so as I see it, the</p> |

1 controversial issue that we have with the Law
2 Enforcement Academy right now is the use of force.
3 All the other lesson plans have not changed.

4 The curriculum and the other lesson plans
5 have not changed. Like I said, the only thing we're
6 going to do is make a content change to the lesson
7 plan on some of these; like, for example, when it
8 comes to an incidental arrest, you cannot search
9 somebody's cell phone. Subject to any of your
10 questions, I'm available.

11 MR. KING: Questions from the committee? Go
12 ahead, Sheriff Coon.

13 MR. COON: Mr. Jones, did you cover on the
14 qualification for the handgun what the minimum score
15 is on it?

16 MR. JONES: Yes, sir, we did.

17 MR. COON: And what is that now?

18 MR. JONES: Right now what we've done on the
19 law enforcement qualification, the day and night
20 qualification, is we went through and we were looking
21 at what the law enforcement agencies were shooting out
22 there.

23 We went through and we changed the
24 qualification course itself just a little bit so that
25 they do different things that meet what we see as

1 MR. JONES: The New Mexico Law Enforcement
2 Academy has taken the stand that 70 percent is where
3 we have our standard set. Reducing this from 80 to
4 70 percent gives the smaller departments out there an
5 opportunity so that, when they have officers come up,
6 if they maintain their training, they can shoot the
7 new law enforcement firearms course and shoot the 70
8 percent.

9 If they don't maintain their training and
10 qualification by going out and doing this training and
11 they don't meet that 80 percent every time, then what
12 happens is they have to do a remedial. A lot of your
13 agencies don't have the ability or the ammunition or
14 the costs to be able do that remedial.

15 And being able to do that remedial puts it
16 where now they're taking all their ammunition, all
17 their efforts, and all their time on the range to go
18 through and take those three or four individuals that
19 don't meet that 80 percent in a smaller department and
20 retrain those individuals, because now they've got to
21 come back out and reshoot that qualification course
22 twice. And it costs them a lot of money and it costs
23 them a lot of time.

24 As I look across the nation, 70 percent is
25 the average for law enforcement agencies across the

1 going on across the nation at other law enforcement
2 academies.

3 And because everything that we do at the Law
4 Enforcement Academy is at 70 percent, we lowered the
5 score to leave the Law Enforcement Academy at
6 70 percent for the Law Enforcement Academy. We have
7 asked all of the agencies to shoot the new DPS
8 qualification course day and night with the 70 percent
9 and see what they thought of it and what their
10 recommendations were.

11 MR. BARNCASTLE: Have you received any
12 feedback from agencies or departments as to how that
13 went?

14 MR. JONES: Yes, sir.

15 MR. BARNCASTLE: Because I personally have
16 shot that myself.

17 MR. JONES: We have received a lot of
18 feedback from the agencies. A lot of the agencies
19 would like to stay -- they don't mind a change in the
20 course. What they would like to see is they would
21 like to see it stay at 80 percent. I personally have
22 some issues with that that I would be glad to talk to
23 the Board about.

24 MR. COON: Well, I would like to hear your
25 opinion on that.

1 nation. Even the FBI, when we went to the new day
2 qual being like the FBI day qual, theirs is only
3 70 percent also.

4 So as I looked at this, I looked at what we
5 were trying to do for law enforcement across the
6 state. There are 235 law enforcement agencies across
7 the State of New Mexico. And not all of them have the
8 opportunity where they can spend a lot of money on
9 ammunition.

10 Ammunition is harder to get for agencies as I
11 think we all understand. And it's something that we
12 looked at and I've asked the agencies to look at
13 across the board.

14 And, Mr. Barncastle, as far as what's going
15 on, all the agencies have come back to me. And the
16 majority of them have said they like it. There are a
17 couple things in there.

18 Like we went to a kneeling at the five-yard
19 line because some of the ranges do not meet the
20 standards that are set at the Law Enforcement Academy
21 for range design. Their berms aren't high enough. So
22 they can't do a kneeling position at the five-yard
23 line because now their rounds will go up over the
24 berm. So what we have done is we've moved that
25 position back to the 15-yard line, where they either

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| <p>1 do a kneeling or they do a left or right step from the 2 15-yard line.</p> <p>3 MR. BARNCASTLE: Thank you. I appreciate it. 4 I've shot that course.</p> <p>5 MR. JONES: Thank you, sir.</p> <p>6 MR. KING: Sheriff Coon.</p> <p>7 MR. COON: Well, personally, my opinion, I 8 don't like the 70. I'm old school, I still like the 9 80. But I think somewhere in the middle, like 75, 10 would probably be more to my liking. Again I have no 11 problem nor does my department have a problem with the 12 80.</p> <p>13 But if other departments are having a problem 14 with it, I can see maybe splitting it. But I think 15 70, if you're in school, that's a C minus. And I'd 16 like to at least see a C plus on shooting.</p> <p>17 MR. JONES: Okay, sir.</p> <p>18 MR. KING: Sheriff Coon and Mr. Jones, a 19 quick question, because it may go to some of these 20 other things too. The basic requirement then 21 currently is that you shoot a 70 percent for the 22 academy level; is that right?</p> <p>23 MR. JONES: We want to change it to 24 70 percent. We still shoot both courses.</p> <p>25 MR. KING: Okay. But the question I have is,</p> | <p>1 for instance, for Sheriff Coon, if he wants to say 2 that, in order to be part of his agency, you have to 3 be able to shoot at 80 percent, can he still do that?</p> <p>4 MR. JONES: Yes, sir. You can't shoot less 5 than 70 percent. If you want to make it 75 or 6 80 percent for your agency, you can do that. There is 7 nothing wrong with that, sir.</p> <p>8 And there's nothing wrong with the Law 9 Enforcement Academy maintaining the 80 percent. We're 10 not having trouble with the students shooting 11 80 percent. It's when they leave the Law Enforcement 12 Academy and they go to their agencies and they don't 13 have the range time, they don't have the instruction, 14 they don't have all the other things that go with it.</p> <p>15 MR. KASSETAS: Director, I understand that. 16 But I believe that's the price of doing business in 17 the State of New Mexico. As for my counterparts, the 18 other chiefs and sheriffs, I think it's important to 19 maintain that level of competency with your firearm or 20 anything else.</p> <p>21 If it's a budgetary issue, I would say that 22 we need to go back and really prioritize where they're 23 using their money. I'm not knocking the 80 percent. 24 It's certainly not.</p> <p>25 But I think that that decision really needs</p> |
| <p style="text-align: right;">Page 24</p> <p>1 to be based on some of the things you mentioned 2 earlier, the standards that are throughout the United 3 States and what standards we're going to uphold here 4 in New Mexico.</p> <p>5 I'm just not comfortable with basing that 6 decision off of the fact that, if we have to remedy an 7 officer because he or she can't qualify, then that's 8 what we do. And we pay for that and we stand behind 9 it. That's kind of where I'm coming from.</p> <p>10 But I'm open to the movement. I don't think 11 it's a bad thing. I just want to make sure that, when 12 we do it, the Board understands the reason why we're 13 doing it. And it shouldn't be a financial-based issue 14 in my opinion.</p> <p>15 MR. KING: Thanks, Chief. Other questions 16 for Mr. Jones. Let me go down here. Sergeant.</p> <p>17 MR. QUEZADA: Director Jones, I also was 18 agreeing with Chief Kassetas as far as the standard. 19 I agree that I think it needs to stay at a higher 20 level. I have also shot the course. It hasn't 21 changed too much. And I just think that a law 22 enforcement officer should have a higher standard when 23 shooting out there.</p> <p>24 But my other concern I had with that is 25 didn't the night qualification change also from I</p> | <p style="text-align: right;">Page 25</p> <p>1 think from a 50 round?</p> <p>2 MR. JONES: No, sir. It stayed at 50 rounds.</p> <p>3 MR. QUEZADA: Okay. I might have 4 misunderstood.</p> <p>5 MR. JONES: No, sir. I'm sorry. It did. It 6 went from 50 rounds to 25 rounds.</p> <p>7 MR. QUEZADA: Why did that take place is one 8 of my questions. My thought on that is most of the 9 time a night shooting is usually more difficult. I 10 would assume that we would expect a higher practice I 11 guess or a higher round course for a night shoot.</p> <p>12 MR. JONES: Sir, at the Law Enforcement 13 Academy, we look at the qualification courses as 14 measuring where you're at at the time. It's not live 15 or die. You know, if somebody fails, what they do is 16 they go back into it and they look at it.</p> <p>17 It's to see whether or not they have 18 maintained and can do those things, can they do that 19 flashlight technique, can they draw and shoot at 20 night, can they identify their targets. What we did 21 is we went into an area where now we have to identify 22 targets.</p> <p>23 And we want to be able to ensure that they're 24 not only identifying the targets, but is it a shoot/no 25 shoot situation. So we looked at that. And those are</p> |

1 the things that we looked at when we moved to the
2 night shoot requirement.

3 MR. QUEZADA: Okay. Thank you, sir.

4 MR. KING: Other questions. Mr. Korn.

5 MR. KORN: Yes, I had some questions. You
6 and I have had several discussions where we don't
7 necessarily agree. And so my remarks I want to
8 preface by saying that I'm probably in the first row
9 of the Jack Jones fan club. And this is probably the
10 first disagreement we've had in 30 years.

11 But I do think as a Board Member that I have
12 to express concerns that I have. And basically it
13 comes from the standpoint of what does the Board do
14 and what does the Director's office and the Law
15 Enforcement Academy do.

16 And what the Board does I envision or I look
17 at as being comparable to a corporation, because
18 that's my background, business and law. So in a
19 corporation, of course, the board of directors
20 basically sets policy and the president of the company
21 carries it out.

22 So the IBM board might say we're going to
23 stop selling laptops, we're going to concentrate on
24 big business. Then it's up to the president to carry
25 it out.

1 the slugs are and where it's going to go from there.

2 I have talked to numerous agencies and
3 numerous personnel around the entire state. And what
4 I found is that a great number of agencies are keeping
5 their score at 80 percent. You know, I can rattle off
6 APD, Chaves County, Roswell. State Police, are they
7 going to remain at 80 percent?

8 MR. KASSETAS: Yes, they are.

9 MR. KORN: State Police are going to remain
10 at 80 percent, Bernalillo County Sheriff, Farmington.
11 So you have major departments and some minor ones as
12 well remaining at 80 percent.

13 So what does that do if we have, say, a gun
14 battle and we have a small department and a big
15 department. And the small department unfortunately
16 kills a civilian. Well, then the first thing that's
17 going to happen is we're going to say, well, they only
18 had to shoot 70 percent.

19 And that's a real problem for me. Because
20 even if that doesn't occur, I think the standards we
21 should set as a Board are the highest standards we can
22 do. And if people can't make those standards, then
23 they need to find another line of work.

24 And I'll point out one other thing. You go
25 through academies. If we were going to do this and

1 In this case, at the Law Enforcement Academy
2 Board, I have a feeling that it's been reversed. And
3 several items have been put into motion that the Board
4 hasn't commented on ahead of time. And several of
5 those happen to be things that I do think are changes.

6 So when you say that nothing has changed in
7 the curriculum from the old standards to the new,
8 that's not exactly true the way I see it. As you say
9 the Reactive Control Model has changed, the PT
10 standards have changed, and the shooting standards
11 have changed.

12 Now, the way I look at it, the shooting
13 standards; that is, what the course is, is a matter of
14 discussion for the Director, because you have the
15 expertise to figure out what the best shooting is.

16 But I think the Board has to decide what the
17 level of scoring would be in order to make New Mexico
18 police officers the best police officers they can be.
19 For the standard to have been dropped from 70 percent
20 to 80 percent is basically just a head nod to the
21 slugs that can't score more than 70 percent.

22 And you single out small departments as if
23 all the slugs are concentrated there. And maybe it
24 is, maybe you know more than that. But I don't think
25 that we should as a Board decide policy based on who

1 have an academy which is going to be at 70 percent and
2 yet the department they were going to go to was going
3 to be at 80 percent, how does the Law Enforcement
4 Academy handle that?

5 They were able to pass the curriculum for the
6 academy and yet they can't work in their department
7 because they haven't scored enough. So then they have
8 to have remedial training to get them up to a
9 different level.

10 My point that I'm making is maybe 70 percent
11 is right. I don't think it is. But the point is that
12 I think that issue should have been discussed with the
13 Board and the Board should have been making a judgment
14 on that long before now.

15 And I personally think that the discussion
16 should be why on earth are we going to lower the
17 standard when actually I've talked to almost every
18 member of the Board that's taken the test. And they
19 have all scored almost the way they have before and
20 well above 70 percent and indeed well above
21 80 percent.

22 I have more to discuss on the PT. The PT is
23 the physical fitness standard, something you and I
24 have argued a lot about. And I know you're passionate
25 in your arguments. But there again I think this is a

1 Board decision about how we want the standards to be
2 for the state.

3 Now, the individual parts of the testing
4 would be something that the academy Director would
5 figure out with his staff. But the notion of what the
6 standard should be, whether we're going to be one test
7 for men and women or whether it's going to be dual
8 tests, should be up to the Board.

9 It's too easy to say that men and women do
10 the same job and the criminal doesn't care what
11 happens after that. But it ignores the fact that,
12 when you make a physical fitness standard with men and
13 women being equivalent -- you raised the point where
14 young men were having a hard time making the run so
15 you raised the standard for them. But the flip of
16 that is that you also lower the standard for women and
17 for older folks.

18 So, in effect, you're making it harder for
19 women and older folks. And what does that do? What
20 that does is down the line, maybe five years, maybe
21 three years, you're going to change the whole
22 complexion, you have the potential for changing the
23 whole complexion of law enforcement in New Mexico.

24 I happen to be a real supporter of age and
25 gender diversity. And by making it one standard for

1 state. And I think that's a discussion that should be
2 part of the Board. And the reason that should be part
3 of the Board is we have to make a decision about would
4 it be better, in the interest of age and gender
5 diversity, to make our test something that encompasses
6 and includes women. So that our ten or 12 percent
7 women can grow to 20 or 25 and start to really mirror
8 our communities.

9 MR. KING: Thank you. Mr. Jones, I wasn't
10 sure whether there was a request for a response in
11 that other than I put down on my list that we can
12 discuss whether it's our sense that we should keep,
13 for instance, the shooting scores at 80 percent. I
14 think we can do that. We have sufficient information
15 today to give you some advice on that.

16 With regard to the physical fitness
17 capabilities, I gathered from what you were saying
18 that you've changed the physical requirement so that
19 it's now, instead of like a mile run or something like
20 that, it's more related to these sort of specific
21 tasks that look more like what you were doing in the
22 field or something.

23 Can you go into that a little bit more and
24 maybe address Mr. Korn's comment about what also
25 appears to me to be just the standards for getting

1 everybody, my fear and concern is that we're going to
2 find ourselves less and less diverse when we get five
3 years down the line.

4 And when that happens, we're going to look
5 back and say, hey, how come we only have 6 percent
6 females or 8 percent females when we used to have ten
7 or 11. And then we're going to say, well, maybe it
8 had something do with the PT test when they couldn't
9 get into the academy because of that.

10 And I know your response is that everybody
11 that gets into the academy does better and passes.
12 And I've talked to again agency directors including
13 yourself from all over the state, I've talked to the
14 Farmington director, I've talked to the Albuquerque
15 Police director, and I've talked to the San Juan
16 County director.

17 I understand that, when officers get in the
18 academy with the new standard, they tend to pass. The
19 question is and the question that nobody has the
20 answer to is how many people either applied and didn't
21 get in, how many women and older people applied and
22 didn't get in because the standard was too high for
23 them. How many didn't even try because they thought
24 they could never pass it and compete.

25 And that's the real chilling effect for our

1 into the academy too and have we changed those.

2 MR. JONES: Sir, I think we talked about the
3 physical fitness requirements. We still have the same
4 number of people that are applying to go to the Law
5 Enforcement Academy.

6 First of all, I want to say this to the
7 Board. This was an opportunity for us to look and
8 validate the things that we were looking at. The
9 Board still needs to vote on this. Absolutely.

10 These are things that I wanted to do to see
11 whether or not we could do these things and we could
12 make this change happen. And I thought that the Board
13 would like us to be able to come back in here and say
14 these are the things that we have done, these are
15 where we have gone.

16 For example, Cooper, who is a renowned
17 physical fitness guru, has said female and male gender
18 physical fitness requirements cannot stand up to
19 litigation when it comes to entering a Law Enforcement
20 Academy. Whatever that means, I'm not a lawyer, I
21 don't know. I just know that he suggested and
22 everybody else across the board has suggested that we
23 do the same thing.

24 We kept the mile-and-a-half run, we kept the
25 300-meter dash, we kept the pushups and the situps.

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| <p>1 What we did was we made them more generic so that 2 everybody would have to pass at the same score. 3 Other law enforcement academies have had 4 older people go through this academy. I've only had 5 five people fail the first one. And of the five that 6 failed, three of them were men and two of them were 7 women. And one of the ladies that failed, she just 8 wasn't there, she wasn't able to do it; she was very 9 heavy, she couldn't pass the test. 10 We are trying to validate these so that we 11 can make a conscious decision on where we want to go 12 with this. The 16-week academy needs to have stronger 13 and more physical people when they enter so they don't 14 get injured throughout the academy. Our job is to get 15 young men and women through this academy as best we 16 can. 17 If I'm not mistaken, the Hobbs academy has 18 two individuals that come up to test in their academy. 19 Both of them are in their forties. I just had a guy 20 from my academy just graduate class 187 that was 21 47 years old. So those older men and women that want 22 to come into the academy can do so, they just have to 23 know what the standard is to get there. 24 We haven't changed the standards that much. 25 What we did was we lowered the run for younger people.</p> | <p>1 To do a mile and a half in 15 minutes and 20 seconds, 2 you can do it in a fast walk. And we raised that. 3 And what we're looking at is what we're trying to 4 validate for what we can do for the future. 5 MR. KING: Chief Kassetas. 6 MR. KASSETAS: Director, before you go on, 7 does that mean this last basic class graduated under 8 the new percentage for shooting and the new PT scores? 9 MR. JONES: Yes, sir. 10 MR. KASSETAS: Okay. And that was done with 11 the intention of bringing that information to the 12 Board so we could then make a decision on whether to 13 change the standards, correct? 14 MR. JONES: Yes. But I will tell you, 15 everybody that graduated those last two academies were 16 capable of passing the male/female gender. 17 MR. KASSETAS: Mr. Chair, I just would like 18 to put forward for the sake of argument that at this 19 point my position would be to leave the current 20 standards in place and we can explore this more as a 21 Board. 22 I would like to discuss the lesson plans. I 23 do agree with the Director that the content of the 24 lesson plans is the job of the Director, the Deputy 25 Secretary of the Department of Public Safety, and</p> |
| <p>Page 36</p> <p>1 ultimately the Secretary, Greg Fouratt, is responsible 2 for the content. 3 But as far as the blocks of instructions that 4 are taught, certainly that's a Board decision. Those 5 lesson plans are fluid. And I know, when I taught, I 6 would teach a course; and case law would change or the 7 instructor would change it as we went. But within the 8 spirit of that instruction, it stayed consistent with 9 what the goal was, to teach. 10 So I don't know how to make that motion other 11 than I'd like to move on and leave the current 12 standards in place and we can further discuss that 13 prior to the next meeting, however that works. 14 MR. JONES: Chief, if I may interrupt you 15 just a second. 16 MR. KING: Hang on a second. Let me say this 17 and then I'll give you a chance to answer. 18 I think that's sort of the way that we have 19 this item on the agenda, is a need for us to discuss 20 that. I think that, when we get to the end of all of 21 this discussion, I want you to hold that in abeyance. 22 But I think that certainly it's okay to make 23 a motion here that we stick with the standards that 24 were in place until we make a decision to change the 25 standards.</p> | <p>Page 37</p> <p>1 MR. JONES: They met the standards of the 2 last two physical fitness requirements of the agility 3 test as it is written in the Board. 4 MR. KASSETAS: That's comforting. Thank you. 5 MR. JONES: As far as the firearms go, this 6 is my point on the firearms. You have somebody that's 7 involved in a shooting and they go to court. 8 The court lawyer goes up there and says are 9 you certified on the law enforcement firearms 10 qualification? Yes. Did you shoot 80 percent the 11 first time? No, I didn't. How many times did it take 12 you to shoot 80 percent? Well, it took me three times 13 to shoot 80 percent. So you're not an 80 percent 14 shooter the first time out of the box. 15 And one of the things that I've seen with law 16 enforcement agencies for training to look at is what I 17 call the 7/11 test. I take a target, I put it up. 18 It's a three-round test. It's a target, it's 35 feet 19 away. They have three rounds to hit a steel frame 20 target from the holster. They can't do it. 21 And I'm going to throw this out there. I 22 have seen 400 law enforcement officers try to qualify. 23 Only three-quarters of them have ever shot the 24 80 percent. 25 I have watched a firearms instructor course</p> |

1 come up here. We just had 25 come up. They're
2 supposed to be firearms instructors. They're supposed
3 to be the men and women that want to be the best they
4 can. They can't even shoot the 80 percent, let alone
5 the 90 percent to be a firearms instructor. They
6 can't meet that.

7 And everybody says, well, they're not
8 shooting enough, they're not professional enough to go
9 out there and do their job. However you want to call
10 it, they need to be trained. They don't have the
11 range time, they don't have this. The 70 percent is
12 what is the standard across the United States.

13 We can stay at the 80 percent, if that's what
14 you like. But they can't make it. I'm telling you
15 that law enforcement agencies out there cannot do it.
16 They don't have the budget the State Police have, they
17 don't have the trainers that APD has, they don't have
18 what Las Cruces has.

19 There are 235 other agencies out there. And
20 you're looking at Farmington, you're looking at APD,
21 and you're looking at the premier agencies in the
22 state that have law enforcement trainers that can
23 dedicate officers to do nothing but training?

24 That's why we looked at it. I would be glad
25 to discuss this with the Board. But there are issues

1 learning how to shoot.

2 And the fact that there are small departments
3 that may not be able to devote that time has nothing
4 to do with the fact that there are ways to get it.
5 There's everything from grants to working with other
6 departments. And it was a system that lasted for
7 years and years at the 80 percent.

8 I see you shaking your head no. But I'm
9 saying maybe you're right. But this is a question for
10 the Board. Everybody on the Board shot over
11 80 percent. So that's one point.

12 The second point is the issue about the
13 Cooper standard and the PT. The comment that I've
14 always heard from you and from the other directors is
15 that everybody that gets in their academy is able to
16 pass it and do well.

17 But the point is that we're worried about the
18 people that aren't getting into those academies, the
19 people that either aren't applying or the people that
20 are applying and get washed out. And because the age
21 and gender segment of people that want to get into law
22 enforcement is so tiny, that could be five people a
23 year spread out among five academies.

24 The point is that we'll have no idea who were
25 affected, who might be a future leader in a department

1 out there that we need to discuss. It's just not for
2 the Law Enforcement Academy, it's across the board for
3 law enforcement agencies.

4 MR. KING: Go ahead, Mr. Korn. You still
5 have the floor.

6 MR. KORN: Just a couple things, Director. I
7 understand you're saying that many departments can't
8 have their staff pass that. But my comment is still
9 the same. We had 80 percent pass before. There has
10 been no problem with 80 percent.

11 MR. JONES: There was. I'm going to tell
12 you, there was.

13 MR. KING: I just want to make sure that
14 everybody understands that I'm still the chair. So
15 let's go through the chair. Go ahead, Mr. Korn.

16 MR. KORN: There may have been. There may
17 have been people that couldn't pass it. Whether or
18 not they should still be law enforcement officers is a
19 question that we can put on the side.

20 The fact is that, if this is not a discussion
21 of training but a discussion of finances, of having
22 enough money to train, then those departments have to
23 get the finances and the money to train. I don't
24 think we want law enforcement officers that can't
25 shoot as well because they can't spend as much time

1 just because they got washed out from even applying to
2 the academy.

3 And I point out that the academy process for
4 PT is where it all ends. I mean after six months,
5 after they're out of the academy, no department in the
6 state, certainly not the Law Enforcement Academy,
7 requires retesting. So the incumbents as they're
8 called are never retested.

9 So you could have somebody that's in the best
10 prime physical specimen of their life when they
11 graduate. And a year from then they go back to their
12 same weight and they become different as they
13 matriculate through the academy. We have all seen
14 that.

15 So the point is that, if this was a standard
16 that was required for law enforcement from the time
17 they go into the academy until the time they retire,
18 that would be one thing. But that's not true.

19 So we're going to curtail age and gender.
20 We're going to have age and gender discrimination
21 because of a brief moment in time. And I don't think
22 that's right.

23 And let me point out that the Cooper
24 Institute that you quoted you kind of misquoted. They
25 point out and they observe in some of their documents

1 that, "The use of absolute fitness standards will
2 likely demonstrate adverse impact against females."
3 And they recognize that in several places within their
4 pages.

5 The fact that females and older folks are
6 going to have problems is obvious. I mean they don't
7 have the upper body strength and they're not as agile.
8 So if they have to push a vehicle or drag a dummy, a
9 woman is always going to be at a disadvantage. I mean
10 it stands to reason.

11 So then Cooper went on to say, "If the goal
12 of your agency," and in this case the agency is the
13 Law Enforcement Academy Board. "If the goal of your
14 agency is to promote diversity, then the use of
15 age/gender norms as a fitness standard is probably the
16 best approach." And that's the one we used to have.

17 And I maintain and I would challenge any
18 member of the Board to say that age and gender
19 diversity isn't one of our prime goals in New Mexico
20 law enforcement. Thank you, Mr. Chairman.

21 MR. KING: Mr. Jones, I'll give you a chance
22 to respond.

23 MR. JONES: I don't know what the date on
24 that is. But what I have from the Cooper Institute
25 was done specifically for law enforcement. They went

1 might be an argument that somehow or another there's
2 gender discrimination if we don't apply the same
3 standard, which is something that you raised,
4 Mr. Jones, versus this report.

5 So maybe you guys can look into that issue
6 and give us a little bit of a report at the next
7 meeting about where we find the balance, you know, in
8 what current case law is regarding gender
9 discrimination.

10 MR. REYNOLDS: Mr. Chair, we certainly can do
11 that. We're not in a position at this meeting to give
12 a full legal analysis. But it's certainly something
13 that we can start working on for hopefully the next
14 meeting.

15 MR. KING: Thank you. Yes. Questions.
16 Mr. Gratton.

17 MR. GRATTON: Mr. Chairman, Director Jones,
18 just a couple of comments. I think we should look at
19 the gender issues. I've done some of that testing
20 before, I've used Cooper before. We've always used a
21 different standard in terms of that to equate where
22 those people are. So I think you should look at that
23 to establish that.

24 And then my question is maybe could we
25 provide the Board -- what I would like to see as a

1 across the board and looked at law enforcement
2 agencies and what they needed to do for people going
3 into law enforcement.

4 If this is what the Board has made up your
5 mind to do, hey, okay, we'll go back and relook at it.
6 I still have my opinions along with the other
7 directors and the law enforcement agencies across the
8 state who believe that we have done the right thing in
9 taking the right steps and improved the Law
10 Enforcement Academy.

11 MR. KING: Mr. Korn, you have the floor.

12 MR. KORN: I'm still your fan. We're just
13 having a disagreement. I think you have made
14 incredible strides. I think the 16-week academy is
15 something that's been talked about for decades and
16 never happened until you came along.

17 So I mean the fact that we're having a
18 disagreement about these two standards is minor
19 compared to the major things you've done. So I want
20 my remarks to be understood in the context of the
21 greater whole.

22 MR. KING: Actually let me comment on that.
23 I would want to do a little look and might want to
24 have my lawyers do a little look at what the current
25 status of the law is, because I can see that there

1 Board Member are those candidates that are washed out
2 as Mr. Korn referred to and why were they washed out,
3 what was the issue, was it the run, was it the situps,
4 was it the pushups.

5 We can redact the names. I know that might
6 be an issue. But if we could just see as a Board why
7 we're losing those individuals from the academies and
8 get some good information.

9 And the last thing I'd like to say, and I'm
10 speaking now as a citizen, I would rather go back to
11 my community and tell them that we are holding police
12 officers to an 80 percent shooting rather than a 70
13 percent.

14 I know that's only 10 percent. But when you
15 get to the use of firearms, that is a pretty big issue
16 and a sensitive issue. And we'll definitely make a
17 statement to show that we're holding to the higher
18 level. Thank you.

19 MR. KING: Yes, sir. Other questions of the
20 committee? I have some of my own. Thanks.

21 Mr. Jones, I have a feeling that a lot of
22 people are here because they want to hear a little
23 more discussion on the use of force -- I don't want to
24 say curriculum.

25 MR. JONES: The use-of-force lesson plan.

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| <p style="text-align: right;">Page 46</p> <p>1 MR. KING: It's really the lesson plan. But 2 maybe we can go back a little bit more. Curriculum 3 has probably always included some period of time of 4 teaching use of force; is that right? 5 MR. JONES: Sir, one of the things that we've 6 had a problem with is that we take terminology and we 7 intermix it. And the lesson plan is the basic lesson 8 plan that is structured to give a class. Inside that 9 lesson plan, we have instructional objectives. And as 10 long as we don't change those instructional 11 objectives, that lesson plan really doesn't change. 12 Even if we do change an instructional 13 objective to say what are the Supreme Court rules on 14 search and seizure, all we do is add a paragraph back 15 here, where the individual has to talk about what the 16 new requirement is from the Supreme Court that says 17 you cannot search an individual's cell phone 18 incidental to an arrest. 19 When we get down to the curriculum, the 20 curriculum as a whole, the curriculum is the schedule 21 that we're going to use. We go through that 22 curriculum and we look at that to see what lesson 23 plans are taught inside that curriculum. So yes, sir, 24 we're looking at a lesson plan. 25 MR. KING: I mean two years ago, say, but</p> | <p style="text-align: right;">Page 47</p> <p>1 before you changed anything, was there a block that 2 was called use of force or was that taught as part of 3 some other block? 4 MR. JONES: No, sir. It was always called 5 use of force. And defense tactics is part of the 6 block. The use-of-force lesson plan is in defense 7 tactics. And inside that use-of-force lesson plan was 8 the RCM, the Reactive Control Model. 9 MR. KING: I mean obviously we have a big 10 point of discussion about how we're training our 11 police officers to deal with this. Can you now talk a 12 little bit about sort of the changes that we're making 13 with regard to the lesson plans to modernize or to 14 deal with some of these issues that are coming up? Is 15 that something that we're doing, is that something 16 that you can address? 17 MR. JONES: Yes, sir. What we're doing with 18 the use-of-force lesson plan is no different than what 19 we've done with any of the others. What we've done is 20 taken it into dynamic training requirements. 21 What we have is more scenarios that the 22 individual has to deal with, the individual cadet. 23 They have to deal with more scenarios with family 24 disputes, with mentally ill, and things like that. So 25 we talk more about how they do that.</p> |
| <p style="text-align: right;">Page 48</p> <p>1 We talk more about what they need to do and 2 we demonstrate what they need to do when it comes to 3 making a physical arrest and how that physical arrest 4 ends. And then we talk about the use of force itself 5 when it comes to Constitutional law and what case law 6 is and when you can use deadly force in the use of 7 force. 8 When we looked at the Reactive Control Model, 9 we looked at this because it puts the officer in a 10 box. You know, it puts the officer in a box, where it 11 says he's got a knife, I've got a gun. And then we 12 talk about distance, what's that distance between 13 where an officer can make that determination to shoot. 14 The Supreme Court has come back and said 15 basically that they're not going to judge officers on 16 a control model, they're going to judge officers on 17 what is Constitutional law and what case law is. 18 The Reactive Control Model comes from case 19 law. But what it does is it puts that officer in a 20 box and says I can shoot if he has a knife, I can do 21 these things. And what we wanted to do at the Law 22 Enforcement Academy was ensure that they understood 23 what the case law is and what current case law is and 24 what New Mexico law is. 25 So we think that the Reactive Control Model</p> | <p style="text-align: right;">Page 49</p> <p>1 along with 40 other -- we looked at 40 other law 2 enforcement academies across the United States. 3 Thirty-eight of them don't use the Reactive Control 4 Model. 5 We've received many, many compliments and 6 responses from sheriffs and chiefs of police about 7 doing away with the Reactive Control Model in the 8 state because, when they get back to their agencies -- 9 again there are 235 agencies in the State of New 10 Mexico. 11 I can't teach what each one of those agencies 12 have for their control model, if they teach one. 13 FLETC has a control model that they use. Some law 14 enforcement agencies on the east side of the state may 15 use a FLETC control model, they may use a control 16 model from Dallas. LAPD just did away with their 17 control model. 18 So as we look at things, I don't want to have 19 to hold our instructors to teach a control model that 20 may not be exactly where I want to be with an agency 21 when they leave. 22 MR. KING: So I'm just trying to be clear. 23 So we're moving away from the Reactive Control Model 24 in the new lesson plans? 25 MR. JONES: Yes, sir.</p> |

1 MR. KING: And can you tell me what we're
2 moving toward?

3 MR. JONES: Well, sir, it's always been
4 current case law, Graham versus Connor, it's always
5 been what Constitutional law is. It's always been
6 that.

7 This was just something that was used in the
8 lesson plan that was to support what current case law
9 is or what Graham vs. Connor is, where we move and use
10 force and deadly force within the State of New Mexico.

11 MR. KING: I want to be fairly
12 straightforward with this, because I got a lot of
13 emails from folks that said that they don't want us to
14 either implement or continue what has been termed the
15 shoot first model. Can you address whether we ever
16 taught a shoot first model?

17 MR. JONES: No, sir. There's not a law
18 enforcement academy in the State of New Mexico that
19 has a term shoot first. The last thing we want to do,
20 the last thing that we teach, the last thing that we
21 have even in our case law, where we teach the use of
22 force, is shoot first.

23 That's why we have decision shooting targets,
24 that's why we go through and we do all the training
25 that we do in the Law Enforcement Academy. We've

1 one, dealing with the mentally ill. Part of that
2 dealing with the mentally ill is also where we have to
3 do another four hours of instruction.

4 And actually we do more than that. We've
5 talked about the scenario-based training when dealing
6 with a family dispute, dealing with a mentally ill
7 person, how we move forward to take care of that. So
8 there are several hours that are dedicated to the Law
9 Enforcement Academy curriculum for dealing with the
10 mentally ill that's mandated by the legislature.

11 MR. KING: And are there changes to that
12 based on the determination we made last year to go to
13 the 16-week training or whatever, are there changes in
14 the amount of training that we're doing?

15 MR. JONES: Yes, sir. Actually we've done
16 more training than that, because what we do now is we
17 have more of that scenario-based training when we go
18 to the range. We do more scenario-based training when
19 we do our FATS system or MILO system. It depends on
20 which academy you go to and their simulation. And we
21 do more of that with SIMs rounds.

22 So we do a lot more. There's a lot more
23 hours that are put towards dealing with the mentally
24 ill, when you move up into a domestic violence
25 situation, and how we deal with that and what we do.

1 moved from pure PowerPoint presentations to
2 scenario-based training.

3 So that now we put them in as many scenarios
4 as we can to show them you don't need to shoot, this
5 is what you're going to do when it comes to this
6 situation.

7 We have always at the law enforcement
8 academies taught that drawing your weapon and shooting
9 is the last resort. And that last resort is to defend
10 your life against great bodily harm or the life of
11 somebody else against great bodily harm. We have
12 never taught shoot first, sir.

13 MR. KING: One of the other concerns that I
14 personally have I think has to do with indeed how we
15 address situations where there are people that are
16 mentally ill. I mean we've had a lot of discussion
17 about this. And maybe you can address it.

18 I think it was a few years ago that the
19 legislature passed a change in the statute that said
20 that you have to teach a block on dealing with people
21 that have mental illness or something. Can you sort
22 of talk about what we're doing right now.

23 MR. JONES: Yes, sir. There are several
24 blocks of instruction that have been mandated by the
25 legislature; AMBER Alert is one, Safe Pursuit Act is

1 And there are lots of scenario-based outlets for that.

2 MR. KING: So I guess I don't know if you
3 quite got to the answer to my question. Have we
4 changed in what you're sort of presenting to us today,
5 have we changed that? I think you said you're doing
6 more. But can you be a little more specific.

7 MR. JONES: We have not changed the basic
8 lesson plan for dealing with the mentally ill or
9 dealing with domestic violence. We have not changed
10 that basic lesson plan. We have added more to it
11 because of the scenario-based training that we do.

12 MR. KING: Okay. Thank you. Other
13 questions? Yes.

14 MR. COON: I've been around a long time,
15 41 years in law enforcement. I have never, ever heard
16 the term shoot first. I mean that's not in the police
17 vocabulary, in the police dictionary, or a phrase any
18 policeman that I know of had ever heard, of shoot
19 first.

20 It's defend yourself, defend the guy next to
21 you, and shoot to stop the action. But never shoot
22 first. I don't know where that would even come about.

23 MR. KING: Thank you. It's the point I
24 wanted to make. But there was a petition that was
25 going around, and it may have gone to all of you guys

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| <p>1 too, that said stop shoot first training. And frankly 2 I'm not aware of us ever having any training like 3 that.</p> <p>4 MR. COON: I've been around like I say 5 forever and ever, and that phrase has never entered my 6 mind.</p> <p>7 MR. KING: Okay. Thank you, Sheriff. Other 8 questions.</p> <p>9 MR. McCALL: Mr. Chair.</p> <p>10 MR. KING: Yes, go ahead.</p> <p>11 MR. McCALL: Director Jones, much of our 12 scenario-based training, much of that, in fact, 13 presents scenarios that are don't shoot, is that 14 correct, de-escalation?</p> <p>15 MR. JONES: Yes, it is. The majority of 16 scenarios that we do in training, whether it's on the 17 live fire range, if we're talking about square range 18 tactical drills or about MILO or we go to the FATS 19 system like what you have down at the Southeastern New 20 Mexico Law Enforcement Academy, most of those 21 scenarios are don't shoot scenarios.</p> <p>22 They're scenarios where the officer has to 23 make a decision. And if he makes the wrong decision, 24 we go in and critique him on it and we go back and 25 look at it to see how we can change those things and</p> | <p>1 see what his basic training is, where did he learn 2 that.</p> <p>3 MR. KING: Okay. Actually that does remind 4 me. That was really the last question I was going to 5 ask too. We have several training academies. We have 6 the state training academy in Santa Fe, APD has an 7 academy.</p> <p>8 MR. JONES: There are nine academies total, 9 sir.</p> <p>10 MR. KING: Do they all work from the same 11 curriculum?</p> <p>12 MR. JONES: Well, let's talk about APD. APD 13 has a 26-week academy. Their basic 16 weeks in the 14 academy has to be accredited by the New Mexico Law 15 Enforcement Academy. Anything they teach above that 16 16-week curriculum is policy.</p> <p>17 For example, the Law Enforcement Academy and 18 the other academies, Hobbs and Farmington, they all do 19 the 16-week academy. We teach one firearms system, 20 and that is the pistol. So APD will go and teach the 21 shotgun and rifle. And I think they have beanbag guns 22 and stuff like that that they have to teach that goes 23 into their scenarios that they look at. So we teach 24 one weapon system.</p> <p>25 MR. KING: Do all of the academies then have</p> |
| <p style="text-align: right;">Page 56</p> <p>1 the basic 16-week course and then they decide what 2 else they're going to have?</p> <p>3 MR. JONES: Yes, sir. All academies have the 4 basic 16-week course. When the Law Enforcement 5 Academy from Las Cruces decides that they're going to 6 put on an academy, they send us their curriculum, 7 their schedule.</p> <p>8 And Melissa Romero does a great job. What 9 she does is she goes through their schedule, which is 10 a 22-week academy. And then she has to go through and 11 identify each hour of that 16-week curriculum that is 12 established at 657 hours.</p> <p>13 And she finds all of those 657 hours in that 14 22-week curriculum and then she signs off on it and 15 says they have met the minimum requirements of the New 16 Mexico Law Enforcement Academy Board requirements.</p> <p>17 They send that letter to me. I sign off on 18 it, saying you have met the requirements. I send that 19 letter back to them and tell them that they're good to 20 go.</p> <p>21 If they have not met all those requirements 22 within that 16-week curriculum, then what happens is I 23 send them a letter saying you're short hours in AMBER 24 Alert or you're short hours in dealing with the 25 mentally ill. And what they do is they send up</p> | <p style="text-align: right;">Page 57</p> <p>1 another curriculum that says, okay, we left that out. 2 And then we also look at the instructors. 3 The instructors are also added to that. So we look at 4 the instructor to see if the instructor is certified 5 to teach that portion of that class.</p> <p>6 So they'll send up their curriculum, which is 7 their schedule. We find those 657 hours in there. 8 And then we look at the instructors that are going to 9 teach it.</p> <p>10 There are only certain instructors that can 11 teach dealing with the mentally ill, there are only 12 certain instructors that can be certified to teach 13 dealing with domestic violence. So we'll go through 14 that list of instructors they have identified and make 15 sure that they are certified to teach that block of 16 instruction.</p> <p>17 MR. KING: Okay. Other questions? We have a 18 spot on our agenda later on for public comment, but I 19 think we had intended to have some public comment 20 here.</p> <p>21 We are in a little bit different setup here 22 where we're all up on the stage. So it's actually my 23 intention to call for a ten-minute recess so that we 24 can stretch and get a drink of water, whatever we need 25 to do. Is that okay with the committee?</p> |

1 And so after this we will have an opportunity
2 for some public comment. I think we've laid out sort
3 of the three major issues that we're concerned about
4 here. And so it will be my intention that the comment
5 will be on those topics that we have talked about
6 here.

7 And that's what we do in court. The comment
8 needs to be relevant to what we've talked about here.
9 This afternoon we have some other opportunity for
10 public comment on other issues that may come up this
11 afternoon. So it is ten o'clock or five after ten.
12 We'll reconvene at 10:15.

13 (Recess.)

14 MR. KING: I'm going to call the meeting back
15 to order. Thank you all. I delayed a little bit.

16 Mr. Jones, you may be able to sit and rest
17 for a bit.

18 MR. JONES: Thank you, sir.

19 MR. KING: So here is my plan. I know that
20 there are folks that want to comment publicly. I
21 don't know how many, I don't think we had a sign-up
22 sheet or anything.

23 I've been informed that we actually don't
24 have this building past basically four o'clock or
25 4:30. And so we do need to kind of try and move

1 MR. MECHELS: Mr. Chairman, Members of the
2 Board, my name is Chris Mechels, I'm a citizen of
3 Santa Fe. I have been following this very closely
4 after the last few months. I think the issues of the
5 curriculum are very important. I think this is
6 perhaps the wrong forum to be addressing them.

7 Historically curriculums have always been
8 made by the Law Enforcement Academy in public
9 hearings. This December was the first time that the
10 Board as far as I know has ever made a curriculum
11 without a public hearing.

12 And I think the difficulties that came up --
13 that were pointed out to you this morning as far as
14 firearms training, as far as physical fitness, are
15 excellent points. These points should have come up in
16 a public hearing. There was an opportunity for that.

17 They should have come up in December. But
18 they didn't come up in December when this curriculum
19 was passed because there wasn't an opportunity for the
20 Board -- because the process was that Director Jones
21 just came in with the curriculum in hand and dropped
22 it on the Board who hadn't had a chance to look at it.

23 And then comments, if you look at the
24 comments, say, well, we made some changes to the
25 fitness requirements, et cetera. And nobody really

1 along. I think that these are really good discussions
2 that we've had. And I think that the Board wants to
3 know what you think about the items that we've been
4 discussing.

5 So I'm not going to implement like a
6 hard-and-fast five-minute rule or something. But if
7 you can keep your comments to about two or three or
8 four minutes and, when you get to about five, I may
9 start waving at you or something.

10 I think like I said I would like for the
11 comments to stick with curriculum and lesson plans and
12 training and those things. But like I said I know
13 that you all have some things you want to talk about.

14 So having said that, I think that we will
15 just allow people to come up. I've seen this done
16 before in this room, where maybe people can kind of
17 line up along the wall there, if you want to speak.
18 And then it looks like this microphone up here is
19 probably the one that will work.

20 Is there anybody that wants to make comment?
21 I will certainly ask you to say your name because
22 we're on the record here. We don't swear anybody in
23 or anything, it's more like a legislative hearing from
24 that perspective. But if you'll say your name so that
25 we have it for the record. Okay. Go ahead.

1 had a chance to think about it, it just got dropped on
2 them and then they passed it.

3 I encourage anyone who wants to see how bad
4 this process was to read the minutes of the December
5 meeting. It's a disgrace. You passed the curriculum
6 blind. The least the Board should have done was take
7 a two-hour recess and actually examine the material
8 before them.

9 By the way, you did not pass the curriculum.
10 You passed -- what you passed as far as the record
11 shows is you passed the schedule for class No. 187 of
12 the Law Enforcement Academy. A schedule is not a
13 curriculum. It may embody the curriculum. It is not
14 a curriculum.

15 And if you just pick up -- and that's
16 important. Because if you pick up that hearing, if
17 you -- if the Board had shown the impetus or the
18 interest in examining that document, it would have
19 been very hard for them to go through that schedule
20 and deduce what the curriculum was.

21 There's no evidence in the minutes that that
22 interest was sufficient for the Board to actually stop
23 and consider it. They just passed it. That is a
24 grave deficiency in this new process that the Board
25 saw fit to pass last September in which they abolished

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| <p style="text-align: right;">Page 62</p> <p>1 public hearings and, therefore, abolished formal 2 public input, even though that input is required under 3 New Mexico law; because you're changing policy that 4 affects the citizens of this state.</p> <p>5 The Board did not have the option to abolish 6 that law, but they chose to. This will be challenged 7 in court. I would suggest that you revisit it.</p> <p>8 Some of the changes that Mr. Jones or 9 Director Jones put to us as not being changes were the 10 curriculum. I totally disagree. He pretty much wiped 11 out everything for the patrol procedures and community 12 policing.</p> <p>13 And what he didn't apparently consider was 14 that, if you look at other municipal police training 15 academies such as Cruces, such as APD, such as 16 Bernalillo, such as Dona Ana, these people actually 17 add on to many of the areas that he's dropped.</p> <p>18 So what we ended up with is in Santa Fe we 19 ended up going to a 16-week curriculum, which pretty 20 much wiped out all community policing and patrol 21 policing and reduced physical fitness requirements and 22 reduced firearms training. I suggest that Santa Fe 23 just got totally messed with because we don't have our 24 own academy.</p> <p>25 Perhaps we'll have to have our own academy,</p> | <p style="text-align: right;">Page 63</p> <p>1 because the curriculum that is coming out of the LEA 2 today is inappropriate to a municipal police force. 3 If you just compare the curriculum to the APD or the 4 Cruces academy or Bernalillo or Dona Ana, you will see 5 that for yourself.</p> <p>6 But just for example, in physical training -- 7 or in the patrolling, APD added or a lot of these 8 people added on hours to the requirement -- to the 9 original requirement. For example, let's say 10 defensive tactics, a key one; because if you don't 11 know how to do that, you just might shoot somebody 12 because you don't know what else to do.</p> <p>13 Defensive tactics, Cruces was always running 14 26 hours past the requirement of the old curriculum. 15 The new LEA curriculum reduced that even further to 16 minus eight. These municipal academies are not bound 17 as Mr. Jones said to the minimum curriculum. They 18 will continue by the evidence to use a longer 19 curriculum.</p> <p>20 The recent APD curriculum which has been 21 changed is 27 weeks. I think the Santa Fe people 22 should start sending their people not to APD, I 23 disagree with some of the curriculum. I think we 24 should send them to Cruces. The problem is, if we 25 send them to Cruces, it's not free.</p> |
| <p style="text-align: right;">Page 64</p> <p>1 The only advantage I can see for sending 2 anyone to the Law Enforcement Academy is because it's 3 free. This is a terrible way to structure incentives. 4 The best training I think for municipal police forces 5 right now today is in Las Cruces, New Mexico, not in 6 the LEA. The LEA has the worst municipal training in 7 the State right now.</p> <p>8 I think you need to reconsider -- you need to 9 go back in the law for public input and get legal. 10 And then you should have public input to decide some 11 of these issues, because you're not giving us enough 12 time to address the issues in detail today. Thank 13 you.</p> <p>14 MR. KING: Actually I appreciate those 15 comments. And I think we may try to address some of 16 those. So thank you. Next. Ken. I think that's 17 Ken, it's kind of dark out there.</p> <p>18 MR. ELLIS: My name is Kenneth Ellis, I'm the 19 father of the Iraq war veteran that was shot and 20 killed in APD in January of 2010. First of all, on 21 the agenda the public comments are later on in the 22 agenda.</p> <p>23 And I would like for the public comments to 24 be -- I'm glad that you guys have given us a chance to 25 have a public comment on Mr. Jones and the curriculum.</p> | <p style="text-align: right;">Page 65</p> <p>1 But, you know, the general public comment I think 2 needs to be before any of the hearing or any of the 3 other agenda that's on the schedule.</p> <p>4 So for the physical fitness, you know, we're 5 training our police in a militarized style. So, you 6 know, I think there should be separate standards for 7 the males and the females just like they do in the 8 military.</p> <p>9 You know, let's face it, we need more female 10 officers, we need more of that compassion in our law 11 enforcement. So I think that we should model our 12 standards after the military as far as the training 13 and the physical fitness requirements.</p> <p>14 And the shooting standards, you know, we need 15 to get back to community-based policing. And instead 16 of emphasizing on the standards in shooting, we should 17 emphasize on the standards in crisis intervention and 18 de-escalation. And, you know, let's train our 19 officers to de-escalate and, you know, take cover and 20 call for, you know, backup, call for crisis 21 intervention folks.</p> <p>22 You know, this shoot first and ask questions 23 later thing is getting old. We, the community, are 24 coming together. It's slow. But it's a process 25 that's evolving. And we're going to make sure that</p> |

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1 our police department and our city administrators and
2 our servants, our elected officials, are doing our
3 will and not the will of the special interests.

4 So the world is watching. So this is going
5 to be fine with each and every one of us. So we
6 really need to take inventory of ourselves and make
7 good sound decisions for our community and for our
8 police department. So thank you for your time.

9 MR. KING: Thank you, Ken. Let me just say,
10 did you have something else you wanted to comment on?
11 We are going to have public comment this afternoon.
12 But I sort of agree with you, it might be kind of
13 tight. Is there something else that you want to at
14 least raise as an issue this morning?

15 MR. ELLIS: Yes, absolutely. We have a
16 hearing on Mr. John Doyle here in a little while. And
17 I feel like there's a double standard here. We have
18 officers that have -- let's take the officer that shot
19 and killed my son, for instance.

20 He's been proven in a court of law to have
21 violated my son's rights, but yet he's still walking
22 the streets. As a matter of fact, he was promoted.
23 He has been given, you know, the due process that he
24 did not allow my son.

25 I feel like, you know, Mr. Doyle and

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1 in depositions and nothing is done about it. So
2 that's one thing.

3 But now to get to the point about Jack Jones.
4 It seems like he's like, you know, maybe a kid. You
5 know, you tell your kid what to do and you say, you
6 know, don't go out tonight, don't do this. You leave
7 and he does it anyway.

8 He's not telling you anything. He's doing
9 what he wants to do. And that's what you're here for,
10 you're here to oversee things. And don't let this
11 gentleman, even if he's got a lot of knowledge and
12 everything, do what he wants to do.

13 Just like he said, that he wasn't going to
14 release any records at all, you know, blatant said
15 that to the public. Well, he finally was able to, he
16 finally did because he was forced to.

17 MR. KING: Mr. Gomez, let me jump in for a
18 second. I didn't say this ahead of time. You know,
19 we try and stay on the issues. And so make sure you
20 try and keep your comments to the issues.

21 And, you know, I'm going to allow everybody a
22 little bit of leeway. But as far as personal
23 comments, you know, I would prefer that we not go that
24 direction.

25 MR. GOMEZ: Okay. Well, what about the issue

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1 Mr. Woolever were thrown under the bus by Albuquerque
2 Police Department in order to stave off a DOJ report.
3 You know, we've got officers like Mr. Doyle and
4 Mr. Woolever who are very good at what they do and
5 they're very sound in their judgments and their use of
6 force.

7 And then we have officers out there that are
8 shooting young men in the back like Alan Gomez.
9 Mr. Mike Gomez's son was shot in the back. We've had
10 officers that don't need to be officers.

11 So I feel like, you know, what we're doing
12 here is trying to, you know, persecute some good
13 officers and let some of the bad officers skate by.

14 So I really think that we really need to --
15 each and every one of us, you know, this is going to
16 define us and the world is watching. So you guys
17 please try to really think hard about your
18 decision-making here. Thank you for your time.

19 MR. KING: Thank you, Mr. Ellis. That was a
20 concise point and I appreciate that. Next, please.

21 MR. GOMEZ: Hello, Members. I'm Mike Gomez
22 father of Alan Gomez who was shot and killed by APD on
23 May 10th, 2011. I'm here because the public needs
24 your help. We need you to take action against
25 officers that don't comply to the rules and that lie

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1 of the complaint of the testing, the cheating in the
2 testing. Have you ever addressed that, the Board?
3 Okay. That's something to be addressed. It seems to
4 be -- you know, it seems to be put under the rug. And
5 I know a reporter from KOB was on it and all of a
6 sudden things stopped. And, you know, we need those
7 things addressed.

8 And, Mr. King, I know you're running for
9 governor, right. No more of this, you know, well,
10 I'll think about it or, you know, I'll look at it
11 later, you know. We need something done now. The
12 time to look at it later is over. The public wants
13 something done now. So I appreciate you listening.

14 MR. KING: Thank you, Mr. Gomez. I
15 appreciate that. Yes, next.

16 MR. BRISCO: Good morning. I'm Shane Brisco,
17 the Academy Director for the Las Cruces Police
18 Department. Mr. Chair, Members of the Board, a couple
19 of comments on the issues that we're addressing.

20 First off, I have real numbers for our
21 department at least regarding the new PT standards.
22 And I want to preface those comments with I understand
23 that we have to have a validated and fair assessment
24 process if we're all to be equal opportunity
25 employers.

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| <p style="text-align: right;">Page 70</p> <p>1 But I will tell you that, from the last two 2 academies, our 41st and 42nd, where we had four 3 females and five females, respectively, we're not 4 going to have any females it looks like in our next 5 academy. 6 The real numbers there, when we tested in a 7 PT assessment 480 total out of just over 1,000 8 applicants, we had five females that passed the PT. 9 Only two of those passed the written test. And 10 unfortunately it doesn't look like they're going to 11 score high enough in the oral boards to make the 12 academy class. 13 So our numbers are seriously diminished in 14 spite of all of our efforts to provide opportunities 15 for them to come and test. I've given them 16 suggestions for how to pass the PT assessment. Our 17 numbers are down and we're definitely discouraged by 18 that. 19 Regarding the firearms qualifications, I 20 think we would echo the same or similar sentiments as 21 others, that we don't believe that there should be a 22 reduction or a lower standard. We believe in the 23 80 percent standard. 24 Regarding the curriculum, I should say that 25 I'm both a Reactive Control Model instructor, a</p> | <p style="text-align: right;">Page 71</p> <p>1 federal certified use of force instructor, as well as 2 a master of defensive tactics instructor. I have a 3 wealth of knowledge about it. 4 I will say that the standard on DT has been, 5 since John Boren's days, you've got to pass at 6 100 percent. You can't pass at 99.5. If you don't 7 know your DT, you don't pass. And I don't think that 8 there should be a reduction to anything lower than 9 80 percent regarding firearms. 10 I would also add that there have been a 11 couple of changes to the curriculum that I have 12 questions about. The way I read it, brachial stun was 13 added to the defensive tactics curriculum. I know 14 about brachial stun because I have an extensive 15 background in martial arts. 16 I would say that most DT instructors are not 17 going to be familiar with the brachial stun. It would 18 be nice if we could put out a training video or 19 something so we knew what we were supposed to 20 instruct. Thank you for your time. 21 MR. KING: Those were helpful. We may want 22 to have a little subcommittee later on where we have 23 some people come in and review those. We'll see about 24 that. Thank you so much for your comments. 25 Yes, ma'am. Please.</p> |
| <p style="text-align: right;">Page 72</p> <p>1 MS. GROTHUS: Good morning. Thank you for 2 taking public comment. My name Barbara Grothus and I 3 live in Albuquerque. I am a repeat civil obedience 4 offender including my most recent arrest at the 5 mayor's office. 6 People like me are now risking these kinds of 7 charges because we need accountability. And I am 8 afraid, from listening to the testimony this morning, 9 that we are not getting the accountability that we do 10 need. 11 This Board needs to hold some standards to 12 the police academies around the state. We can't go on 13 the way we have been doing. And I think, thanks to 14 people like me and others who have been making some 15 noise and taking these actions, the public is starting 16 to question more and more every time there's a police 17 shooting, whether it's by the State Police, whether 18 it's by the federal agents, or whether it's by local 19 agencies of any kind. 20 It's intolerable to have these kinds of 21 deaths continuing when police are making deadly 22 mistakes like was made yesterday. You know, people 23 are so afraid of the police now that they are running. 24 And now running is a capital offense and is causing 25 people to commit further crimes.</p> | <p style="text-align: right;">Page 73</p> <p>1 So we are here saying it is not good enough 2 anymore. You people who are doing I hope a good job 3 for us need to hold these people accountable when they 4 say they're not going to tell us what is going on in 5 these curriculums, in this training. 6 The citizens need to know these things. The 7 citizens need to have faith and trust in all of our 8 agencies who are training people to be put on the 9 streets that we are getting competent trained officers 10 who are not going to put random public at risk every 11 time there's an encounter of some kind with the 12 police. 13 And it's not fair to the public. We are 14 paying the salaries of all of the people who are doing 15 these killings, who are in charge of these training 16 academies, who are our elected officials. These are 17 people who need to be accountable to us. And we are 18 not sitting back anymore. 19 So I don't have the entire day to devote to 20 listening to this, which is very interesting and 21 educational. But I really encourage you to maintain 22 accountability, public openness, and the 23 responsibility for assuring that the police that are 24 out there have the proper training and are able to do 25 the job of protecting and serving.</p> |

1 We are not terrorists. We are being treated
2 as terrorists. There have been more police killings
3 since 9/11 than there were killings by terrorists in
4 our country.

5 So this idea that everybody is a terrorist
6 and we now are going to be treated that way is wrong.
7 And we need to ramp down the militarization and the
8 training that is encouraging police to think of all of
9 us as the enemy. We're not. Thank you.

10 MR. KING: Thank you, Ms. Grothus. I don't
11 know that we're doing questions for people that are
12 doing public comment. But save it. And if you have a
13 comment or if you have a question for Mr. Jones, you
14 can do that. But let's keep going with our public
15 comment. Yes, ma'am. Please, let's keep going.

16 MS. ANAYA: My name is Nora Anaya. My
17 problem is also I'm guilty of civil disobedience. I
18 am one of the examples of the cruel and unusual
19 punishment that the officers have done to me. They've
20 just pretty much decommissioned me. As a caregiver of
21 three, I am not even able to do the job that I'm
22 supposed to be doing.

23 Right now I need to explain one thing to you,
24 Mr. Jones. The reason it's shoot first and ask
25 questions later is because that is what has been

1 happening. I don't believe anyone here has claimed
2 that, but we have seen that firsthand.

3 I need to make you understand one thing and
4 one thing only. I was in a situation where I had done
5 minor infractions, minor, but was treated cruelly and
6 unusual punishment. Excuse me, it's cruel and unusual
7 punishment. I am actually at this point in time
8 realizing that the police don't need a K-9 unit
9 because they treated me almost like they were K-9.

10 I need to make you understand one thing very
11 importantly. People are frightened out there. And if
12 you don't lighten up and treat people humanely, people
13 are going to change and not ever call the police.
14 Then they can abolish the police. Is that what you
15 want?

16 And I'm sorry if I'm emotionally disturbed.
17 But I do have and I believe strongly I do have some
18 nerve damage. So I am a nervous wreck right now. But
19 I need you to understand, sir, please lighten up.
20 Please, I beg of you. Thank you very much.

21 MR. KING: Thank you, Ms. Anaya. We
22 appreciate you coming and making comment. Yes, sir.

23 MR. CASS: My name is Bill Cass, I'm an
24 Albuquerque resident, and I would like to speak to the
25 militarization of the police. I think this subject is

1 alluded to by Mr. Jones.

2 I think there's been an increase in the
3 militarization of police over about the last 30 years
4 with the advent of SWAT teams and the availability of
5 military equipment and then the justification for
6 using force by having case law being the purpose of --
7 for that justification.

8 And just because it's allowed by case law,
9 which is what the courts decide, doesn't mean that it
10 has to be used by the police. But I think it all
11 works together with the notion that the police recruit
12 military people, ex-military people, they train them
13 with military tactics, they equip them with military
14 equipment, and then they send them loose on the public
15 as if they were some kind of occupying force where the
16 public is the enemy.

17 And so now we are confronted with a situation
18 where somebody has a knife and the policeman has a
19 gun. And it's allowed by case law to use your gun in
20 that case. And because you have this notion that the
21 public is the enemy all promoted by this chain of
22 military involvement and training and equipping
23 tactics, shootings occur and excess violence, excess
24 use of force occurs. I think that's what the military
25 is about.

1 One purpose of military training for people
2 in the military is to learn how to kill without
3 remorse. I think, before someone can become a police
4 officer, they have to unlearn that training in how to
5 kill without remorse. And that's what needs to
6 change.

7 And yet the police academy, the emphasis is
8 on how to shoot accurately. And I presume that's not
9 to protect the public, but that's to protect the
10 police officer basically. And shooting accurately,
11 you're not shooting at other police officers, you're
12 shooting at members of the public.

13 So the notion here is that the job of the
14 police is to act as military force and occupying
15 force. And that's what has to change. And I want to
16 see the military become a peacekeeping force, which
17 means unlearning the military training. Thank you.

18 MR. KING: Thank you, Mr. Cass. Other
19 comments? Yes, sir.

20 MR. BURKHARD: My name is Lou Burkhard, I'm
21 the Valencia County Sheriff. I just want to say that
22 I've been involved in law enforcement for well over 30
23 years. And what we're seeing out of the academies
24 now, we're seeing an increase in the quality of
25 training and staff.

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| <p>1 And just want it on the record that we 2 appreciate the changes that have been made at the Law 3 Enforcement Academy.</p> <p>4 MR. KING: Thank you. Anybody else? All 5 right. Seeing none, I'm going to go back to the 6 committee for comments, motions, anything. I have 7 some ideas too. Questions, comments.</p> <p>8 Chief Kassetas, I put you on delay a little 9 bit on your comment that might turn into a motion. 10 Was it Sheriff Coon? Somebody wanted to talk about 11 sticking with the 80 percent standard.</p> <p>12 MR. KASSETAS: Mr. Chair, that was myself. I 13 want to make a motion for now that we stick with, as 14 far as qualifications go, the 80 percent standard for 15 LEA and all law enforcement agencies.</p> <p>16 MR. KING: That's a valid motion. Is there a 17 second?</p> <p>18 MR. KORN: I'll second.</p> <p>19 MR. KING: And I'm going to actually have a 20 little discussion on this. And Mr. Reynolds and I 21 were talking too a little bit.</p> <p>22 I think that the comments from the public 23 were really good regarding the opportunity for 24 everyone to see the curriculum and have time to digest 25 it and make comments. And so I want to make sure that</p> | <p>1 we have a process that everybody feels like gives them 2 some opportunity to do that.</p> <p>3 So my gut feeling is that we will not vote on 4 the curriculum as a whole today, that we have the 5 curriculum, the entire curriculum, which Mr. Jones has 6 told us is voluminous. So I'd like for us to look at 7 that and potentially put it on for approval at the 8 next meeting. Does that meet with everybody's 9 approval? Mr. Korn.</p> <p>10 MR. KORN: The disk that we got from Director 11 Jones for the new curriculum doesn't give us a 12 comparison to the old curriculum. So it's very 13 difficult to see what we're keeping and what we took 14 out.</p> <p>15 We took a lot of items out to make it 16 16 weeks. And we've already vetted that a lot, that 17 what we have removed is basically duplication and 18 excess time that netted nothing. And what we've 19 distilled it to was 16 weeks. And I think the Board 20 voted on that concept.</p> <p>21 But what we don't have is a comparable 22 between what was old and what was new. So as Director 23 Jones correctly pointed out, I personally could look 24 at that for a long time and not really see the 25 effectiveness of it; but if I had a comparison, that</p> |
| <p style="text-align: right;">Page 80</p> <p>1 would make it easier.</p> <p>2 So I guess my point is that, without a 3 comparison, we don't really know what we're looking 4 at. And I would ask for that.</p> <p>5 MR. KING: Mr. Jones, could I get your staff 6 to work on that a little bit to give us the comparison 7 of where the actual changes are being made.</p> <p>8 MR. JONES: Yes, sir. What we'll be able to 9 do is just go back and look at the old curriculum, put 10 that on a thumb drive, and make sure that you see the 11 differences.</p> <p>12 MR. KING: And while you're doing that, one 13 other comment from the public that we had here said 14 that community policing had been dropped from the 15 curriculum. Can you address that.</p> <p>16 MR. JONES: No, sir. Community policing has 17 not been dropped. What we did was there was a 18 specific lesson plan that was for community policing.</p> <p>19 From the time they enter the academy, from 20 the first day that they go in there and we talk about 21 what police officers do and the role of a police 22 officer, we teach community policing throughout the 23 academy until the last, almost up until graduation. 24 Community policing is still part of our curriculum.</p> <p>25 MR. KING: So when you address the changes or</p> | <p style="text-align: right;">Page 81</p> <p>1 whatever, can you be a little more specific about 2 where we might find that.</p> <p>3 MR. JONES: Yes, sir.</p> <p>4 MR. KING: Okay. Other issues? I think we 5 talked little bit about some of them. But I had one 6 of the members of the public talk about crisis 7 intervention training. Is that in the lesson plans 8 and can you draw our attention to that?</p> <p>9 MR. JONES: Yes, sir. It's in the lesson 10 plans. We talked about dealing with the mentally ill. 11 We also talked about crisis intervention training and 12 how you had to deal with that.</p> <p>13 As it was mentioned by the Board with Chief 14 McCall, when we do all the other training, we also 15 talk about crisis intervention training, how you deal 16 with a family member in crisis, how you deal with 17 these things, and what you need to do. So we do teach 18 crisis intervention training.</p> <p>19 MR. KING: Okay. I want to focus a little 20 bit on that too, I want to see where that is. So if 21 you can highlight those things. I think that that's 22 really important.</p> <p>23 MR. JONES: Yes, sir.</p> <p>24 MR. KING: So the discussion we've had 25 today -- and I'm just trying to think about how to</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 frame these two or three questions. 2 The questions that I am perceiving, one is 3 this issue of the training, the 80 percent. We have a 4 motion on the floor on that. One had to do with the 5 PT standards. And I'll take a little discussion on 6 that, because I think I heard that out there too. 7 And then third, we've sort of addressed here 8 I think that we're not ready to vote yet on the 9 curriculum changes until we can highlight those. 10 So let me drop back then. We have a motion 11 on the floor with regard to direction from the 12 committee that we stay with the 80 percent level in 13 shooting training. Is that clear? 14 MR. JONES: Yes, sir. 15 MR. KING: Mr. Korn. 16 MR. KORN: This is a question. Since I think 17 Chief Kassetas' original motion was that we keep 18 everything the way it is, I think he meant the PT and 19 the firearms, if I understood you correctly. 20 MR. KASSETAS: Mr. Chair, from what I 21 understand, the State Police has also adopted the one 22 PT standard based off of the LEA's change. I need to 23 look at that more myself to see how that's impacting 24 my agency. 25 I'm really not well versed in exactly what we</p> | <p style="text-align: right;">Page 83</p> <p>1 need to do there. So I need a little more time on 2 that. I'm definitely, on the firearms qualification, 3 not inclined to lower that standard. 4 MR. KING: So let's at least divide the 5 question. Let's talk about the shooting issue first 6 and then let's talk about PT. Is that all right? 7 So the way I understood the motion -- and we 8 can read it back. But the way I understood the motion 9 was just to say that it's the intention of the Board 10 that we stick with the 80 percent standard for 11 shooting. Okay. That's the motion that's on the 12 table right now. Is there any further discussion? 13 All right. All in favor signify by saying aye. 14 (Those in favor so indicate.) 15 MR. KING: Any opposed? Let's see a show of 16 hands for any opposed. All right. So that's the 17 answer to that. 18 Let's move on to the physical fitness 19 standard. I think that I'm not quite understanding 20 where we are right now, if the feeling of the Board is 21 that we should stay with a standard that does have 22 some differences based on gender and age, which is 23 what you were talking about, Mr. Korn. Is that right? 24 MR. KORN: Yes. 25 MR. KING: Mr. Jones, you're telling me right</p> |
| <p style="text-align: right;">Page 84</p> <p>1 now that the physical standard -- and once again I'm 2 trying to break out the facts. There's like a 3 standard to get into the academy and then there's a 4 standard that you have to pass to graduate from the 5 academy; is that right? 6 MR. JONES: Yes, sir. 7 MR. KING: And is the standard that you all 8 on the Board are talking about today the standard for 9 entry into the academy, which may not actually be 10 really relevant to the discussion, or the standard 11 that's required in order to graduate from the academy? 12 MR. KORN: If I may respond. The point of my 13 order is that we're dramatically changing the 14 standards for entry and for graduation in the PT. And 15 the Board has not reviewed this. 16 The Board hasn't looked over any empirical 17 evidence to say it's a good idea or a bad idea. We 18 have nothing before us except the quotes that I gave 19 from the Cooper Institute that says, if you adopt one 20 standard, you're going to make it harder for women and 21 for older folks. 22 And since diversity is our goal -- and we've 23 heard that from the public, we've heard it from 24 ourselves, we've heard it from the people that we're 25 responsible for. Since diversity is our goal and we</p> | <p style="text-align: right;">Page 85</p> <p>1 know Cooper itself says that making it a one standard 2 will make it more difficult on women, I think this 3 deserves more inquiry. 4 And there's lots of ways to make it fairer 5 for women. And those things can be developed. And I 6 don't know that now is the time, but I think there is 7 a time. And I think it deserves a lot of discussion. 8 So I think what we should do now is say let's 9 go back to the system that worked, which was basically 10 a two standard, while we sit back and evaluate how 11 we're going to develop that into the curriculum. 12 Because truthfully, when we approved the 13 curriculum, we didn't know that it was going to change 14 the firearms, we didn't know it was going to change 15 the PT. And we don't know what else might be changed, 16 even though Director Jones basically asserts there are 17 no changes. 18 But I think he's looking at it from the 19 global standpoint, that there still is firearms 20 training, there's still PT training. But from the 21 Board's standpoint, these are major things that may 22 affect our departments for years to come. 23 So since we've studied it not at all, I say 24 let's put this on hold and say let's go back. Just 25 like we have with the firearms, back to the way it</p> |

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| <p>1 used to be, while we sit back and evaluate it both 2 legally and the way we want our departments to look. 3 So I guess I could make a motion to that 4 effect. I would make a motion that we go back to the 5 way it was, where there were two standards that had 6 age and gender diversity by the way it was, by the way 7 it was before the change was made. 8 MR. GRATTON: I'll second. 9 MR. QUEZADA: Mr. Chair. 10 MR. KING: Well, it's time for discussion. I 11 have a motion and a second. So we're open for 12 discussion. Sergeant. 13 MR. QUEZADA: There's a concern right now 14 that -- I believe the Las Cruces Police Department and 15 the Dona Ana County Sheriff's Department went through 16 the process under the old or I guess the current 17 decision on the PT. 18 I'm not quite sure how that will affect 19 either agency. I don't know if either one of them, 20 either the LCA or the sheriff's department, wants to 21 comment on that before we move forward with a motion. 22 MR. KING: Here is what I think. We're in 23 lots of different processes here. I'm going to 24 recommend to the Board that we basically approve 25 temporarily the curriculum that is in place for those</p> | <p>1 training academies that are in place including the PT. 2 I think that the shooting requirement is pretty easy. 3 I mean that one is pretty easy. 4 MR. JONES: Yes, sir. 5 MR. KING: But that indeed that we retain the 6 PT requirement, the shooting requirement for any 7 future academies as they were previous to that, the 8 change in December basically, until such time as we 9 make a positive determination to change those two 10 items. Does that make sense? Mark, you're our 11 lawyer. Would you understand what that means? 12 MR. REYNOLDS: Mr. Chair, I would understand 13 that as, except for the change to the physical 14 training and the shooting accuracy requirements of the 15 80 percent, you would do a temporary approval of the 16 lesson plans in order to have them in place; but 17 you're going to, you know, further review them. 18 MR. KING: Right. And then we'll have a 19 meeting fairly quickly, within the next month or two, 20 I mean quickly in this case I think on the time frame 21 of the training academies, so that we can clarify that 22 issue. 23 But again I think that we need some sort of 24 temporary approval. And I'll tell you why, because 25 there's a third question, which I think that I see</p> |
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| <p>1 that we all agree, that we should make a change from 2 the training on the Reactive Control Model to the more 3 modern training, which is very important to address 4 some of these issues that folks have raised here today 5 with regard to training. 6 And I'm going to have just a comment on 7 training versus application in the field in a second. 8 But I think my feeling just actually from the whole 9 room here is that everybody agrees that we need to 10 move away from the old training model with regard to 11 use of force and into the new model. So I don't want 12 to delay that. 13 MR. JONES: Okay, sir. 14 MR. KING: So the temporary approval would 15 include the change in curriculum so that we're doing 16 the new training on the use of force. Does that make 17 sense to everybody? So that would incorporate what 18 Mr. Korn is talking about here. We actually have his 19 motion on the floor. 20 MR. KORN: I'm willing to have it kind of 21 amended the way Mr. Reynolds made it more succinct. 22 So the motion would be to conditionally adopt the 23 curriculum that's on the table with the exception of 24 the 80 percent for the shooting and the physical 25 fitness going forward.</p> | <p>1 MR. McCALL: Mr. Chairman. 2 MR. KING: Yes. A question. 3 MR. McCALL: I would suggest that we need to 4 maintain our current physical fitness standards 5 through this next academy and revisit this when we 6 have some data to make an informed decision rather 7 than make a decision to go back to what we were doing 8 six months ago since we've already qualified people 9 for this academy that's beginning in another month. 10 MR. KING: That was part of that motion, that 11 those requirements that are in place for the academies 12 that are in play right now remain the same. I don't 13 think it's possible to actually change horses in the 14 middle of the stream. 15 And frankly I don't think we know yet which 16 of those two physical requirements is the one that's 17 going to meet the law on that. They both have their 18 pluses and minuses. 19 I mean we heard from the training instructor 20 down in Las Cruces that they don't think that they 21 have enough women that are coming in. I think that we 22 need to address that. But I don't know that we know 23 how to address that until we have a chance to discuss 24 it. 25 So from my perspective this motion is not</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 that we actually change anything for the academies 2 that are in play right now. And frankly the Las 3 Cruces academy, for instance, has all their own other 4 items in play too because their academy is not just 5 the 16-week academy. So I'm not recommending that we 6 change what Las Cruces is doing. Is that clear to 7 everybody? 8 MR. REYNOLDS: Mr. Chair, I think it would be 9 important for everybody so maybe I could take this 10 opportunity to clarify something, that we're all using 11 the same terminology here. 12 Our regulations call for this Board to 13 approve the training programs, number one; and then 14 two, the lesson plans that are put together by the 15 Director. 16 In December I believe that this Board 17 approved the training programs; here is how many hours 18 we're going to devote to this, here is how many hours 19 we're going devote to this, sort of the basic of where 20 it is. 21 Unfortunately in December we used our 22 terminology wrong. We were talking about curriculum. 23 But when you go back and look at what you approved in 24 December, it was the training programs. And we talked 25 about a little bit at the December meeting what's</p> | <p style="text-align: right;">Page 91</p> <p>1 coming later is the lesson plans, which is where the 2 nitty-gritty is. And so what I see before you is a 3 lesson plan. 4 So what I'm trying to urge the Board to do is 5 to use the terminology so that we're all clear. We 6 have the training programs that were approved in 7 December, which you can revisit, if you want. But we 8 still have the approval of the lesson plans before 9 you. 10 Our regulations call for those lesson plans 11 to be approved. As of right now, they are not. So I 12 have a concern as the Board's counsel that we don't 13 have approved lesson plans. And that's what's before 14 you now. 15 So a temporary approval, holding back 16 whatever you want to hold back, of the lesson plans 17 while you have the opportunity to fully digest and 18 look at all of them may be I would suggest as your 19 counsel appropriate at this time. So I just wanted to 20 say that so everybody is on the same page. 21 MR. KING: Is that clear to everybody? 22 Essentially this motion deals with the lesson plans, 23 not with the overall program. We approved the 16-week 24 training academy. That's not a matter of discussion 25 here.</p> |
| <p style="text-align: right;">Page 92</p> <p>1 But the lesson plans, which deal with a lot 2 of these questions that the people had about how much 3 time are we spending on community policing and how 4 much time are we spending on these accountability 5 issues, I would really very much like for us -- and I 6 think it addresses the issues that were raised by 7 members of the public today. 8 I think that we have an obligation as the 9 Board to go through those in more detail. And I'm 10 going to give everybody some time to do that in more 11 detail. 12 But then I think we need to have a meeting 13 fairly expeditiously in order to try and finalize what 14 we're doing here. But we'll get some information on 15 what's working and such. 16 So, Mr. Korn, your motion is what 17 Mr. Reynolds said, temporarily approve the lesson 18 plans with the changes that we've said here; that 19 we're not going to approve a change in the scores for 20 shooting; that for any future academy that we're 21 planning, we want to go back to the old PT standards 22 until we have a chance to really address those; but 23 that we are going to continue to move away from the 24 Reactive Control Model and do what, for lack of a 25 better term, I'll call more modern training with</p> | <p style="text-align: right;">Page 93</p> <p>1 regard to the use of force. 2 MR. JONES: Yes, sir. 3 MR. KING: Do you understand that? 4 MR. JONES: Got it, sir. 5 MR. GRATTON: I'll second. 6 MR. KING: We have a second. Any other 7 discussion? Okay. All in favor say aye. 8 (Those in favor so indicate.) 9 MR. KING: Any opposed. All right. I don't 10 see any opposition. So in that case thank you all. 11 MR. COON: Mr. Chair. 12 MR. KING: Sheriff Coon. 13 MR. COON: For you people that don't know 14 about the 16-week academy, there are ten sheriffs in 15 here that I represent. Director Jones came to our New 16 Mexico Sheriffs Conference to get our input. 17 We told him we wanted a shorter academy. 18 Everything was so redundant in the 22-week academy. 19 Certain things were being taught over and over and 20 over that only need to be taught once. There was some 21 downtime in those academies. 22 We are the clientele to the academy. 23 Director Jones went to the New Mexico Chiefs of Police 24 Conference and got their input. This was the Board's 25 decision to do it, but it was at the request of the 33</p> |

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| <p>1 sheriffs, where it was nearly unanimous. The only 2 reason it wasn't was because a few of them weren't 3 there to vote.</p> <p>4 And I can't really talk about what the chiefs 5 did, but I know it was unanimous there. We wanted a 6 shorter academy to get these guys out on the street 7 with better training but to do away with some of the 8 redundancy that's in that training.</p> <p>9 That's when they went in and started looking 10 at what was redundant that was being taught over in 11 each block and each block. Like the Director said, 12 investigations only needs to be taught once. Whether 13 it's in narcotics, criminal, patrol, it only needs to 14 be taught once.</p> <p>15 It's the same thing, but it was being taught 16 in three or four different places in the curriculum. 17 A lot of that was cut out. So that put the burden on 18 us, which we do. But don't think this 16-week academy 19 was Director Jones', it was the clientele that he 20 represents, the sheriffs and the chiefs.</p> <p>21 And we're the ones that voted up here to make 22 it go to a 16-week academy. It was under our 23 direction that we asked Director Jones to shorten this 24 academy and get rid of all the fluff out of it and 25 just get down to what we need to be taught. And</p> | <p>1 that's my comment, Mr. Chair.</p> <p>2 MR. KING: Thank you, Sheriff Coon. Actually 3 I did say I was going to make a comment. One of the 4 things that strikes me from what folks said is that 5 there's an issue of training and what we train our 6 police officers to do.</p> <p>7 And I think that we have to be very concerned 8 about that. I think that we have been. It's not that 9 we're just now discussing it at this meeting. It's 10 something we've been working on.</p> <p>11 This question of accountability goes beyond 12 the question of training because it goes to how police 13 agencies institute that training in the field. And we 14 have nine academies and, you know, there's that.</p> <p>15 So I think that members of the public have 16 raised a really important question today, which is 17 once officers have been trained and once they're out 18 in the field, how do we find accountability. And 19 we're all working on that, we're all struggling with 20 that a little bit.</p> <p>21 That's an issue that's probably beyond the 22 scope of what this committee has authority to do. But 23 somebody mentioned that, you know, it may fall more 24 into the purview of my job not as the chairman of the 25 Board. And so I take that seriously and I appreciate</p> |
| <p style="text-align: right;">Page 96</p> <p>1 those comments.</p> <p>2 And I think that the officer from the 3 Valencia County Sheriff's Office pointed this out, 4 that the training is improving. And we need to 5 continue to improve that.</p> <p>6 And, Mr. Jones, that's our charge to you 7 obviously, is that we look at what's going on out 8 there in the real world and then we help train our 9 cadets, you know, with how to deal with that. And I 10 think that that's what this whole process has been 11 about.</p> <p>12 So having said that, we do have a long agenda 13 today. Thank you once again, members of the public, 14 so much for that. The next item on the agenda is our 15 closed meeting. Mr. Reynolds.</p> <p>16 MR. REYNOLDS: Not quite yet. We'll go 17 through with each one, have all those that are not 18 formal hearings have the opportunity to address the 19 Board, and then after that we'll go into closed 20 meeting.</p> <p>21 MR. KING: Okay. So next item on the agenda 22 is then, from my perspective, it says misconduct, 23 default orders of revocation. Those are all just for 24 our approval?</p> <p>25 MR. REYNOLDS: They are for our approval.</p> | <p style="text-align: right;">Page 97</p> <p>1 But we have an open session first, where each of those 2 are mentioned, there's an opportunity for people to 3 address the Board on it, and after that we go into 4 closed session. But this is typically the time that 5 you recuse yourself.</p> <p>6 MR. KING: I guess that's the issue. I was 7 thinking those were always closed session.</p> <p>8 I'll explain, since some of you may be new 9 here, interestingly enough, with regard to the 10 disciplinary proceedings, since my office actually 11 does the administrative prosecutions, I am statutorily 12 the chairman of the commission; but there is an 13 inherent conflict with me sitting in judgment on issues 14 where my office does the administrative presentation 15 of the case.</p> <p>16 So at this stage I am going to excuse myself 17 and turn the hearing over to Mr. Korn, who is the Vice 18 Chair.</p> <p>19 MR. KORN: Mr. Chairman, I'm really not the 20 Vice Chair anymore. Our Vice Chair is not here today; 21 that would be Chief Betz. So according to our rules, 22 I would make a motion that the Board vote on another 23 Vice Chair to officiate at this next meeting.</p> <p>24 And I would make a motion that the Vice Chair 25 we select be Sheriff Coon, who is the ranking member</p> |

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| <p>1 of our committee and one who has done this sort of 2 thing before and has a great style. So if I may, 3 Mr. Chair. 4 MR. KING: You don't need a motion. I can 5 just appoint him. 6 Are you willing to do that, Sheriff Coon? 7 MR. COON: Yes, sir. 8 MR. KING: All right. I have enough 9 authority as the Chairman. I'll appoint Sheriff Coon. 10 MR. KORN: Thank you. 11 MR. COON: My first legal action here is let 12 me take about a ten-minute break. How is that. Meet 13 back in ten minutes. 14 (Recess.) 15 MR. COON: I am Rob Coon, I'm the Sheriff of 16 Chaves County. I was a Vice Chair at one time. It's 17 been awhile so bear with me. And Mark is going to 18 help me out here. 19 ITEM NO. 6: PAULA ARCHULETA 20 MR. COON: Right now we're going to go into 21 the misconduct portion of the Board meeting. And the 22 first group are the default orders of revocation. And 23 instead of calling them up by group, I'm going to call 24 them up individually because I know there are some 25 that are not here and a few that are here.</p> | <p>1 So we're going to start off on No. 6 on our 2 agenda here. And, Board Members, you do have the 3 synopses of these cases in your binders. So we won't 4 be reading any of that. 5 So we'll start off with Paula Archuleta. 6 Ms. Archuleta, if you're here, will you come to the 7 mike, please. 8 MS. GARCIA: Good morning, Mr. Vice Chairman, 9 Members of the Board. My name is Monica Garcia, I'm 10 Ms. Archuleta's legal representative in this matter. 11 My client did not receive Notice of a Contemplated 12 Action nor did she receive a Notice of Final Decision. 13 I know that her mailing address did change at 14 one point. We did learn about today's hearing from 15 the newly elected incoming sheriff who notified 16 Ms. Archuleta, Sergeant Archuleta, to be here today. 17 So we would ask the Board today if you could 18 set this for instead an informal hearing and not enter 19 a default order of revocation. Thank you. 20 MR. COON: Do we have a record of her 21 receiving any of the certified mail we sent her? 22 MR. JONES: No, sir. We have no records of 23 her receiving it. We sent the letters to the last 24 known address that we received from the agency. And 25 we received both letters back unsigned and unopened.</p> |
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| <p>1 MR. COON: Okay. What's the feeling of the 2 Board, do we want to let Ms. Archuleta come back to 3 our next Board hearing? Mr. Korn. 4 MR. KORN: Mr. Vice Chair, this is a question 5 for Ms. Garcia. Were you listed as counsel for the 6 Respondent during the pendency of this? 7 MS. GARCIA: For the action on the 8 certification, no. We were unaware that there was any 9 action taken on the certification. But the agency 10 itself knew that I was her attorney. 11 MR. KORN: Mr. Director, do we have any 12 indication that Ms. Garcia was the representative; in 13 other words, did we send any information to 14 Ms. Garcia? 15 MR. JONES: No, sir. We had no idea that she 16 was represented by counsel. And what we did was we 17 just sent the two letters out, and then this is the 18 first time I've met her counsel. 19 MR. KORN: Thank you. Mr. Vice Chair, I 20 personally have no objection to reopening. 21 MR. COON: Does anybody have any objections 22 to maybe Ms. Archuleta coming back to the December 23 meeting on this? 24 MR. JONES: Would you like her to come to the 25 Director for an informal hearing and then come back?</p> | <p>1 MR. COON: Hold on. 2 MR. REYNOLDS: Mr. Vice Chair, I believe the 3 appropriate motion would be to vote to -- I was going 4 to say revoke. I guess revoke the Default Order of 5 Revocation and send it through the normal disciplinary 6 process, which the first step is an informal hearing 7 before the Director. 8 MR. COON: Okay. Do I have a motion on that? 9 MR. QUEZADA: Mr. Vice Chair, I would make 10 that motion. 11 MR. BARNES: I'll second. 12 MR. COON: We've got a motion and a second. 13 Any discussion? All in favor say aye. 14 (Those in favor so indicate.) 15 MR. COON: All right. You will probably be 16 back in the December meeting then. 17 MS. GARCIA: Okay. Thank you, Board Members. 18 MR. COON: Thank you. 19 ITEM NO. 7: JAMES EPPERSON 20 MR. COON: Okay. Going on down to No. 7, 21 James Epperson. James Epperson, are you here? Okay. 22 Obviously not. 23 ITEM NO. 8: MANUEL FRIAS 24 MR. COON: How about Manuel Frias? 25 Mr. Frias, would you like to come up and address the</p> |

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| <p>1 Board.</p> <p>2 MR. FRIAS: Good morning, Mr. Chair, Board</p> <p>3 Members. My name is Officer Manny Frias, I'm also</p> <p>4 with the Las Cruces Police Department. I also wanted</p> <p>5 to express thank you for you guys letting me have the</p> <p>6 time to come up and talk to you guys.</p> <p>7 I wanted to let you all know, though, that</p> <p>8 almost the same process was happening with me. I did</p> <p>9 not know that I was going to have this meeting at all</p> <p>10 today. Luckily I ran into Sergeant Quezada. I hope</p> <p>11 I'm not throwing him under the bus here. But he's the</p> <p>12 one that actually gave me an approval, letting me know</p> <p>13 that, hey, you have a meeting here.</p> <p>14 I did not receive any certified letters due</p> <p>15 to the fact that on my behalf I did not list that</p> <p>16 address for almost four years now. I did change it</p> <p>17 with our human resource at the City of Las Cruces but</p> <p>18 never with my department.</p> <p>19 I kind of figured they both were intertwined</p> <p>20 with each other. But that's my fault. The change has</p> <p>21 been made, though, to my current address, which I have</p> <p>22 now lived for the past three years.</p> <p>23 MR. COON: Do we have any record of him</p> <p>24 signing off?</p> <p>25 MR. JONES: No, sir, we do not. The letters</p> | <p>1 were returned unopened and not signed.</p> <p>2 MR. COON: Okay. I'll ask for the same</p> <p>3 motion that we asked on Ms. Archuleta for Mr. Frias,</p> <p>4 to be able to bring him back.</p> <p>5 MR. KORN: I'll make the same motion.</p> <p>6 MR. GRATTON: I'll second.</p> <p>7 MR. COON: We have a motion and a second.</p> <p>8 Any discussion? All in favor say aye.</p> <p>9 (Those in favor so indicate.)</p> <p>10 MR. COON: It looks like you'll be back.</p> <p>11 MR. FRIAS: Thank you, sir.</p> <p>12 ITEM NO. 9: FRANCISCO GOMEZ</p> <p>13 MR. COON: Okay. Agenda item No. 9,</p> <p>14 Francisco Gomez.</p> <p>15 MR. GOMEZ: Good morning, Mr. Vice Chair,</p> <p>16 Members of the Board. I'm Officer Francisco Gomez</p> <p>17 with the Las Cruces Police Department. I've been an</p> <p>18 officer for seven years now. And unfortunately it</p> <p>19 seems like there's been a bit of confusion, but I as</p> <p>20 well did not receive any notification that I had a</p> <p>21 hearing nor did I even know that my certification was</p> <p>22 in jeopardy until about a week ago.</p> <p>23 And I think I just wanted to express that my</p> <p>24 certification is important to me, which is why I'm</p> <p>25 here. And I also wanted to -- I brought some</p> |
| <p>Page 104</p> <p>1 documentation with me. I'm not sure exactly how the</p> <p>2 process works, I never had to do this before.</p> <p>3 But the incident in which I was involved</p> <p>4 with, all charges were dismissed nor did I receive any</p> <p>5 disciplinary action from my department. And I have</p> <p>6 documentation to show that, that I didn't do anything</p> <p>7 wrong.</p> <p>8 And again I just ask that, hey, I thought</p> <p>9 this matter was put to rest by our professional</p> <p>10 standards unit. And I was actually advised by my</p> <p>11 sergeant for the professional standards unit, he's a</p> <p>12 lieutenant now, that had I not heard anything or</p> <p>13 received any notification from the Law Enforcement</p> <p>14 Academy, not to worry about it.</p> <p>15 And that's kind of been my mind-set this</p> <p>16 entire -- it's been over a year now at this point. So</p> <p>17 again I had no idea -- I had no idea that my</p> <p>18 certification was in jeopardy until about a week ago.</p> <p>19 But I would like to maybe offer up this</p> <p>20 documentation, if you'd like to see it, to show that I</p> <p>21 didn't receive any disciplinary action nor any</p> <p>22 criminal.</p> <p>23 MR. COON: Before we do that, do we have any</p> <p>24 evidence that he received or did not receive a letter?</p> <p>25 MR. JONES: Yes, sir. The letter was sent to</p> | <p>Page 105</p> <p>1 him. It was returned unopened. And, sir, may I add</p> <p>2 that these are addresses that we receive from the law</p> <p>3 enforcement agency that files the LEA-90 when we send</p> <p>4 out these addresses.</p> <p>5 MR. COON: Okay. Well, again, Mr. Gomez not</p> <p>6 receiving his notification.</p> <p>7 MR. KORN: I make a motion, Mr. Vice Chair,</p> <p>8 the same as the others.</p> <p>9 MR. BARNCASTLE: I'll second.</p> <p>10 MR. COON: Mr. Barncastle seconds it. Any</p> <p>11 discussion? All in favor say aye.</p> <p>12 (Those in favor so indicate.)</p> <p>13 MR. COON: See you in December.</p> <p>14 MR. GOMEZ: Thank you.</p> <p>15 ITEM NO. 10: TERESA LEMON</p> <p>16 MR. COON: Number 10 is Teresa Lemon. Teresa</p> <p>17 Lemon. One more time for Teresa Lemon. She's</p> <p>18 obviously not here.</p> <p>19 ITEM NO. 11: MICHAEL LENDINO</p> <p>20 MR. COON: Okay. Number 11 is Michael</p> <p>21 Lendino. Is Michael Lendino here? Michael Lendino.</p> <p>22 Okay. Mr. Lendino is not here.</p> <p>23 ITEM NO. 12: JOAL NORTON</p> <p>24 MR. COON: Agenda item No. 12, Joal Norton.</p> <p>25 Are you here, Mr. Norton? Joal Norton. One more time</p> |

1 for Joal Norton. And Mr. Norton is not here.
 2 ITEM NO. 13: ABELARDO PONCE
 3 MR. COON: Okay. We'll go to No. 13. And
 4 I'm going to butcher this. Abelardo Ponce. Abelardo
 5 Ponce, are you here? One more time for Abelardo
 6 Ponce.
 7 ITEM NO. 14: NATHAN BARTON
 8 MR. COON: Agenda item No. 14 under
 9 stipulated orders for suspension, Nathan Barton.
 10 MR. BARTON: Good morning, Mr. Vice Chair,
 11 distinguished Members of the Board. My name is Nathan
 12 Barton, I'm a former sergeant with the New Mexico
 13 State Police. And I stand before you today to speak
 14 to you on my own behalf to talk about some of the
 15 things that I'd like you guys to know about myself.
 16 I'm not here to argue the totality of the
 17 circumstances in my issues in my separation from my
 18 former department. If I could just tell you a little
 19 bit about myself. I spent 11 and a half years with
 20 the State Police, five years in patrol. It's been a
 21 little over -- about a year, excuse me, in narcotics,
 22 back on the road for a little bit of patrol, and then
 23 I was promoted to sergeant.
 24 I spent two and a half years as a sergeant
 25 with State Police in Espanola, some of the proudest

1 times of my life while I was there. Some of my
 2 interests and hobbies, I'm a homebody kind of. I'm a
 3 collector of knives, guns, all kind of things that
 4 cops get into and stuff like that.
 5 Today my wife is here with me. She's going
 6 to speak on my behalf here in just a moment about
 7 everything that's gone on with us, if that's okay with
 8 you, Mr. Vice Chair.
 9 MR. COON: Sure.
 10 MR. BARTON: I have a packet of paperwork. I
 11 don't know if that's okay to submit to you guys.
 12 There are four copies. If we would be able to do that
 13 or if that's something that's not allowed.
 14 MR. COON: Sure, it is.
 15 MR. BARTON: Okay. May I come up there.
 16 MR. REYNOLDS: I will come get it from you.
 17 MR. BARTON: Included in this packet is just
 18 some paperwork. It's my resume just to show my
 19 training, what I've been through, years of service.
 20 There are some letters and so forth and character
 21 statements that are included in there from some former
 22 subordinates of mine, friends, former colleagues with
 23 the District Attorney's Office, and different venues
 24 that I have worked and served in.
 25 There are some old evals that show my

1 abilities, just who I am as a person. So if you get
 2 the chance to review those, I would greatly appreciate
 3 it. I think it will show the full totality of the
 4 circumstances -- or not circumstances. But the
 5 measure of me as a person.
 6 Like I said my wife is going to speak here in
 7 just a moment. You know, my wife has been a trooper,
 8 she's been there for us. She's got a great job and
 9 we're so thankful for that. In this time that I've
 10 been out of work, it's been eight months. She's been
 11 the go-to person. She's taking care of business.
 12 I'm a proud father of three. I have two
 13 stepdaughters, Jordan and Alora. Jordan is 19, on her
 14 own, doing her thing. Not many 19-year olds are
 15 supporting themselves, putting themselves through
 16 school. I think that is a kind of a measure of our
 17 parenting skills and the environment we create at our
 18 home.
 19 Alora, our middle stepdaughter, she's kind of
 20 a miracle. Alora is not my daughter, but I call her
 21 my daughter. She's 15 years old. She suffers from an
 22 extremely rare autoimmune disease.
 23 When I lost my job, I lost my insurance. My
 24 wife and I take her to Chicago every three months to
 25 see her physicians, her team back there, and Dallas

1 once a year. Since I've been out of work, she hasn't
 2 gone.
 3 There's been some issues creep up with her
 4 care and what's going on. We think it may be related
 5 to her not seeing her doctors, because we just can't
 6 afford to take her back there.
 7 We met some great people that are helping us
 8 with a flight. And my wife and Alora are leaving on
 9 Sunday to go to the hospital. Then in a week and a
 10 half they're going to Dallas tentatively so that she
 11 can get some more help on stuff that's going on. Her
 12 fight is every day. I look at her and I think, man,
 13 this is tough for us, but she lives it every day.
 14 She's a miracle in a sense.
 15 And then we have our little son, Hudson. He
 16 was eight months a couple weeks ago. And he's just
 17 been a blessing for all of us and we couldn't be
 18 happier about it. We have a little one on the ground
 19 and he's healthy and happy, and that's all we're
 20 thankful for.
 21 Since my separation it's been difficult for
 22 us as a family financially to make the bills. Thank
 23 God I had a great collection of stuff that I can sell
 24 and move. We've got some good income there. And
 25 then, you know, just some friends and family helping

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| <p>1 out with odds and ends for us. 2 You know, between my wife and I, it's hard. 3 She's carrying the burden for us. And I'll never be 4 able to thank her or repay her for that. 5 Some of the lessons I've learned. It was a 6 blow to me what happened. I understand the mistakes I 7 made from the start of the process with the Internal 8 Affairs investigation. I was up front and honest. I 9 made my mistakes. They're listed there for you to 10 review. 11 Those mistakes were my own and no one else's. 12 And I take full responsibility for those actions. I 13 don't lay blame on anybody. I hold nobody accountable 14 for my current state except myself. 15 It was hard to take a look in the mirror 16 after it happened and say to myself what can I do to 17 bounce back from this, what can I do to be better. 18 And the things that I came up with or have done is 19 that I own my mistake. I made that mistake. 20 When faced with those situations again, it's 21 100 percent. You know, we're looking for work, we're 22 trying to find a job. I went to an interview. But 23 they said, hey, this is the best candidate for the 24 job. 25 And they asked me a question, where I see</p> | <p>1 myself in five years. I told them hopefully retired, 2 because I've got almost 15 years. That's my goal, 3 that's my hope. They wanted to hear something 4 different. 5 And I knew that going into it. But I 6 couldn't tell them anything different. And I wasn't 7 selected for the job. And I understand that. But 8 that's me being honest with myself, being honest with 9 the people around me, and I've got to look at myself 10 in the mirror. 11 The lessons I learned are lifelong. They're 12 completely solidified in my heart and soul. And it's 13 just I wake up every day with it and go to bed every 14 night with it. 15 Just a little bit about me and what I did 16 before everything happened so you can kind of maybe 17 see a full picture of the person that I am. 18 As a sergeant I came into a shift that had a 19 couple of trouble spots. And these guys weren't 20 meeting their performance expectations, they weren't 21 carrying -- or they weren't fulfilling the uniform of 22 a State Police officer. 23 In my time there, these two guys, one of them 24 successfully turned completely around. And now he's 25 successful with the New Mexico State Police. And he</p> |
| <p>Page 112</p> <p>1 will be the first to tell you that I helped him get 2 there. 3 A couple of the other guys just didn't know 4 where their place was. So we found a niche for them, 5 we got them motivated, and we got them on the right 6 path. 7 Prior to a previous supervisor leaving, he 8 had instituted a program called LEAD, Law Enforcement 9 Assisted Diversion. When he left, everybody thought 10 that program would go by the wayside. I snatched it 11 up and I thought this is great. 12 What it was was we had officers in schools 13 tutoring students, administering them in a proactive 14 fashion. I said let's push it. So I met with more 15 principals and more teachers. And we pushed it out 16 successfully to two other schools. So in that 17 calendar year it was a total of three different 18 schools. 19 I like to think of myself as a proactive 20 supervisor, sergeant, leader, and officer, not just in 21 that capacity I still get calls today from some of the 22 guys asking me for help and suggestions because they 23 trust my opinion, they believe in me, and they just 24 trust me. 25 MR. COON: Mr. Barton, I'm going stop you</p> | <p>Page 113</p> <p>1 there. If you would like your wife to come up. And 2 then I'm sure there are going to be some questions for 3 you from the committee here. But if you would like 4 your wife to come up and limit it to a couple, three 5 minutes to talk on your behalf. 6 MR. BARTON: Yes, sir. 7 MS. BARTON: Mr. Vice Chairman and 8 distinguished Members of the Board, my name is Shannon 9 Barton. Thank you for allowing me the brief 10 opportunity to talk to you about my husband and the 11 man he truly is. We've been together for six years 12 and married for almost three. So I can honestly speak 13 to his morale and character. 14 Let me start out by saying that Nathan was 15 born to be a law enforcement officer. He loved the 16 State Police and was proud of his career. He was a 17 sergeant and was always told that he was going to be a 18 supervisor and leader. 19 He led his troops by example. And as a man 20 of startling integrity, honor, and honesty, he showed 21 his guys what it was to be a great leader. From these 22 mistakes, he was able to grow to be better than 23 before. He's a better man today because of what he 24 has learned in the past. 25 December 5th, 2013, changed our lives</p> |

1 forever. His first baby, his son, was less than a
2 month old when he was served his termination paper. I
3 won't lie to you. I was angry, furious, and scared as
4 hell because I didn't know how we would be able to
5 survive with me on maternity leave and heartbroken.

6 My husband lost everything, his career, his
7 financial well-being, his benefits, and mostly his
8 faith in people and himself. This separation from his
9 employer has taken its toll on us financially and
10 emotionally.

11 Our 15-year old daughter, Alora, has special
12 needs and suffers from an extremely rare autoimmune
13 disease. Her specialists are all over the country.

14 And unfortunately, because of the loss of the primary
15 insurance, some things are no longer covered.

16 Her treatments, medication, and medical
17 travel expenses are astronomical. So as you can see,
18 we have been hit hard with him not being able to do
19 what he loves.

20 He has not been able to utilize his
21 certification for almost eight months. Eight months
22 of not being back in uniform, eight months of not
23 serving his community, eight months of wishing and
24 praying it was over.

25 I am asking you to please grant my husband

1 lenience today. You can read for yourself in the
2 letters of support that he is a man worth giving
3 another chance. The letters alone show what kind of
4 man he is from various members of the community to
5 those backing him in the LEA.

6 He is a good, hardworking man who loves his
7 family, his morals, and integrity. Please don't let
8 one moment define his future and limit his chances of
9 what he does in supporting his family. Thank you.

10 MR. COON: Mr. Barton, would you please come
11 back up to the mike. Does anybody have any questions
12 of Mr. Barton? Mr. Korn.

13 MR. KORN: Mr. Barton, thanks for coming and
14 speaking to us today.

15 MR. BARTON: Yes, sir.

16 MR. KORN: It's unclear to me what you've
17 been really charged with from what the Director has
18 given us as a synopsis. Could you maybe tell us what
19 the offense was that took place.

20 MR. BARTON: Specifically what's listed here
21 today in the synopsis is directly related to my
22 improper completing of an SB 205 form when I was with
23 the New Mexico State Police. I completed it without
24 putting other information on there.

25 I did this without malice aforethought. When

1 I did it, I completed it to the best of my knowledge,
2 what I could testify to to that day, what I saw, what
3 I knew with 100 percent certainty. Does it meet the
4 NMAC rules, the code of conduct?

5 MR. KORN: Just to back up, you were fired
6 because you didn't complete a document right?

7 MR. BARTON: No. I was just explaining.
8 There are other circumstances. And we can talk about
9 that, if you want me to.

10 MR. KORN: Well, you've been suspended for
11 nine months. And that seems pretty excessive if you
12 just hadn't completed a document. So can you kind of
13 fill us in.

14 MR. BARTON: At the culmination at the
15 Internal Affairs investigation, when I was served with
16 the Notice of Contemplated Action, it was shown that I
17 was -- I believe founded charges on that date were
18 account of untruthfulness, account of failure to
19 supervise and perform duties, the improper completion
20 of a document, and I believe there was one other and
21 I'm forgetting.

22 But there were four or five specific things
23 on there that led to the totality of the circumstances
24 of my termination from New Mexico State Police.

25 MR. KORN: And I'm sorry. I just don't

1 understand. You didn't completely fill out a
2 document. What part of that was dishonest? You said
3 you didn't know that you hadn't completed it?

4 MR. BARTON: When all this started in 2012,
5 December 2012, it was when some abandoned property was
6 recovered by an officer in Espanola. He was told to
7 put it in my office by another supervisor.

8 When I came back, we inventoried it. I
9 thought we had a guy to come and pick it up. This
10 drug out for some time. During that portion a part of
11 the property was taken from my office by another
12 individual. It was later discovered who had that
13 property.

14 When they gave it back to me, I filled out
15 the date that they gave it back to me on the 205 form;
16 that I received it on this date and I placed it in the
17 vault on this date and time. I didn't put any other
18 information on there because I believed that -- okay.
19 I can't testify to those dates when it went missing.

20 I had no idea. We didn't know for months. I
21 think it was almost eight months by the time he
22 returned that said property. So when I completed it,
23 I completed it to the best of my knowledge.

24 MR. KORN: What part of this is an allegation
25 of dishonesty?

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| <p>1 MR. BARTON: When the captain at the time 2 asked me who brought it in, I told him I didn't know. 3 And, you know, those actions on my part were wrong. 4 Immediately, when this was brought to the Internal 5 Affairs and I went before them, I told them exactly 6 what I did wrong. I admitted it. I told them that my 7 actions were not becoming of an officer, they weren't 8 becoming of a sergeant. 9 MR. KORN: Because whoever brought it back, 10 you did know the identity; but you said you didn't 11 know? 12 MR. BARTON: Yes, sir. That's correct. 13 MR. KORN: What beyond that was there? 14 MR. BARTON: It was failure to supervise, 15 because I didn't tell the person to put said property 16 into the vault. 17 MR. KORN: Is there anything else that you're 18 charged with besides what you told us? 19 MR. BARTON: Conduct unbecoming. 20 MR. KORN: What was the conduct unbecoming? 21 MR. BARTON: Just the totality of the 22 circumstances. My actions as a whole were not 23 becoming of a sergeant with the New Mexico State 24 Police. 25 MR. KORN: Okay. Thank you, sir.</p> | <p>1 MR. COON: Any other questions? 2 MR. BARNCASTLE: Yes. 3 MR. COON: Mr. Barncastle. 4 MR. BARNCASTLE: Mr. Barton, you've answered 5 90 percent of my questions that Mr. Korn already 6 covered. These other two officers referred to in this 7 brief little synopsis that we have here, I should have 8 put those other two names on the form. Were those 9 other two names -- were those other two individuals 10 police officers. 11 MR. BARTON: Yes, sir. One was a police 12 officer and one was a New Mexico State Police 13 sergeant. 14 MR. BARNCASTLE: And this evidence was a 15 guitar? 16 MR. BARTON: Yes, sir. 17 MR. BARNCASTLE: Where was that taken to to 18 your knowledge? 19 MR. BARTON: The other party that moved it 20 said -- and I'm going to try to quote, but I don't 21 know exactly. He said he took it to his home because 22 he had someone that he was going to be able to give it 23 to. And that's all I recall off the top of my head. 24 Some kid or something in a band where he 25 lived, he was going to give him the guitar. But he</p> |
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| <p>1 was never able to find him and give it to him and he 2 still had it at his house. 3 And this is reading the -- I guess the 4 printout or the someone filled out, which was just a 5 conversation. And they put it into words based on the 6 statement. And that's where I'm getting this 7 information. 8 MR. BARNCASTLE: Thank you. 9 MR. BARTON: Yes, sir. 10 MR. COON: Did anybody else get investigated 11 because of this or just you? 12 MR. BARTON: Initially it was me. And then a 13 target letter was sent to the person that removed the 14 property from the office. They spoke to him. And 15 then there was a couple more interviews after that 16 between him and I. And then that was the culmination 17 of it. 18 I believe I had three Internal Affairs 19 interviews where I gave statements when I was employed 20 with the State Police and I think he gave two 21 interviews. 22 MR. COON: Okay. Any other questions? Thank 23 you, Mr. Barton. 24 MR. BARTON: May I just ask one more thing in 25 closing, 30 seconds.</p> | <p>1 MR. COON: Sure. 2 MR. BARTON: I just ask that, you know, take 3 the penalty into consideration. Since my cert had 4 been flagged since February with the submission of the 5 LEA-90 form, I've been precluded from gaining 6 employment in the law enforcement field. 7 Because of that -- and I understand why it's 8 there. I completely supported it. I would just ask 9 that you take that into consideration, that those 10 months -- that I was given at least some credit for 11 those months. 12 I don't disagree with the punishment, the 13 recommendation from Director Jones. I made mistakes. 14 I understand discipline is a function of training and 15 relearning and working to be a better person. 16 But I would just ask you that you take into 17 consideration that February to July that I have 18 essentially been out of work because of this entire 19 process. And I appreciate your time, Mr. Vice Chair 20 and distinguished Members. Thank you. 21 MR. COON: Thank you. 22 ITEM NO. 15: PATRICK HERNANDEZ 23 MR. COON: Okay. Agenda item 15, Patrick 24 Hernandez. Is Mr. Hernandez here? It looks like 25 Mr. D'Amato is. You don't look like Patrick</p> |

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| <p>1 Hernandez.</p> <p>2 MR. D'AMATO: Not at all. Mr. Vice Chair,</p> <p>3 Members of the Board, my name is John D'Amato, I</p> <p>4 represent Patrick Hernandez. He asked me to speak to</p> <p>5 you on his behalf today.</p> <p>6 He's working, he's currently at work with one</p> <p>7 of the tribes as a security guard. He is not in a law</p> <p>8 enforcement capacity, just strictly as a security</p> <p>9 guard. And we're asking the Board to adopt the</p> <p>10 stipulated order that is a result of the informal</p> <p>11 hearing with the Director.</p> <p>12 As you may know, Mr. Hernandez took</p> <p>13 responsibility for driving while intoxicated, causing</p> <p>14 injury. He is currently on probation. That probation</p> <p>15 will expire on or about March of 2015. He has</p> <p>16 completed the first offender program and now is</p> <p>17 strictly on probation.</p> <p>18 After he resigned from employment with the</p> <p>19 Albuquerque Police Department -- this is not by way of</p> <p>20 LEA-90 but by way of self-disclosure to the Director</p> <p>21 at his informal -- he was charged with domestic</p> <p>22 violence.</p> <p>23 A hearing was held and a civil restraining</p> <p>24 order. A full merits hearing was held. That matter</p> <p>25 was dismissed by a district court judge. There is a</p> | <p>1 pending misdemeanor charge, which will go to trial</p> <p>2 July 28th.</p> <p>3 The District Attorney, by policy in</p> <p>4 Bernalillo County, cannot dismiss domestic violence</p> <p>5 charges. So we will proceed to trial. We're asking</p> <p>6 the Board respectfully to adopt the stipulated order</p> <p>7 presented to you.</p> <p>8 MR. COON: Anybody have any questions?</p> <p>9 Mr. Korn.</p> <p>10 MR. KORN: Mr. D'Amato, missing from our</p> <p>11 packet was the blood alcohol.</p> <p>12 MR. D'AMATO: It was a refusal.</p> <p>13 MR. KORN: Oh, it was a refusal?</p> <p>14 MR. D'AMATO: It was a charge of aggravated</p> <p>15 driving while intoxicated. There were additional</p> <p>16 charges, negligent use of a firearm and careless</p> <p>17 driving. Those two charges as well as the aggravated</p> <p>18 portion of the driving while intoxicated charges were</p> <p>19 dismissed.</p> <p>20 MR. KORN: And were there injuries in this</p> <p>21 accident?</p> <p>22 MR. D'AMATO: There was an injury to one</p> <p>23 female driver. Not life-threatening, soft tissue</p> <p>24 only. Mr. Hernandez's insurance company made her</p> <p>25 whole.</p> |
| <p>Page 124</p> <p>1 MR. KORN: Thank you.</p> <p>2 MR. COON: Any other questions? Thank you,</p> <p>3 Mr. D'Amato.</p> <p>4 MR. D'AMATO: Thank you.</p> <p>5 ITEM NO. 16: ANDREW LAUX</p> <p>6 MR. COON: Okay. Going to No. 16, Andrew</p> <p>7 Laux. Andrew Laux. One more time, Andrew Laux.</p> <p>8 Okay. So that concludes our stipulated orders of</p> <p>9 suspension.</p> <p>10 ITEM NO. 17: PAULA DOSSEY</p> <p>11 MR. COON: We'll go into cautionary letters,</p> <p>12 starting with No. 17, Paula Dossey. Is Ms. Dossey</p> <p>13 here? Ms. Dossey. Paula Dossey. Okay. Not here.</p> <p>14 ITEM NO. 18: STEPHANIE LOPEZ</p> <p>15 MR. COON: No. 18, Stephanie Lopez.</p> <p>16 Ms. Lopez, are you here?</p> <p>17 MR. JONES: I believe her attorney is here,</p> <p>18 sir.</p> <p>19 MR. COON: Okay.</p> <p>20 MR. MOWRER: Thank you, sir. Members of the</p> <p>21 Board, I'm Frederick Mowrer, I'm here on behalf of</p> <p>22 Ms. Lopez. Ms. Lopez was called away for</p> <p>23 administrative duties as a result of the APOA</p> <p>24 collective bargaining agreement. She can't be here.</p> <p>25 But we would urge the Board to please accept the order</p> | <p>Page 125</p> <p>1 that has been proposed and submitted to you by the</p> <p>2 Director. Any questions?</p> <p>3 MR. COON: Does anybody have any questions?</p> <p>4 ITEM NO. 19: SCOTT McMURROUGH</p> <p>5 MR. COON: Okay. We'll go on to No. 19,</p> <p>6 Scott McMurrough. Scott McMurrough.</p> <p>7 MR. MOWRER: Mr. Vice Chair, Members of the</p> <p>8 Board, my name is Frederick Mowrer, I'm here on behalf</p> <p>9 of Officer McMurrough. And we would urge you to</p> <p>10 please accept the cautionary letter recommended by</p> <p>11 Director Jones.</p> <p>12 MR. COON: Any questions?</p> <p>13 MR. KORN: I have a question.</p> <p>14 MR. COON: Yes, sir. Mr. Korn.</p> <p>15 MR. KORN: Sir, how do you spell your last</p> <p>16 name?</p> <p>17 MR. MOWRER: M-o-w-r-e-r.</p> <p>18 MR. KORN: Sir, was Mr. McMurrough the</p> <p>19 primary officer or the backup officer?</p> <p>20 MR. MOWRER: He was a backup.</p> <p>21 MR. KORN: Okay. Thank you.</p> <p>22 ITEM NO. 20: JOSEPH MISQUEZ</p> <p>23 MR. COON: Okay. Moving on to No. 20, Joseph</p> <p>24 Misquez. Joseph Misquez. Okay. Come on up, sir.</p> <p>25 MR. MISQUEZ: Good morning, gentlemen. After</p> |

1 speaking with Mr. Jones, I understand that I was
2 getting a letter of caution. I humbly request that
3 you accept that as well. If you have any questions.

4 According to my letter, I know I didn't have
5 to be here. But I just wanted to present myself. If
6 you have any questions for me, I'm more than willing
7 to answer them.

8 MR. COON: Okay. Does anybody have any
9 questions? Mr. Korn.

10 MR. KORN: Mr. Misquez, it's a little unclear
11 to me by reading the fact synopsis we got. It looks
12 like at one point you separated two women; and then at
13 another point in the narrative, it says you pushed one
14 of the women. Can you maybe give us a little bit of
15 an idea what happened.

16 MR. MISQUEZ: Yes, sir. On that date, it was
17 9/12/2013, there was an altercation at a local
18 community store or gas station there in Las Cruces,
19 New Mexico. It involved my girlfriend of five years.

20 I was leaving when I saw two occupants of
21 another vehicle and my girlfriend approach each other.
22 They began to get in a verbal altercation, what I
23 believed to be was an assault in progress, my
24 girlfriend being the victim.

25 Another lady was coming into the altercation.

1 There was a witness who was an unbiased witness. I
2 didn't know this person, my girlfriend didn't know
3 this person.

4 She told the police officers on scene that my
5 girlfriend -- they referred to her in the report as a
6 little girl. The little girl had asked the driver of
7 the vehicle behind her why are you honking, what can I
8 help you with. At that point they engaged in a verbal
9 altercation.

10 MR. KORN: And just so I understand, when you
11 interceded between the two, how did the one woman fall
12 down?

13 MR. MISQUEZ: This was three, sir, at the
14 time. The driver and my girlfriend were arguing. At
15 that point the passenger of the vehicle behind as well
16 got out of the vehicle. They began to close
17 distance -- both of them began to close distance on my
18 girlfriend, which led me to believe that a battery is
19 about to occur.

20 So that's when I got involved. And I got in
21 between them and I pushed her back to make sure that a
22 battery wouldn't occur on either party, and she fell
23 to the ground.

24 MR. KORN: And was she advancing on you when
25 you pushed her back or did you just get in the middle

1 I was on duty. I work narcotics. I don't wear a
2 uniform and I don't have a badge displayed, I don't
3 have a gun on my hip. I was in civilian clothes,
4 which is my uniform of the day.

5 I proceeded to break up the altercation,
6 which I believed was about to be a battery. When I
7 separated the ladies, one of the ladies had fallen to
8 the ground. And that's the incident.

9 MR. KORN: Was your girlfriend going to the
10 other car, is that what I understand?

11 MR. MISQUEZ: They had met mutually. What I
12 saw -- I was backed up. I saw the incident. I didn't
13 hear the incident. My windows were rolled up. I
14 heard a horn honking several times, which I later
15 learned that it was the occupant of the vehicle behind
16 my girlfriend.

17 When the vehicle had moved, it kept inching
18 up further and further, boxing her in, she couldn't
19 leave. The occupant or the driver of the vehicle was
20 upset that she did not get to the pump in a timely
21 manner, which was why she was honking at my girlfriend
22 to get out of the way.

23 Once the vehicle in front of my girlfriend
24 had proceeded to leave the pumps, she pulled over and
25 got out of the car to inquire why she was honking.

1 of them?

2 MR. MISQUEZ: She was advancing on my
3 girlfriend.

4 MR. KORN: What did the police department do
5 about this?

6 MR. MISQUEZ: They had interviewed me, they
7 interviewed my girlfriend, and they interviewed the
8 two women involved. About an hour later, they gave me
9 a criminal citation for assault and battery, which was
10 dismissed with prejudice in municipal court with The
11 Honorable Judge Ryan. No criminal findings in the PSU
12 or the Internal Affairs.

13 MR. KORN: And what happened with your own
14 agency?

15 MR. MISQUEZ: No issue of criminal conduct
16 occurred.

17 MR. KORN: Were there any misconduct charges
18 filed against you by your agency?

19 MR. MISQUEZ: They did an investigation for
20 Internal Affairs in reference to a criminal procedure
21 or criminal conduct, and no criminal conduct was
22 found.

23 MR. KORN: And what about administrative, did
24 you get any time off?

25 MR. MISQUEZ: I did receive two days off

1 because I did not have my badge and my gun on me at
2 the time nor did I have my credentials on me at the
3 time.

4 MR. KORN: Thank you, sir. Thank you,
5 Mr. Vice Chair.

6 MR. COON: Any other questions? Thank you,
7 sir.

8 ITEM NO. 21: JOE MORENO

9 MR. COON: Okay. Going on to agenda item
10 No. 21, Joe Moreno. Mr. Bregman.

11 MR. BREGMAN: Good afternoon, Mr. Chairman,
12 Members of the Board. I'm Sam Bregman, I represent
13 Joe Moreno. And I'm happy to answer any questions you
14 ask. We would agree with the proposed cautionary
15 letter.

16 MR. COON: Anybody have any questions?
17 Anybody? Thank you, sir.

18 MR. BREGMAN: Thank you.

19 MR. KORN: I have a question.

20 MR. COON: Okay. I'm sorry. Mr. Korn.

21 MR. KORN: Mr. Bregman, as with some of the
22 other synopses, I'm kind of unclear as to what
23 happened here. If I read this right, did your client
24 jump out of his truck and punch somebody who was
25 standing in front of him?

1 MR. BREGMAN: Well, you can come to that
2 conclusion based on that. But what happened was the
3 following: My client went to a restaurant with his
4 family, was at a restaurant with his family. And long
5 story short, he complained about the service to the
6 manager while his waitress was with some unscrupulous
7 people to say the least.

8 They then followed my client to the bathroom
9 with an upside down beer bottle, which is on the
10 video. They basically set him up, they basically went
11 outside, and they hid out behind an ATM machine, ready
12 to attack my client.

13 Then they jumped in front of his car.
14 Mr. Moreno had told his son to leave, he was concerned
15 about his son. Obviously these people were targeting
16 them. And at some point the guy jumped in front of
17 his car.

18 There was another guy apparently on the other
19 side. He came up to the door. Mr. Moreno opened up
20 the door, the guy took a step towards him, and he did
21 punch him; and the guy went to the ground, yes.

22 There have been absolutely no criminal
23 charges filed against my client. It's been
24 investigated by two different District Attorney's
25 Offices.

1 At the end there was an original Notice of
2 Contemplated Action. There is no discipline on his
3 file, there are no charges that were sustained. He is
4 now working for another department.

5 MR. KORN: Where is Mr. Moreno today?

6 MR. BREGMAN: Mr. Moreno I believe is working
7 today. He works for another department.

8 MR. KORN: No. I mean he's not here with you
9 now. Is that because he's working or for some other
10 reason?

11 MR. BREGMAN: It's not for any other
12 particular reason. I think, as is disclosed in all
13 the letters that are sent out, they're not required to
14 be here. I'm here as his representative.

15 MR. KORN: I'm just asking the question.

16 MR. BREGMAN: I don't know specifically if
17 he's on duty right this minute or not, but I know he's
18 working.

19 MR. KORN: Now, at the time Mr. Moreno jumped
20 out of his car, he was in the car. I assume the doors
21 were locked or could have been locked?

22 MR. BREGMAN: I don't know if the doors were
23 locked.

24 MR. KORN: He could have driven away.

25 MR. BREGMAN: No. It might have been a

1 situation where the guy, because of where he was, he
2 jumped in front of his car. He may have hurt him if
3 he was going to move the vehicle.

4 MR. KORN: But he had the option of remaining
5 in his car, backing up, and going away?

6 MR. BREGMAN: I don't know about backing up
7 or going away. He had the option I believe of
8 continuing to sit in his car. But I don't know that I
9 can tell you, based on what I know of the facts, that
10 he couldn't back up or he could have left without
11 actually hurting this person with his vehicle.

12 MR. KORN: Perhaps, if Mr. Moreno was here,
13 he could educate us.

14 MR. BREGMAN: No. I don't know. If you're
15 asking, if Mr. Moreno would have been here, he can
16 tell you whether or not he could have sufficiently
17 backed up or not, I don't know. It was a fairly
18 fast-moving thing with the people really targeting
19 them. It was more than one individual.

20 MR. KORN: Did Mr. Moreno have anything to
21 drink in the restaurant?

22 MR. BREGMAN: Did Mr. Moreno have anything to
23 drink. I think he may have had a beer, but I'm not
24 positive about that.

25 MR. KORN: If Mr. Moreno was here, he would

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| <p>1 be able to tell us.</p> <p>2 MR. BREGMAN: I guess he would, yes.</p> <p>3 MR. KORN: Thank you, Mr. Bregman.</p> <p>4 MR. BREGMAN: Thank you.</p> <p>5 MR. KORN: Thank you, Mr. Vice Chairman.</p> <p>6 MR. BREGMAN: Any other questions?</p> <p>7 MR. COON: No, sir.</p> <p>8 ITEM NO. 22: JAMES ORTIZ</p> <p>9 MR. COON: Now, No. 22, James Ortiz. James</p> <p>10 Ortiz. You're a busy man today, sir.</p> <p>11 MR. MOWRER: Members of the Board,</p> <p>12 Mr. Director, my name is Frederick Mowrer, I'm here on</p> <p>13 behalf of Officer Ortiz. And we could ask that you</p> <p>14 adopt the cautionary letter as recommended by the</p> <p>15 Director.</p> <p>16 MR. COON: Anybody have any questions? No</p> <p>17 questions. Okay.</p> <p>18 ITEM NO. 23: RON SURRAN</p> <p>19 MR. COON: We'll go to No. 23, Ron Surran.</p> <p>20 Mr. D'Amato.</p> <p>21 MR. D'AMATO: Good afternoon. Mr. Chairman</p> <p>22 Members of the Board, my name is John D'Amato, I</p> <p>23 represent Ron Surran. We would ask that you adopt the</p> <p>24 cautionary letter proposed by Director Jones.</p> <p>25 MR. COON: Does anybody have any questions of</p> | <p>1 Mr. D'Amato? Mr. Korn.</p> <p>2 MR. KORN: Mr. D'Amato, it's unclear from the</p> <p>3 narrative what role Mr. Surran played in the events of</p> <p>4 that day, which are kind of well-known. And I think</p> <p>5 one person may have appeared before us, I don't</p> <p>6 remember.</p> <p>7 MR. D'AMATO: Okay.</p> <p>8 MR. KORN: Was he a backup officer?</p> <p>9 MR. D'AMATO: He was a backup officer. There</p> <p>10 were two other officers earlier in the day, about an</p> <p>11 hour and ten minutes earlier, who observed two</p> <p>12 individuals doing hand-to-hand drug traffic in a park</p> <p>13 in the southeast part of Albuquerque. After being</p> <p>14 confronted he fled. The search for the individual</p> <p>15 lasted about 50 minutes I think.</p> <p>16 MR. KORN: But Mr. Surran wasn't involved in</p> <p>17 any of that?</p> <p>18 MR. D'AMATO: No, not at all. Mr. Surran was</p> <p>19 a career bicycle officer in the Southeast Heights</p> <p>20 looking for the individual. Two other officers seemed</p> <p>21 to have targeted a residence where they believed this</p> <p>22 individual was hiding. They gained entry.</p> <p>23 The individual fled out the back door.</p> <p>24 Another ten or 15 minutes goes by. Mr. Surran finds</p> <p>25 the individual hiding behind a dumpster probably about</p> |
| <p>Page 136</p> <p>1 three blocks away.</p> <p>2 He jumps off his bike, effects an arrest; and</p> <p>3 in doing so, placed his right foot on the neck portion</p> <p>4 of the individual. And then another officer came in</p> <p>5 and placed handcuffs on the individual.</p> <p>6 MR. KORN: That's Mr. Surran's total</p> <p>7 involvement with this whole series of events?</p> <p>8 MR. D'AMATO: That's correct.</p> <p>9 MR. KORN: Okay. Thank you, sir.</p> <p>10 MR. D'AMATO: Thank you.</p> <p>11 MR. COON: Any other questions? Thank you,</p> <p>12 sir.</p> <p>13 ITEM NO. 24: JACOB SWENK</p> <p>14 MR. COON: Okay. Number 24, Jacob Swenk.</p> <p>15 MS. BARKLEY: Good afternoon, Mr. Vice Chair,</p> <p>16 Members of the Board, Director. My name is Jamison</p> <p>17 Barkley, I'm here on behalf of Jacob Swenk.</p> <p>18 Mr. Swenk is on duty today. He sends his</p> <p>19 sincere regrets that he was not able to appear here</p> <p>20 before you. And we would simply urge you to accept</p> <p>21 the recommendation of the Director and accept the</p> <p>22 cautionary letter.</p> <p>23 MR. COON: Any questions? I have one. Where</p> <p>24 is he employed now?</p> <p>25 MS. BARKLEY: You know, I was looking at my</p> | <p>Page 137</p> <p>1 notes this morning. And I am not sure exactly. I</p> <p>2 want to say Farmington or Aztec. It is a different</p> <p>3 department than the one where the incident took place.</p> <p>4 In the northwest corner of the state.</p> <p>5 MR. COON: It shows he resigned from</p> <p>6 Farmington. So it's got to be something other than</p> <p>7 Farmington. Mr. Korn.</p> <p>8 MR. KORN: I'm sorry. How do you spell your</p> <p>9 name?</p> <p>10 MS. BARKLEY: J-a-m-i-s-o-n.</p> <p>11 MR. KORN: Jamison.</p> <p>12 MS. BARKLEY: Yes, sir.</p> <p>13 MR. KORN: Ms. Jamison, is there any --</p> <p>14 MS. BARKLEY: Excuse me. That's my first</p> <p>15 name. My last name is Barkley.</p> <p>16 MR. KORN: Oh, I'm sorry.</p> <p>17 MS. BARKLEY: No problem. Thank you.</p> <p>18 MR. KORN: Ms. Barkley, is there any question</p> <p>19 that your client lied to the investigators or is that</p> <p>20 up in the air?</p> <p>21 MS. BARKLEY: You know, I think that's up in</p> <p>22 the air. I think there was a misunderstanding. It's</p> <p>23 my understanding that there were a couple of different</p> <p>24 accidents that my client had had in his unit; not</p> <p>25 transporting anyone, just by himself.</p> |

1 And when I say accidents, this incident arose
2 from him hitting a curb. So nothing high speed, just
3 fairly minor. But he incurred some wear and tear on
4 his vehicle and potentially was not entirely
5 forthcoming about the cause of that.

6 He did not report when he had hit the initial
7 curb. And then there was some maintenance that was
8 done on the unit thereafter and it came to light that
9 he had -- that he had hit this curb some weeks prior.

10 MR. KORN: So it was by omission, he wasn't
11 telling the department, kind of dishonesty by
12 omission?

13 MS. BARKLEY: I believe that he had failed to
14 report the initial hitting of the curb.

15 MR. KORN: Thank you.

16 MS. BARKLEY: You're welcome. Anything else?
17 Thank you.

18 MR. COON: Any other questions? Thank you,
19 ma'am.

20 ITEM NO. 25: GIL VIGIL

21 MR. COON: Okay. Number 25, Gil Vigil.
22 Mr. Bregman.

23 MR. BREGMAN: Good afternoon, Mr. Chairman.
24 My name is Sam Bregman, I represent Gil Vigil. I'm
25 happy to answer any questions as to the letter of

1 caution.

2 MR. COON: Mr. Korn.

3 MR. KORN: Mr. Bregman, I note that your
4 client isn't here today.

5 MR. BREGMAN: I note that I'm the only lawyer
6 you ask that of.

7 MR. KORN: That's because the other lawyers
8 offer where their clients are.

9 MR. BREGMAN: I didn't hear that from the
10 others. But, nonetheless, my client is out of state.

11 MR. KORN: Okay. And was your client the
12 primary officer in this event?

13 MR. BREGMAN: I believe he was, yes. The
14 primary officer at the time.

15 MR. KORN: And this involved the boy that was
16 later killed by his parents?

17 MR. BREGMAN: Some months later, yes. Six or
18 seven months, it may have been a year, I don't know
19 exactly.

20 MR. KORN: So the material says that he
21 failed to listen to a 911 call that they offered him?

22 MR. BREGMAN: Well, allegation was that he
23 was -- and he was terminated. It's been fairly
24 public. And that's obviously under appeal, that
25 termination, to the Personnel Board of the City of

1 Albuquerque.

2 But the idea is that he was fired basically
3 for the fact that he didn't do a police report, he
4 didn't listen to a 911 tape. And quite frankly the
5 rules and regulations and SOPs governing this are very
6 clear that, if you show up at someone's house and you
7 don't observe any crime, you have not seen any
8 evidence of a crime, you do not believe that there's
9 any evidence of a crime -- which is also captured on
10 the lapel video, that there's not any evidence of a
11 crime -- not any determination made that there was a
12 crime by any of the two police officers, that you do
13 not have to file a police report.

14 And apparently that is a shifting standard
15 for this particular case. As well as the fact that
16 apparently there was a 911 call. And there is no SOP
17 and I've never heard quite frankly of a police officer
18 in the Albuquerque Police Department being required
19 under any rule or regulation to listen to a 911 call
20 when they're at the scene in a situation where they
21 have just spent some time looking for an open air cell
22 phone.

23 It was my officer, my client, Mr. Gil Vigil,
24 who went and actually narrowed down a couple of blocks
25 about where this cell phone call could possibly be

1 coming from, started knocking on doors, and actually
2 found the cell phone based on his investigation
3 techniques.

4 He brought this child out and asked him
5 specifically is there any problems going on. This
6 child was clear-eyed. And there was absolutely no
7 evidence, no crime, no nothing like that, no
8 indication of anything that he was under any type of
9 distress or stress or anything like that.

10 The grownups in the house, if you will --
11 this is all captured on lapel video. There was no
12 indication whatsoever that any child abuse was taking
13 place. To the contrary, the only thing that
14 apparently was evidence was at some point there was
15 some yelling at the child.

16 That's what we know. And if we want a police
17 officer to do a police report every time a parent
18 yells at a child, then that is troublesome to say the
19 least.

20 But, nonetheless, there is absolutely no
21 evidence of any wrongdoing on the part of Gil Vigil.
22 None whatsoever. He was terminated due to what is
23 considered an SOP violation. An SOP violation,
24 meaning that he didn't fill out a police report and
25 didn't take the steps necessary to listen to a 911

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| <p>1 call while he was at the scene, which is not required 2 anywhere.</p> <p>3 But at the end of the day, Gil Vigil was 4 fired and obviously referred to this Board as a 5 sacrificial lamb in a terrible tragic death of a 6 child. And he is a good cop and always has been a 7 good cop and will continue to be a good cop given that 8 opportunity. And I would ask that you accept this 9 letter of caution.</p> <p>10 MR. KORN: I guess my question is, when he 11 was dispatched, he was dispatched because of a 911 12 call?</p> <p>13 MR. BREGMAN: No. He was called --</p> <p>14 MR. KORN: Wait a second. He was called to 15 the scene because of a 911 call --</p> <p>16 MR. BREGMAN: No.</p> <p>17 MR. KORN: -- and offered by the dispatchers 18 to listen to the call and he refused?</p> <p>19 MR. BREGMAN: No. That's not the way it 20 happened. They were looking for an open cell phone 21 call. They sent out to everybody to see if you could 22 find or locate an open cell phone. Imagine that, a 23 needle in a haystack. But yet he and his partner did 24 finally locate the residence where this was taking 25 place.</p> | <p>1 So he was not dispatched to that residence. 2 He found the residence, went there; and then 3 subsequent to that, during this investigation is when 4 he was called by the 911 operator saying please listen 5 to the 911 call. And he said he would. And he didn't 6 end up listening to it right then, no. The 911 7 call --</p> <p>8 MR. KORN: That's my question. 9 MR. BREGMAN: Yes. 10 MR. KORN: And you've answered it. Thank 11 you. 12 MR. BREGMAN: Can I finish up on just one 13 point. 14 MR. KORN: No. You've answered my question. 15 Thank you. I have nothing else at this time. Does 16 anybody else have any questions? 17 MR. BREGMAN: Thank you for the opportunity, 18 Mr. Korn. Any other questions? 19 MR. COON: Any other questions? Thank you, 20 Mr. Bregman. 21 MR. BREGMAN: Thank you. 22 ITEM NO. 26: CHAD WHITSON 23 MR. COON: Number 26, Chad Whitson. 24 Mr. Whitson, are you here? Chad Whitson. One more 25 time, Chad Whitson. Not here.</p> |
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| <p>1 ITEM NO. 27: ALFONSO RODRIGUEZ 2 MR. COON: Number 27, Alfonso Rodriguez. 3 Alfonso Rodriguez. Last call for Alfonso Rodriguez. 4 Not here. Okay.</p> <p>5 ITEM NO. 28: JENNIFER JARA 6 MR. COON: Okay. Now we're into letters of 7 no action. Number 28, Jennifer Jara. 8 MR. MOWRER: Mr. Director, Members of the 9 Board, I'm Frederick Mowrer on behalf of Ms. Jara who 10 is standing next to me on my left. We would urge the 11 Board to accept the recommendation of the Director 12 that no action be taken. 13 MR. COON: Is this the same incident that we 14 just heard? 15 MR. MOWRER: No, sir. Unfortunately is 16 the same family, the same young man. But this 17 happened months before the incident that was just 18 before you. It happened at a daycare facility. And 19 Officer Jara was the responding officer to that call. 20 MR. COON: And you were a lieutenant? 21 MS. JARA: No, sir. I was just the primary 22 officer. 23 MR. COON: Does anybody have any questions? 24 Mr. Korn. 25 MR. KORN: If I may, Ms. Jara, it's a little</p> | <p>1 unclear to me. It sounds like the Assistant DA told 2 you that you couldn't make an arrest based off of 3 statements, but you could arrest her, the mother I'm 4 talking about, from the statements of the child; is 5 that correct? 6 MS. JARA: Yes, sir. 7 MR. KORN: But then if you were told you 8 could arrest -- and there were bruises on the child 9 that you could see? 10 MS. JARA: Yes, sir. 11 MR. KORN: So they gave you consent to arrest 12 the mother and you elected not to arrest the mother? 13 MS. JARA: That's correct. And the reasoning 14 behind that was because I could only arrest on 15 misdemeanor charges. However, I felt that there was 16 enough for felony charges, which is why I opted to 17 send the report to the DA's Office to charge felony at 18 a later time. 19 You can't bump up a misdemeanor to a felony. 20 However, you could later charge a misdemeanor bumped 21 down from a felony, if necessary. I wasn't willing to 22 go misdemeanor when this was obviously a felony in my 23 opinion. 24 MR. KORN: But you can arrest for a 25 misdemeanor, and then the DA can later file for a</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 felony?</p> <p>2 MS. JARA: I left it up to the DA's Office.</p> <p>3 I advised her that I would be sending it to her for</p> <p>4 felony. My other concern was to go ahead and do that,</p> <p>5 pursue the felony charges through the DA's Office, and</p> <p>6 then have the child taken into custody that day.</p> <p>7 MR. KORN: But the child never went into</p> <p>8 custody that day?</p> <p>9 MS. JARA: That's correct.</p> <p>10 MR. KORN: It says you allegedly sent a copy</p> <p>11 of the report to the DA's Office. Is there a question</p> <p>12 about whether you sent a report or not?</p> <p>13 MS. JARA: I don't know what the question is.</p> <p>14 I know I sent the report. DA Trabato advised that she</p> <p>15 never received that report.</p> <p>16 MR. KORN: And then as far as the CYFD, what</p> <p>17 happened with that?</p> <p>18 MS. JARA: They refused to take the child</p> <p>19 into custody. I spoke with a supervisor on that day.</p> <p>20 She also refused. And I advised my supervisor that</p> <p>21 there was a refusal. I was advised to write it in my</p> <p>22 report and leave the scene.</p> <p>23 MR. KORN: So when you went there, you called</p> <p>24 CYFD and they refused to come out and take the child?</p> <p>25 MS. JARA: No, sir. Actually CYFD called us.</p> | <p style="text-align: right;">Page 147</p> <p>1 The parents were immediately informed of the</p> <p>2 allegations and were present at the school when I</p> <p>3 arrived. There was no question for me whether or not</p> <p>4 the child needed to be on 48 due to bruises and</p> <p>5 statements he made to a teacher and CYFD at the scene.</p> <p>6 The statements were not made to me, however,</p> <p>7 which is why I did not make the felony arrest due to</p> <p>8 the statements that he made to the teacher and to</p> <p>9 CYFD. So they called us. And I made the choice to</p> <p>10 have him placed on a 48-hour hold, which they refused.</p> <p>11 MR. KORN: Why did they refuse? I mean why</p> <p>12 did they tell you they were refusing?</p> <p>13 MS. JARA: That they would be taking the</p> <p>14 child in the following day for some type of medical</p> <p>15 evaluation so that they could check to see if he had</p> <p>16 any previous injuries, but that they would not be</p> <p>17 taking the child into custody on that day.</p> <p>18 MR. KORN: And have they ever alleged that</p> <p>19 they never said that to you?</p> <p>20 MS. JARA: No, sir. They have never alleged</p> <p>21 that.</p> <p>22 MR. KORN: So you're telling me that's never</p> <p>23 been an issue?</p> <p>24 MS. JARA: Yes.</p> <p>25 MR. KORN: Okay. Thank you.</p> |
| <p style="text-align: right;">Page 148</p> <p>1 MR. COON: Any other questions? Thank you,</p> <p>2 ma'am.</p> <p>3 MR. MOWRER: Thank you.</p> <p>4 ITEM NO. 29: JEREMY BARNES</p> <p>5 MR. COON: Okay. Number 29, under letters of</p> <p>6 no action, Jeremy Barnes. Are you here, Mr. Barnes?</p> <p>7 Jeremy Barnes.</p> <p>8 ITEM NO. 30: PHIL GALLEGOS</p> <p>9 MR. COON: Okay. Now we'll go to voluntary</p> <p>10 relinquishment. Phil Gallegos. Is Mr. Gallegos here?</p> <p>11 Phil Gallegos. Okay.</p> <p>12 ITEM NO. 35: JEREMIAH PHILLIPS</p> <p>13 MR. COON: I want to jump down to 35, letters</p> <p>14 to address the Board, misconduct. Number 35 is</p> <p>15 Jeremiah Phillips.</p> <p>16 MR. D'AMATO: Mr. Chair, Members of the</p> <p>17 Board, my name is John D'Amato. I'm standing in just</p> <p>18 momentarily for Mr. Mowrer, who, in reliance on the</p> <p>19 sequence of numbering, went to the restroom. So</p> <p>20 basically he thought we were going to go to 31. He's</p> <p>21 representing Officer Phillips.</p> <p>22 MR. COON: We'll go to No. 36, Moises Pena.</p> <p>23 MR. D'AMATO: Thank you.</p> <p>24 MR. JONES: Mr. Vice Chair, I believe that we</p> <p>25 skipped one, which is Mr. Waldrop, on No. 33.</p> | <p style="text-align: right;">Page 149</p> <p>1 MR. REYNOLDS: Mr. Vice Chair and Director</p> <p>2 Jones, with formal hearings the Board relies</p> <p>3 exclusively upon the record made at the hearing. So</p> <p>4 we don't take any further evidence at this meeting, we</p> <p>5 just look at just the record made at the hearing. So</p> <p>6 that applies to Nos. 31 through 34.</p> <p>7 MR. JONES: Okay, sir.</p> <p>8 MR. MOWRER: Mr. Director, Members of the</p> <p>9 Board. I'm sorry. I left to get a drink of water I</p> <p>10 think you called Mr. Phillips.</p> <p>11 MR. COON: I did.</p> <p>12 MR. MOWRER: Sorry. My luck. Again my name</p> <p>13 is Frederick Mowrer, I'm here on behalf of Officer</p> <p>14 Phillips, who is standing next to me to my right. In</p> <p>15 this particular case, there was initially, as the</p> <p>16 record shows, a series of actions taken with regard to</p> <p>17 internal discipline administered by the Albuquerque</p> <p>18 Police Department.</p> <p>19 There then was an informal process held by</p> <p>20 the Board. There was a correction of the main address</p> <p>21 in December of 2013, because most of the mail had been</p> <p>22 going to his parents' house. He had moved out and</p> <p>23 established his own residence.</p> <p>24 That was corrected at the end of December.</p> <p>25 New letters started in January concerning proposals of</p> |

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| <p>1 the four-month revocation, year probation, attend 2 ethics class. Those letters were sent out -- I think 3 initially there was an agreement reached. And this is 4 in December.</p> <p>5 You decided to hold that in abeyance. I 6 think Mr. Korn was chairman at the time. A new letter 7 was sent out in January advising him on a Notice of 8 Final Action. I believe that same Notice of Final 9 Action has the same proposed disposition by Director 10 Jones.</p> <p>11 That letter was never received. There is no 12 excuse for that. My client had not moved. But he did 13 not get the letter, that's his position.</p> <p>14 He didn't even know about a final action 15 being taken in this case in April because that was 16 mailed back to his parents' house. And they called 17 him and told him.</p> <p>18 What we were proposing like I said is to 19 examine the understanding of his obligation to this 20 Board to make sure they have his current mailing 21 address, that we would propose not to enter final 22 action which is on the agenda, and to send this matter 23 back to the Law Enforcement Academy Board to process.</p> <p>24 MR. COON: Do we have any record of him 25 receiving anything?</p> | <p>1 MR. MOWRER: You should have a record of two 2 letters, in January I believe and March of 2013, after 3 the new address was placed. He received those. There 4 was correspondence, there was an agreement reached, 5 and then the last letter sent out he did not get.</p> <p>6 MS. MEDRANO: The original NCA was returned 7 unclaimed.</p> <p>8 MR. COON: Unclaimed?</p> <p>9 MS. MEDRANO: Yes, sir. The Notice of Final 10 Decision, with the recommendation of a revocation, was 11 returned unclaimed.</p> <p>12 MR. BARNCASTLE: What date was that?</p> <p>13 MR. MOWRER: I believe, if I'm not mistaken, 14 sir, that's dated 4/25/14.</p> <p>15 MS. MEDRANO: Our office sent this out in 16 January of 2012. And then there were notices left on 17 1/8, 1/13, and 1/23 I believe. And then it was sent 18 back to our office.</p> <p>19 The Default Order of Suspension was not 20 approved at the December Board meeting. That was why 21 the last final order recommending revocation was sent 22 out to him.</p> <p>23 There was a Stipulated Order of Suspension 24 that was presented to the Board in April. That letter 25 stated that the Board did not approve that, but they</p> |
| <p>Page 152</p> <p>1 did recommend some other sanctions. And that letter 2 was signed for and received in August 2013.</p> <p>3 MR. COON: So he did receive the letter?</p> <p>4 MR. MOWRER: One of them, yes, sir. His 5 position is, in January 2014, the Notice of Final 6 Decision regarding revocation, he did not receive 7 that. And then the final order of revocation dated 8 April, he did not receive that.</p> <p>9 He did receive a couple of the letters in 10 2013. One was specifically discussing the issues 11 concerning the four-month revocation, attendance to an 12 ethics class, and being on probation for a year, which 13 is why we're asking to have it sent back.</p> <p>14 MR. COON: Were those all sent to the same 15 address?</p> <p>16 MR. MOWRER: Some of them before 2013 I 17 understand were sent to the Bismarck or Bernsey 18 address. And the letters after 2013 that I'm aware of 19 were all sent to the same address where he was 20 residing at the time.</p> <p>21 MR. COON: Okay.</p> <p>22 MS. MEDRANO: There was one in September that 23 was sent to the Dinkle Road, where he actually signed 24 for one. And then the other ones were all sent to 25 that same address. The first one was the one that was</p> | <p>Page 153</p> <p>1 sent to a different address.</p> <p>2 MR. MOWRER: That's where his parents live.</p> <p>3 MR. COON: Okay. Anybody have any questions? 4 Thank you.</p> <p>5 MR. MOWRER: Thank you, sir.</p> <p>6 ITEM NO. 36: MOISES PENA</p> <p>7 MR. COON: Moises Pena.</p> <p>8 MR. PENA: Thank you, gentlemen. Members of 9 the Board, thank you. The reason I'm here today is 10 I'm bringing a letter to Director Jones to request 11 reinstatement of my certification. In April of 2013, 12 last year, I voluntarily relinquished my 13 certification. I'm requesting reinstatement.</p> <p>14 MR. COON: Did you just change your mind or 15 get a job offer?</p> <p>16 MR. PENA: In December of 2012, I severely 17 broke my thumb. My doctor and my physical therapist 18 told me I would never be able to return to work or be 19 able to handle a firearm. I continued therapy and I'm 20 okay.</p> <p>21 MR. COON: Does anybody have any questions of 22 Mr. Pena? Mr. Korn.</p> <p>23 MR. KORN: Yes, sir. Mr. Pena, did you 24 resign under the color of an investigation by this 25 Board?</p> |

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| <p>1 MR. PENA: There was an investigation in 2 February of 2013. I was involved in an incident at a 3 local casino near Espanola. I was intoxicated. I did 4 spit on the security guard. I got convicted of 5 battery. 6 That's why I went before the Board in April. 7 And the former Director advised me that he would not 8 take any action against me, to relinquish my 9 certification, and that I was going to be out. 10 MR. KORN: Thank you. 11 MR. COON: What department were you in at the 12 time? 13 MR. PENA: Espanola Police Department. 14 MR. COON: And this happened at a casino? 15 MR. PENA: Yes. Like I said I was 16 intoxicated. 17 MR. COON: Anybody have any questions of 18 Mr. Pena? Thank you, sir. 19 Okay. That concludes the letters to address 20 the Board. 21 ITEM NOS. 37 AND 38: PENDING LITIGATION 22 MR. COON: Pending litigation. 23 MR. REYNOLDS: So, Mr. Vice Chair, if I may, 24 I believe this would be an appropriate time for the 25 Board to entertain a motion to go into closed</p> | <p>1 executive session. And I can articulate that motion, 2 if the Members so desire. 3 MR. COON: Please. 4 MR. REYNOLDS: The motion would be for the 5 Board to enter an executive session to discuss the 6 licensing matters identified on the agenda as Nos. 7 7 and 10 through 36, to discuss pending or threatened 8 litigation identified on the agenda as Nos. 37 and 38, 9 and to discuss a limited personnel matter in relation 10 to the Executive Director. And all those would be 11 pursuant to NMSA 1978 Section 10-15-1(H)(1), (2), and 12 (7). 13 MR. COON: Okay. 14 MR. GRATTON: So moved. 15 MR. COON: Okay. Do I have a second? 16 MR. BARNCASTLE: Second. 17 MR. REYNOLDS: I'm sorry. Mr. Vice Chair, 18 you actually have to take a roll call vote on this 19 motion. 20 MR. COON: Okay. We'll take a roll call 21 vote. 22 MS. LOPEZ: Pat Barncastle. 23 MR. BARNCASTLE: Yes. 24 MS. LOPEZ: Chief Kassetas. 25 MR. KASSETAS: Yes.</p> |
| <p>Page 156</p> <p>1 MS. LOPEZ: Sheriff Coon. 2 MR. COON: Yes. 3 MS. LOPEZ: Chief McCall. 4 MR. McCALL: Yes. 5 MS. LOPEZ: Sergeant Quezada. 6 MR. QUEZADA: Yes. 7 MS. LOPEZ: Nate Korn. 8 MR. KORN: Yes. 9 MS. LOPEZ: John Gratton. 10 MR. GRATTON: Yes. 11 MR. COON: Okay. So I'm going to ask the 12 people out in the audience if you would leave for 13 this. This is probably going to take awhile. Can we 14 ask you not to leave anything behind, please. 15 (Recess from 12:50 p.m. to 3:35 p.m.) 16 MR. COON: We're back on the record. We need 17 a roll call. 18 MS. LOPEZ: Pat Barncastle. 19 MR. BARNCASTLE: Here. 20 MS. LOPEZ: Chief Kassetas. 21 MR. KASSETAS: Here. 22 MS. LOPEZ: Sheriff Coon. 23 MR. COON: Here. 24 MS. LOPEZ: Chief McCall. 25 MR. McCALL: Here.</p> | <p>Page 157</p> <p>1 MS. LOPEZ: Sergeant Quezada. 2 MR. QUEZADA: Here. 3 MS. LOPEZ: Nate Korn. 4 MR. KORN: Here. 5 MS. LOPEZ: John Gratton. 6 MR. GRATTON: Here. 7 MR. REYNOLDS: Mr. Vice Chair, let the record 8 reflect that only those items that were identified in 9 the motion to go into executive session were actually 10 discussed in executive session. 11 MR. COON: Thank you, Mr. Reynolds. And 12 thank you all for sticking around. This has been a 13 long day for all of us. We'll get through these as 14 quick as we can. 15 The first order of business is the default 16 orders of revocation. We're going to lump these 17 together. We've already done Nos. 6, 8, and 9. 18 MR. BARNCASTLE: Mr. Vice Chair, move to 19 accept the Director's recommendations for agenda items 20 Nos. 7, 10, 11, 12, and 13. 21 MR. COON: Okay. I have a motion. 22 MR. GRATTON: Second. 23 MR. COON: And a second by Mr. Gratton. All 24 in favor say aye. 25 (Those in favor so indicate.)</p> |

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| <p>1 MR. COON: All opposed. It carries. 2 On the stipulated orders of suspension, on 3 No. 14, the case of Nathan Barton, do I have a motion? 4 MR. QUEZADA: Yes, Vice Chair. I make a 5 motion to reject the Director's recommendation and 6 refer it back to the Director. 7 MR. COON: Okay. I have a motion. 8 MR. McCALL: Second. 9 MR. COON: All in favor. 10 (Those in favor so indicate.) 11 MR. COON: All opposed. Okay. 12 MR. KASSETAS: Let the record reflect that I 13 recused myself from Nathan Barton. 14 MR. COON: Thank you, Chief. Okay. Number 15 15 is the case of Patrick Hernandez. 16 MR. GRATTON: Mr. Chair, I move that we 17 accept the Director's recommendation for Patrick 18 Hernandez. 19 MR. COON: Okay. I have a motion. 20 MR. KORN: Second. 21 MR. COON: Mr. Korn seconds. All in favor 22 say aye. 23 (Those in favor so indicate.) 24 MR. COON: All opposed. Okay. 25 Now, to No. 16, Andrew Laux. Do I have a</p> | <p>1 motion? 2 MR. KORN: Mr. Vice Chair, I make a motion 3 that we accept the Director's recommendation in the 4 case of Andrew Laux. 5 MR. COON: Okay. I have a motion. Do I have 6 a second? 7 MR. GRATTON: Second. 8 MR. COON: I have a second by Mr. Gratton. 9 All in favor say aye. 10 (Those in favor so indicate.) 11 MR. COON: All opposed. Okay. 12 Number 17 under cautionary letters, Paula 13 Dossey. 14 MR. KASSETAS: Mr. Vice Chair, I make the 15 recommendation to accept the Director's 16 recommendation. 17 MR. COON: Okay. I have a motion. 18 MR. BARNCASTLE: Second. 19 MR. COON: Mr. Barncastle seconds. All in 20 favor say aye. 21 (Those in favor so indicate.) 22 MR. COON: All opposed? Okay. That carries. 23 Number 18, Stephanie Lopez. 24 MR. McCALL: Mr. Vice Chair, I make a motion 25 to accept the Director's recommendation.</p> |
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| <p>1 MR. COON: Okay. Do I have a second? 2 MR. QUEZADA: I'll second that. 3 MR. COON: Mr. Quezada seconds. All in favor 4 say aye. 5 (Those in favor so indicate.) 6 MR. COON: All opposed. Okay. 7 Going on to No. 19, Scott McMurrugh. 8 MR. QUEZADA: Mr. Vice Chair, on that one, I 9 want to see if we can bundle that one with No. 25. 10 MR. COON: Yes, sir, we sure can. 11 MR. QUEZADA: And on that one I want to 12 accept the Director's recommendation for the approval 13 of the letter of caution, but also with the condition 14 of 40 hours of required training in domestic violence, 15 child abuse, and mentally ill to be attended at the 16 Law Enforcement Academy. 17 MR. COON: Okay. I have a motion. 18 MR. McCALL: Second. 19 MR. COON: Chief McCall seconds. All in 20 favor say aye. 21 (Those in favor so indicate.) 22 MR. COON: All opposed. Okay. 23 Number 20, Joseph Misquez. 24 MR. GRATTON: Mr. Vice Chair, I make a motion 25 that we accept the Director's recommendation of a</p> | <p>1 letter of caution to Joseph Misquez. 2 MR. COON: Okay. I have a motion on the 3 table. 4 MR. KORN: Second. 5 MR. COON: Mr. Korn seconds. All in favor 6 say aye. 7 (Those in favor so indicate.) 8 MR. COON: All opposed. 9 MR. QUEZADA: Mr. Vice Chair, just for the 10 record, I did recuse myself from that one. 11 MR. COON: Thank you. Number 21, Joe Moreno. 12 MR. KASSETAS: Mr. Vice Chair, I make a 13 motion to accept the Director's recommendations. 14 MR. COON: Okay. I have a motion on the 15 floor. 16 MR. McCALL: Second. 17 MR. COON: A second by Chief McCall. All in 18 favor say aye. 19 (Those in favor so indicate.) 20 MR. COON: All opposed. Okay. 21 No. 22, James Ortiz. 22 MR. KORN: Mr. Vice Chair, I make a motion to 23 accept the recommendation by the Director. 24 MR. COON: Okay. We have a motion on the 25 table.</p> |

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| <p>1 MR. GRATTON: Second. 2 MR. COON: A second by Mr. Gratton. All in 3 favor say aye. 4 (Those in favor so indicate.) 5 MR. COON: All opposed. Okay. 6 Number 23, Ron Surran. 7 MR. BARNCASTLE: Mr. Vice Chair, I would like 8 to make a motion to accept the Director's 9 recommendations and approve a letter of caution. 10 MR. COON: Okay. I have a motion on the 11 table. 12 MR. QUEZADA: I'll second that. 13 MR. COON: Sergeant Quezada seconds. All in 14 favor say aye. 15 (Those in favor so indicate.) 16 MR. COON: All opposed. Okay. 17 Number 24, Jacob Swenk. 18 MR. McCALL: Mr. Vice Chair, I make a motion 19 to reject and return to the Director. 20 MR. COON: Okay. I have a motion. 21 MR. KASSETAS: Second. 22 MR. COON: A second by Chief Kassetas. All 23 in favor say aye. 24 (Those in favor so indicate.) 25 MR. COON: All opposed. Okay.</p> | <p>1 Let's go to No. 26, Chad Whitson. 2 MR. KASSETAS: Mr. Vice Chair, I would like 3 to make a motion to accept the Director's 4 recommendations. 5 MR. COON: Okay. I have a motion on the 6 table. 7 MR. GRATTON: Second. 8 MR. COON: A second by Mr. Gratton. All in 9 favor say aye. 10 (Those in favor so indicate.) 11 MR. COON: All opposed. 12 MR. McCALL: Mr. Vice Chair, I would like to 13 make a note for the record that I recused myself from 14 the discussion of Mr. Whitson. 15 MR. COON: Okay. Thank you, sir. 16 Number 27, Alfonso Rodriguez. 17 MR. KORN: Mr. Vice Chair, I would make a 18 motion to accept the recommendation of the Director. 19 MR. COON: Okay. Do I have a second? 20 MR. GRATTON: Second. 21 MR. COON: A second by Mr. Gratton. All in 22 favor say aye. 23 (Those in favor so indicate.) 24 MR. COON: All opposed. Okay. 25 Number 28, Jennifer Jara.</p> |
| <p>Page 164</p> <p>1 MR. QUEZADA: Mr. Vice Chair, I would like to 2 make a motion to reject the Director's recommendation 3 on this one at this time. 4 MR. COON: Okay. I have a motion. Do I have 5 a second? 6 MR. GRATTON: Second. 7 MR. COON: A second by Mr. Gratton. All in 8 favor say aye. 9 (Those in favor so indicate.) 10 MR. COON: All opposed. Thank you. 11 Number 29, Jeremy Barnes. 12 MR. KASSETAS: Mr. Vice Chair, I would like 13 to make a motion to accept the Director's 14 recommendation. 15 MR. COON: Okay. I have a motion. 16 MR. McCALL: Second. 17 MR. COON: A second by Chief McCall. All in 18 favor say aye. 19 (Those in favor so indicate.) 20 MR. COON: All opposed. Okay. Going to 21 No. 30, voluntary relinquishment, Phil Gallegos. 22 MR. McCALL: Mr. Vice Chair, I would like to 23 make a motion to accept the Director's recommendation. 24 MR. COON: Okay. I have a motion. 25 MR. GRATTON: Second.</p> | <p>Page 165</p> <p>1 MR. COON: A second by Mr. Gratton. All in 2 favor say aye. 3 (Those in favor so indicate.) 4 MR. COON: All opposed. Thank you. 5 MR. KASSETAS: Mr. Vice Chair, I would like 6 the record to reflect that I recused myself from this 7 matter. 8 MR. COON: Thank you, Chief. 9 ITEM NO. 31: JAMES AGUILAR 10 MR. COON: Now to formal hearings. James 11 Aguilar. 12 MR. BARNCASTLE: I would like to make a 13 motion to accept the Hearing Officer's recommendations 14 and upon employment reinstate a 24-month probationary 15 period. 16 MR. COON: Okay. I have a motion. Is that 17 with a 24-month probationary period? 18 MR. BARNCASTLE: Yes, upon employment. 19 MR. COON: Okay. We have a motion on the 20 table. 21 MR. KORN: Second. 22 MR. COON: Mr. Korn seconds. All in favor 23 say aye. 24 (Those in favor so indicate.) 25 MR. KORN: All opposed. Okay.</p> |

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| <p>1 ITEM NO. 32: VENESSA STACK 2 MR. COON: Venessa Stack. 3 MR. GRATTON: Mr. Vice Chair, I move that we 4 accept the Hearing Officer's recommendations on 5 Venessa Stack. 6 MR. COON: Okay. We have a motion. 7 MR. KORN: Second. 8 MR. COON: Mr. Korn seconds. All in favor 9 say aye. 10 (Those in favor so indicate.) 11 MR. COON: All opposed. 12 ITEM NO. 33: MICHAEL WALDROP 13 MR. COON: Number 33, Michael Waldrop. 14 MR. KORN: Mr. Vice Chair, I make a motion 15 that we accept the recommendation of the Hearing 16 Officer and let Mr. Waldrop's law enforcement 17 certification continue uninterrupted. 18 MR. COON: Okay. I have a motion. 19 MR. GRATTON: Second. 20 MR. COON: A second by Mr. Gratton. All in 21 favor say aye. 22 (Those in favor so indicate.) 23 MR. COON: All opposed. Okay. 24 ITEM NO. 34: JOHN DOYLE 25 MR. COON: Number 34, John Doyle.</p> | <p>1 MR. KASSETAS: Mr. Vice Chair, I make the 2 recommendation we accept the Hearing Officer's 3 findings and the Board revokes Mr. Doyle's 4 certification. 5 MR. COON: Okay. I have a motion. 6 MR. McCALL: Second. 7 MR. COON: A second by Chief McCall. All in 8 favor say aye. 9 (Those in favor so indicate.) 10 MR. COON: All opposed. 11 Number 35, Jeremiah Phillips. 12 MR. McCALL: Mr. Vice Chair, I would like to 13 make a motion to withdraw the default order and return 14 it to the Director. 15 MR. COON: Okay. The motion is to withdraw 16 the default order and return it to the Director. 17 MR. KORN: Second. 18 MR. COON: Mr. Korn seconds. All in favor 19 say aye. 20 (Those in favor so indicate.) 21 MR. COON: All opposed. Okay. 22 Number 36, Moises Pena. 23 MR. KORN: Mr. Vice Chair, I make a motion 24 that we deny the request of Mr. Pena for the 25 reinstatement of his law enforcement certification.</p> |
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| <p>1 MR. COON: Okay. 2 MR. BARNCASTLE: Second. 3 MR. COON: Mr. Barncastle seconds it. All in 4 favor say aye. 5 (Those in favor so indicate.) 6 MR. COON: All opposed. 7 That's it. Mr. Chairman, it's all yours. 8 ITEM NO. 39: DIRECTOR'S REPORT 9 MR. KING: The next item on the agenda is the 10 Director's report. But since we're running late 11 today, we're getting the report passed out here. And 12 so I asked the Director if he minded dispensing with 13 the oral part of his report, and he said he did not 14 have a problem with that. 15 Do you all have any questions for the 16 Director currently? Okay. 17 The next item on our agenda is actually 18 public comment. And I know there may be some members 19 of the public who have stayed here to comment on a 20 couple of issues. 21 Actually let me do something before I do the 22 public comment. One of the things we have to get done 23 before the end of the day and never takes very long is 24 the ratification of certifications. Can we do that 25 real quick.</p> | <p>1 MR. JONES: Yes, sir. 2 MR. KING: Usually have a list. Even though 3 I went away for lunch, I still didn't bring my book in 4 with me. But usually I can take a motion in bulk for 5 the certifications. 6 ITEM NO. 41: RATIFICATION OF CERTIFICATIONS FOR LAW 7 ENFORCEMENT OFFICERS 8 MR. KING: So first let's do the ratification 9 of certifications of law enforcement officers. And 10 I'll be happy to take a motion for ratification. 11 Director Jones, do you want to just go 12 through the list. You don't have to go through them 13 by name, but usually we just go by number. I'm 14 looking at this. It looks like they're actually in 15 numerical order. 16 MR. JONES: Sir, they're by exhibits. And if 17 you look at the back of the book, they will be by 18 exhibits. That's how we established them. And it's 19 under 41 and 42. 20 Exhibit 1 is the cert by waiver courses which 21 is Nos. 14-0001-P through 14-0016-P, 08-0275-P, 22 98-0186-P, 09-0027-P, 04-0126-P, 01-0016-P, and 23 99-0045-P. That's Exhibit 1. And those are all the 24 cert by waivers that have come up for certification by 25 waiver class. This is the cert by waiver academy</p> |

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| <p>1 No. 81, Exhibit 1.</p> <p>2 MR. KING: Right. So since we have them in</p> <p>3 front of us, I can just take a motion to adopt all of</p> <p>4 those. Now, I'm actually happy to do them by cert by</p> <p>5 waiver and then the other ones that are just the</p> <p>6 certifications.</p> <p>7 MR. JONES: Yes, sir.</p> <p>8 MR. KING: All right. So I am happy to take</p> <p>9 a motion on I'm going to say Exhibit No. 1 that starts</p> <p>10 with 14-0001-P through 14-0016-P. Do I have a motion</p> <p>11 to adopt those certifications?</p> <p>12 MR. KORN: I'll make a motion.</p> <p>13 MR. KING: Okay. I have a motion by</p> <p>14 Mr. Korn.</p> <p>15 MR. BARNCASTLE: I'll second.</p> <p>16 MR. KING: Seconded. All in favor say aye.</p> <p>17 (Those in favor so indicate.)</p> <p>18 MR. KING: Any opposed. Okay.</p> <p>19 MR. JONES: Then Exhibit No. 2 is a cert by</p> <p>20 waiver challenge, sir.</p> <p>21 MR. KING: And the recommendation is still to</p> <p>22 accept these certifications?</p> <p>23 MR. JONES: Yes, sir.</p> <p>24 MR. KING: So I'll take a motion.</p> <p>25 MR. GRATTON: Move for approval.</p> | <p>1 MR. KING: This is Exhibit No. 2, 14-0017-P</p> <p>2 through 14-0020-P, 06-0121-P, and 10-0121-P. So those</p> <p>3 are the ones we're voting on right now. So we have a</p> <p>4 motion.</p> <p>5 MR. BARNCASTLE: Second.</p> <p>6 MR. KING: We have a second. All in favor</p> <p>7 say aye.</p> <p>8 (Those in favor so indicate.)</p> <p>9 MR. KING: Any opposed. All right.</p> <p>10 MR. JONES: Sir, Exhibit No. 3 is Las Cruces</p> <p>11 Police Department Academy, which is Exhibit No. 3,</p> <p>12 class No. 43.</p> <p>13 MR. KING: And your recommendation is that we</p> <p>14 adopt these?</p> <p>15 MR. JONES: I recommend that you adopt these</p> <p>16 certifications, Exhibit No. 3, 14-0021-P through</p> <p>17 14-0038-P.</p> <p>18 MR. KING: I'll take a motion.</p> <p>19 MR. BARNCASTLE: Mr. Chair, I move to accept</p> <p>20 the certifications on Exhibit 3.</p> <p>21 MR. McCALL: Second.</p> <p>22 MR. KING: We have a motion and a second.</p> <p>23 All in favor say aye.</p> <p>24 (Those in favor so indicate.)</p> <p>25 MR. KING: Any opposed. Okay.</p> |
| <p>Page 172</p> <p>1 MR. JONES: Sir, the next item is San Juan</p> <p>2 Academy class No. 32, it's Exhibit No. 4. I make a</p> <p>3 recommendation that we ratify those certifications.</p> <p>4 MR. KING: Okay. I'll take a motion.</p> <p>5 MR. KORN: I so move.</p> <p>6 MR. KING: Okay. Mr. Korn moved. Actually,</p> <p>7 just for the record, I'll state it's Exhibit No. 4 and</p> <p>8 it's Nos. 14-0041-P through 14-0047-P.</p> <p>9 MR. BARNCASTLE: I'll second that.</p> <p>10 MR. KING: Okay. It's been moved and</p> <p>11 seconded. All in favor say aye.</p> <p>12 (Those in favor so indicate.)</p> <p>13 MR. KING: Any opposed. Okay. The motion</p> <p>14 carries. Exhibit No. 5.</p> <p>15 MR. JONES: Sir, Exhibit No. 5 is</p> <p>16 Southeastern New Mexico Law Enforcement Academy cert</p> <p>17 by waiver No. 15. I make a recommendation that you</p> <p>18 ratify those certifications.</p> <p>19 MR. KING: Okay. These continue to be law</p> <p>20 enforcement certifications, correct?</p> <p>21 MR. JONES: Yes, sir.</p> <p>22 MR. KING: All right. I'll take a motion.</p> <p>23 MR. McCALL: I make a motion to approve</p> <p>24 Exhibit No. 5.</p> <p>25 MR. KING: Okay. Once again that's item</p> | <p>Page 173</p> <p>1 Nos. 14-0049-P through 14-0059-P, Exhibit No. 5. We</p> <p>2 have a motion.</p> <p>3 MR. COON: I'll second.</p> <p>4 MR. KING: And a second. All in favor say</p> <p>5 aye.</p> <p>6 (Those in favor so indicate.)</p> <p>7 MR. KING: Any opposed. Exhibit No. 6.</p> <p>8 MR. JONES: Basic police officer training</p> <p>9 class No. 187, Exhibit No. 6, I make a motion to</p> <p>10 ratify these certifications. These are all in</p> <p>11 sequential order, sir, Nos. 14-0061-P through</p> <p>12 14-0108-P.</p> <p>13 MR. KING: Okay. I'll take a motion.</p> <p>14 MR. BARNCASTLE: Mr. Chair, I move to accept</p> <p>15 the certifications of items No. 14-0061-P through</p> <p>16 14-0108-P listed in Exhibit 6.</p> <p>17 MR. KING: Okay. We have a motion.</p> <p>18 MR. KASSETAS: Second.</p> <p>19 MR. KING: All in favor say aye.</p> <p>20 (Those in favor so indicate.)</p> <p>21 MR. KING: Any opposed. Okay. That passes.</p> <p>22 Next item, Exhibit No. 7.</p> <p>23 MR. JONES: Albuquerque Police Department</p> <p>24 Academy class No. 101, Exhibit No. 7. Sir, I would</p> <p>25 make a recommendation that you ratify these</p> |

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| <p>1 certifications. They're all in sequential order also, 2 sir.</p> <p>3 MR. KING: Okay. I'll take a motion.</p> <p>4 MR. COON: Mr. Chairman, I make a motion we 5 ratify certification Nos. 14-0109-P through 14-0131-P, 6 Exhibit No. 7.</p> <p>7 MR. KING: We have a motion. Do we have a 8 second?</p> <p>9 MR. KASSETAS: Second.</p> <p>10 MR. KING: All in favor say aye. 11 (Those in favor so indicate.)</p> <p>12 MR. KING: Any opposed. The motion carries. 13 Now Exhibit No. 8.</p> <p>14 MR. JONES: Sir, Southeastern New Mexico Law 15 Enforcement Academy No. 32, Exhibit No. 8, they are 16 all in sequential order also.</p> <p>17 MR. KING: Okay. I'll take a motion.</p> <p>18 MR. McCALL: Motion to approve Exhibit 8, 19 Nos. 14-0132-P though 14-0155-P.</p> <p>20 MR. KING: Okay. I have a motion.</p> <p>21 MR. BARNCASTLE: I'll second.</p> <p>22 MR. KING: All in favor say aye. 23 (Those in favor so indicate.)</p> <p>24 MR. KING: Any opposed. The motion carries. 25 Exhibit No. 9, is that the last one?</p> | <p>1 MR. JONES: This is the last one.</p> <p>2 MR. KING: Go ahead.</p> <p>3 MR. JONES: Basic police officer training 4 class No. 188, Exhibit 9. They're all in sequential 5 order also, sir.</p> <p>6 MR. KING: Okay. I'll take a motion.</p> <p>7 MR. BARNCASTLE: Mr. Chairman, I move for 8 acceptance of the certifications under Exhibit 9, 9 14-0157-P through 14-0171-P.</p> <p>10 MR. KING: Okay. We have a motion.</p> <p>11 MR. COON: Second.</p> <p>12 MR. KING: All in favor say aye. 13 (Those in favor so indicate.)</p> <p>14 MR. KING: Any opposed. Okay. The motion 15 carries.</p> <p>16 ITEM NO. 42: RATIFICATION OF CERTIFICATIONS FOR 17 TELECOMMUNICATORS</p> <p>18 MR. KING: The next item on the agenda is 19 certifications for public safety telecommunicators. 20 And I saw Exhibit No. 1. Do we have more than one 21 exhibit in this one?</p> <p>22 MR. JONES: No, sir. This is the only 23 exhibit that we have. And this is sequential in 24 order.</p> <p>25 MR. KING: And your recommendation is that we</p> |
| <p style="text-align: right;">Page 176</p> <p>1 approve?</p> <p>2 MR. JONES: We recommend that you approve 3 these certifications.</p> <p>4 MR. KING: Okay. I'll take a motion.</p> <p>5 MR. KORN: I so move.</p> <p>6 MR. KING: Mr. Korn moves to accept Exhibit 7 1. That's 14-0001-PST through 14-0031-PST.</p> <p>8 MR. KASSETAS: Second.</p> <p>9 MR. KING: I have a second. All in favor say 10 aye. 11 (Those in favor so indicate.)</p> <p>12 MR. KING: Any opposed. Okay. The motion 13 carries. So those are all done. Thank you very much, 14 everybody.</p> <p>15 ITEM NO. 40: PUBLIC COMMENT</p> <p>16 MR. KING: Okay. Now, we have a few people 17 that are listed here on our agenda for public comment. 18 It's important that we get through this. We've got I 19 reckon about half an hour. And it may be some folks 20 actually spoke this morning already.</p> <p>21 But who is here that wants to make comment 22 still? Yes, sir. I know that I have your name on 23 here. Mr. Mechels, you're first on the list anyway. 24 So come on up. I assume this is on a different issue 25 than the one you spoke on this morning.</p> | <p style="text-align: right;">Page 177</p> <p>1 MR. MECHELS: Yes, it is.</p> <p>2 MR. KING: Come on up. Mr. Mechels, we also 3 show you as item No. 44, testing protocols. Is that 4 what you're going to talk about?</p> <p>5 MR. MECHELS: Nope.</p> <p>6 MR. KING: Okay. Let's do our public 7 comment, because I know it's important to all you 8 guys. This is going to be my intention. Since we 9 have to give up this room, if we don't complete our 10 business today, we will call another meeting probably 11 certainly within the time frame of August.</p> <p>12 And we'll complete this agenda plus have the 13 other agenda items that we have left here. But go 14 ahead with your public comment, Mr. Mechels.</p> <p>15 MR. MECHELS: My public comment will be very 16 brief. I call your attention to the fact that I filed 17 an open meetings complaint to this Board as the Board 18 on the February meeting. And to this point I have no 19 response.</p> <p>20 I just wanted to bring that to your 21 attention. For anyone in the audience who is 22 interested in what the Open Meetings Act is about, 23 I've brought copies of it.</p> <p>24 The other one I would bring to your attention 25 which was also covered and brought forth in the</p> |

1 meeting of October 11th -- and you weren't here at the
2 time, Mr. King. But the issue that was brought up,
3 and I did make the resolution it was given the proper
4 weight that it deserved, was the issue of the shooting
5 of Jeanette Anaya.

6 We produced a document signed by a number of
7 very responsible people including the former Deputy
8 Attorney General of the State to the effect that it
9 appeared that that shooting was a violation of the
10 State Police policy of state law, that the State
11 Police policy is not compliant with state law.

12 And we've got legal opinions to that effect.
13 So I wanted to bring that back to the Board because
14 again we got no suitable response at the time. I also
15 have a copy of that complaint, if you're interested.
16 Thank you.

17 MR. KING: Thank you, Mr. Mechels. Actually
18 will you make sure that Dave Peterson down there on
19 the corner gets a copy of those too from my office.
20 Thank you.

21 We have Mr. Ellis on the agenda still. Is he
22 still here? I let him speak a little bit this
23 morning. Okay. I don't see him. I'm sorry. I'm not
24 reading the handwriting on the next one. Roger? No.

25 Mike Gomez we had this morning. I know

1 Mr. Gomez, is Mr. Gomez still here? Okay. Frank
2 Ortega. Okay. Eli Kronen. And a lot of these folks
3 spoke this morning. Barbara Grothus I know spoke this
4 morning. Is she still here for this afternoon?

5 James Bowes. Charles Arasim. And Nora
6 Anaya. Nora spoke this morning. So I think everybody
7 that had public comment had an opportunity to speak
8 this morning. We appreciate members of the public and
9 the perseverance, Mr. Mechels, for you to stay and
10 speak this afternoon too.

11 ITEM NO. 43: DISCUSSION: SFST REQUIREMENTS

12 MR. KING: So next on the agenda is Item
13 No. 43, SFST requirements. Faron Segotta, I saw you
14 here.

15 MR. SEGOTTA: Mr. Chairman, Members of the
16 Board, thank you for letting me take a few minutes to
17 bring something to your attention. My name is Faron
18 Segotta and I am currently a contract employee with
19 Safer New Mexico.

20 Safer New Mexico oversees several grants from
21 the New Mexico Department of Transportation Traffic
22 Safety Division. One of the programs that we oversee
23 is the New Mexico Law Enforcement Training Program.
24 Within that is the standardized field sobriety testing
25 program that is really set forth by the National

1 Highway Traffic Safety Administration, NHTSA.

2 To give you kind of a real quick history of
3 SFST so it will tie in to what I'm trying to get
4 accomplished here today is, in the early seventies,
5 there was a lot of research done on three standardized
6 field sobriety tests, the HGN, horizontal gaze
7 nystagmus; the walk-and-turn; and the one-leg-stand.

8 As a result of all of that research, in 1986
9 NHTSA made a recommendation that all law enforcement
10 agencies start teaching those. In 1992 it was
11 formalized to a resolution with NHTSA and the
12 International Associations of Chiefs of Police. And
13 basically that became the standard for all law
14 enforcement officers to teach to.

15 In 2005 NHTSA came to New Mexico to do an
16 audit of the program and discovered that we were
17 deficient in several areas. And they made a series of
18 about eight recommendations.

19 As a result of that audit, the contractor at
20 the time who was overseeing the SFST program
21 established a DWI SFST oversight committee, which is
22 comprised of members from law enforcement, from the
23 New Mexico Law Enforcement Academy, we have attorneys
24 involved as well, to set the standards for the
25 instructors who teach SFST to all of the law

1 enforcement officers in the State of New Mexico to
2 make sure that they are indeed following the standards
3 set forth by NHTSA.

4 I do have a couple of members of the DWI
5 committee in attendance here today. Mr. Shea is
6 representing the New Mexico Law Enforcement Academy
7 Board. I have Officer Roy Martinez with the
8 Albuquerque Police Department DWI unit, he's a master
9 DWI instructor and authority and expert on DWI
10 standardized field sobriety testing.

11 And I have Ms. Julie Gallardo who is an
12 attorney who is also on the committee and makes sure
13 that all the case laws that are being heard or being
14 acted upon are distributed to all of the instructors
15 across the state.

16 When Safer took over the program, we got the
17 DWI oversight committee together to review the
18 standardized field sobriety testing program standards
19 manual, which was created as a result of the 2005
20 audit. There was some revamping that we needed to do.
21 And we managed to bring it up to speed since a lot of
22 things have changed since 2005.

23 One of the things that was discussed as a
24 result of some of the changes that NHTSA brought
25 forward in May of last year, they changed the

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| <p style="text-align: right;">Page 182</p> <p>1 curriculum for SFST. And we wanted to make sure that, 2 of course, everybody in the law enforcement community 3 was aware of those changes. 4 New Mexico currently has about 175 certified 5 SFST instructors across the state. The program that I 6 oversee is responsible for making sure that they meet 7 the requirements of the standards established in the 8 manual. 9 When the committee met, we realized that, 10 although all of our instructors that teach the 11 standardized field sobriety testing portion are 12 certified through the academy, that there is no rule 13 in place or no procedure established by the academy to 14 ensure that they are indeed certified as instructors. 15 For example, any agencies out there could 16 identify an individual within their organization as a 17 trainer. And they could get the curriculum from NHTSA 18 and teach a class but not actually be certified to 19 teach a class. 20 It's very different than what you see with 21 your firearms instructor trainers. They all have to 22 be certified through the academy because they are 23 teaching to the standards of the Law Enforcement 24 Academy. The academy does have standards for SFST 25 during the 16-week program. And those are all</p> | <p style="text-align: right;">Page 183</p> <p>1 instructed by certified instructors that are certified 2 through the academy. 3 So we just wanted to bring this to the 4 attention of the academy. And through not a change in 5 NMAC but through maybe a change in procedure that 6 instructors who teach SFST are certified through the 7 academy to make sure that New Mexico is compliant with 8 the NHTSA standardized procedures. 9 That keeps us from falling into a situation 10 that occurred in 2005 where we were deficient in 11 several areas. So it was just something that we 12 wanted to bring to your attention. 13 And I'm sure that Mr. Shea can address any 14 questions in terms of how it might be done to ensure 15 that that is the standard going forward. With that I 16 certainly will stand for any questions that you might 17 have. 18 MR. KING: Questions from the Board. 19 MR. KASSETAS: Mr. Segotta, you're advocating 20 that the Law Enforcement Academy adopt those standards 21 and then teach those across the board to all LEA 22 instructors, correct? 23 MR. SEGOTTA: Well, they have already adopted 24 the standards of the SFST. We just want to make sure 25 that the officers who teach this as part of the</p> |
| <p style="text-align: right;">Page 184</p> <p>1 four-hour refresher training that's required by the 2 academy are certified through the academy to teach 3 SFST. 4 At this point, for the four-hour refresher, 5 we have a good grasp of that now. And those people 6 who request the training material make that request 7 through Safer, through myself. I serve as the New 8 Mexico statewide SFST coordinator. 9 I ensure that they are currently certified 10 before I release any material to them. However, if 11 they were to gain material through NHTSA because it is 12 available, they could teach a class to an agency that 13 may not be in compliance completely with NHTSA or they 14 may not be certified to instruct in that particular 15 topic. 16 So we just want to make sure that the academy 17 kind of identifies the SFST instructors as they do the 18 firearm instructors. And then they must be certified 19 through the Law Enforcement Academy. 20 MR. KASSETAS: Understood. Thank you. 21 MR. KING: And I don't know that we can take 22 action on that today, but we can add it as an item, if 23 we want to do that. Right? 24 MR. REYNOLDS: Yes, correct. 25 MR. SEGOTTA: Thank you for your time.</p> | <p style="text-align: right;">Page 185</p> <p>1 MR. KING: Thank you, Mr. Segotta. 2 ITEM NO. 44: TESTING PROTOCOLS WITHIN THE LEA 3 ACADEMY SYSTEM 4 MR. KING: So the next item on the agenda is 5 item No. 44, testing protocols. Mr. Mechels, is like 6 15 minutes enough for you? 7 MR. MECHELS: Yes. 8 MR. KING: Okay. Come on up. 9 MR. MECHELS: Mr. Chairman, Members of the 10 Board, first off I want to make sure that the packet 11 being handed out at the door does not have this as 12 part of their packet. We have a letter dated 17 June 13 concerning testing protocols, which is in the packet 14 you passed out at the door. It should be accompanied 15 by -- 16 MR. KING: We do have that. 17 MR. MECHELS: You do have that. I just 18 wanted to make sure, because without that this 19 wouldn't make much sense. 20 I think the reason for bringing this to your 21 attention was -- is after some exchanges I got a copy 22 of all the curriculum for all the academies in the 23 state. It was unfortunately difficult, but I did get 24 them. When I looked at them, this was a surprise to 25 me.</p> |

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| <p>1 What appeared when I looked at this was 2 that -- and please do look through this in some 3 detail, this listing of these academies. Each one 4 shows a different academy and the week in which they 5 administered the law enforcement officer competency 6 exam.</p> <p>7 For those in the audience who may not be 8 aware of this, that exam basically determines if an 9 officer can get certified in the state to be an 10 officer. So that the competency exam is a central 11 part of creating police officers. And if that exam is 12 questioned, then the certification itself I would 13 guess is questionable.</p> <p>14 So I was quite shocked when I went through 15 this to find out that there is no standard across the 16 state for preparing cadets to take these exams. And 17 I'm not sure, but I suspect there's no standard for 18 preparation for the certification by waiver either. 19 But I don't have evidence of that.</p> <p>20 So what you see here is -- what I found is 21 that three of the academies, three of the nine, I 22 would say to their credit do not prepare the cadets 23 for the test. If the idea of the test is -- and as I 24 understand it, it's to be administered by the LEA as 25 an independent organization to evaluate the success of</p> | <p>1 the training.</p> <p>2 That independence is crucial if you're going 3 to make any kind of objective measure of the efficacy 4 of the training. What I found is that three academies 5 made no apparent effort to prepare their cadets for 6 the test.</p> <p>7 So my suggestion is, as a member of the 8 public, that is what I would expect. If an 9 independent agency comes in to administer a test, then 10 I shouldn't see a lot of preparation to make sure that 11 the cadets do well on the test; because I'm trying to 12 get an objective measure of the success of the 13 training, not of their test taking.</p> <p>14 So I found that the Albuquerque Police 15 Department does not apparently prepare their students 16 for the test outside of running them through the 17 academy. Nor does Las Cruces and nor does Dona Ana.</p> <p>18 The other six academies, including the Law 19 Enforcement Academy and including the State Police, 20 all have some type of preparation. And it varies from 21 spending three days preparing people before they take 22 the test to two days preparing to a half a day 23 preparing.</p> <p>24 And I also found again to my surprise that, 25 in the case of the LEA and the State Police, on the</p> |
| <p>Page 188</p> <p>1 record you have Mr. Jones, Director Jones, himself 2 involved in preparing people to take the test. I 3 can't speak to what's going on in those rooms when 4 you're preparing students to take the test.</p> <p>5 But why would you be preparing them to take 6 the test except to give them higher scores. And if 7 you are preparing them to take the test and have 8 higher scores on the test, then that seems to 9 invalidate the whole idea of objectively measuring the 10 success of your training.</p> <p>11 If that is taking place, then that means you 12 can basically change the training to whatever you wish 13 and maintain high scores. And it would severely 14 affect the ability of your Board to do its job, 15 because how would you have any way to evaluate the 16 changes to the curriculum and to the success.</p> <p>17 You would be depending upon testing. And if 18 you have to ask somebody what score did you get and 19 where did you get it from, that would seem to 20 invalidate the whole purpose of the Board, which as I 21 understand it -- and I suspect a lot of people don't 22 understand -- is the whole purpose of this Board as 23 the standard-making organization in an attempt to 24 impose police standard statewide.</p> <p>25 I think this is a central part of the Board's</p> | <p>Page 189</p> <p>1 responsibility. Perhaps the central part of your 2 responsibility is to make sure of the integrity of the 3 law of testing that you're doing with the police in 4 certification so you can have some confidence in that 5 certification.</p> <p>6 And I suggest that, if you look at this in 7 detail, one thing is clear. I'm not going to tell you 8 what standard you should be doing. Perhaps you want 9 to prepare everybody two days before they take the 10 test so they will all get high scores.</p> <p>11 What you're doing right now is you have no 12 control. You've got six academies preparing cadets to 13 take this test by six different regimes. I mean as a 14 citizen I looked at that and said this is a madhouse. 15 Your certifications come from nothing.</p> <p>16 That's the problem I bring to you. I suggest 17 it's a very serious problem. It cuts right to the 18 heart of the mission. Please pay attention to this. 19 It seems to me it's one of the more serious issues 20 that's been brought before you in awhile. And again I 21 would put copies in the rear. Thank you for your 22 attention.</p> <p>23 MR. KING: Thank you, Mr. Mechels. And maybe 24 we can get a little report on that. Director Jones, I 25 assume this has been brought to your attention. You</p> |

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| <p>1 don't have to respond to it today.</p> <p>2 It's actually a really good question. I</p> <p>3 don't know that I agree with you that the answer is</p> <p>4 quite as straightforward as you think the answer is.</p> <p>5 I'm just thinking about other schools, the college</p> <p>6 that I went to or something like that, where you spend</p> <p>7 some time reviewing and preparing for tests.</p> <p>8 But I have to think about what it is that</p> <p>9 you're saying that's different. So we appreciate you</p> <p>10 bringing it to our attention.</p> <p>11 MR. MECHEL: My question would be, if you're</p> <p>12 going to allow this, ought you not have some</p> <p>13 consistency? Because if you don't have consistency,</p> <p>14 do the scores mean anything?</p> <p>15 MR. KING: Good question. Thank you.</p> <p>16 MR. MECHEL: Thank you.</p> <p>17 ITEM NO. 45: NMLEA BRIEFING ON LEOCE SCORES</p> <p>18 MR. KING: So I think we have time to press</p> <p>19 on. Next is item No. 45, briefing on LEOCE scores.</p> <p>20 Mr. Jones.</p> <p>21 MR. JONES: Mr. Chairman, if I may, one of</p> <p>22 the things I'd like to do is I just handed out a</p> <p>23 letter that I would like to submit from Dale Bode who</p> <p>24 is the Director of the Law Enforcement Academy in San</p> <p>25 Juan.</p> | <p>1 And Mr. Bode is very adamant about this. And</p> <p>2 he understands the issue that Mr. Mechels is trying to</p> <p>3 raise but thinks that he's assuming facts that are not</p> <p>4 in evidence. As a satellite director, he has never</p> <p>5 had the LEOCE test nor ever had the questions that are</p> <p>6 contained in the LEOCE; therefore, he cannot possibly</p> <p>7 teach the test. He writes a very pointed letter that</p> <p>8 says that he went to a top ten college in athletics</p> <p>9 and they always prepared for tests and did exams.</p> <p>10 The thing I just handed out to you, sir, are</p> <p>11 the Law Enforcement Academy LEOCE test scores across</p> <p>12 the Board since back in 2012. I'd like to submit to</p> <p>13 you that the highest possible score that's ever been</p> <p>14 made on this test was in class 183. That high score</p> <p>15 was 98.3. Their average score was 93.5. And that was</p> <p>16 done before Jack Jones.</p> <p>17 The next class as you can see as they go down</p> <p>18 there -- and we've listed all the Law Enforcement</p> <p>19 Academy classes. Since I've been there, sir, the high</p> <p>20 average is 88. The low is 73. And we also had four</p> <p>21 people fail the test one time.</p> <p>22 So all of our means are in the middle. And</p> <p>23 we are equal to what the other eight law enforcement</p> <p>24 academies are like.</p> <p>25 If you turn to the second page, test scores</p> |
| <p>Page 192</p> <p>1 for satellite academies. And it goes back down to</p> <p>2 where we're at with the Law Enforcement Academy when</p> <p>3 we were giving the LEOCE test back to 2013 and what</p> <p>4 the test is now. You can see those test scores are</p> <p>5 not very high at all. And the high on those are 84,</p> <p>6 75, 82, 73, 88, 87, 84, 79.</p> <p>7 The next highest test score that we have is</p> <p>8 91, which is Southeastern New Mexico Law Enforcement</p> <p>9 Academy. The next one is Bernalillo County Regional</p> <p>10 Training Area, and theirs is in the high eighties.</p> <p>11 Sir, if you look at all this, all the</p> <p>12 academies have about the same test scores. We're</p> <p>13 teaching what is in the curriculum. We're teaching</p> <p>14 the instructional objectives in the curriculum on the</p> <p>15 lesson plans.</p> <p>16 Every school that I've ever been to -- and I</p> <p>17 spent 32 years going to different schools in the</p> <p>18 United States Army -- there was always review of what</p> <p>19 you went through prior to doing it. Even when you</p> <p>20 went to the Special Forces school or any other school,</p> <p>21 there was always review of what you were going to go</p> <p>22 do. It wasn't the test.</p> <p>23 We do not teach the test. We do not tell the</p> <p>24 students question No. 1, the answer is A. What we do</p> <p>25 is we go through it and we talk about the things that</p> | <p>Page 193</p> <p>1 are listed and that have been taught.</p> <p>2 So as far as the other issue that Mr. Mechels</p> <p>3 has brought up, we don't teach the test, sir. And</p> <p>4 it's fair and it's equitable to everybody. Everybody</p> <p>5 does a review of their test. Every academy does a</p> <p>6 review. Some people just don't put it on their</p> <p>7 schedules.</p> <p>8 MR. KING: Thank you, Mr. Jones. Questions</p> <p>9 of the committee?</p> <p>10 MR. KASSETAS: Mr. Chair.</p> <p>11 MR. KING: Yes, Chief.</p> <p>12 MR. KASSETAS: Director Jones, so for the New</p> <p>13 Mexico State Police Academy, it's a 23-week academy.</p> <p>14 And we give the LEOCE test towards the end of it,</p> <p>15 correct?</p> <p>16 MR. JONES: Yes, sir.</p> <p>17 MR. KASSETAS: So wouldn't it be safe to say</p> <p>18 that it's pretty difficult to remember weeks -- and</p> <p>19 I'm speaking from my own experience -- one through</p> <p>20 possibly 16? It's a blur.</p> <p>21 MR. JONES: Yes, sir.</p> <p>22 MR. KASSETAS: So wouldn't it be safe to say</p> <p>23 that a review -- not a giving of the test answers and</p> <p>24 questions. But a review is in line with what some of</p> <p>25 the universities are doing. I know I have a kid in</p> |

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| <p>1 college at UNM studying nursing. She's been to 2 reviews. The same type of approach? 3 MR. JONES: Yes, sir, it is. It's a review 4 of everything that they've had over the last 22 weeks 5 or the last 16 weeks. And every academy does it. 6 MR. KASSETAS: Thank you. 7 MR. KING: Any other questions? Okay. Well, 8 that's an interesting topic. I appreciate everybody 9 bringing it up. 10 ITEM NO. 46: MISCONDUCT CASES: BOARD REVIEW OF 11 MISCONDUCT CASES, TRACKING AND MANAGEMENT 12 ITEM NO. 47: INDIVIDUAL BOARD MEMBER COMMENTS 13 MR. KING: The next two items on the agenda I 14 think we don't have time to cover today, Nos. 46 and 15 47. 16 Mr. Korn, I'll give you a couple of minutes 17 to sort of set the table. And it would be my 18 intention to move those, because I think they're not 19 time critical to do in our meeting today. But to set 20 the table on those, and we'll reschedule them for our 21 next meeting. Mr. Korn. 22 MR. KORN: Mr. Chairman, I agree. I think 23 that we can probably cover this if Director Jones and 24 I can talk over the course of the next several weeks. 25 Would that be okay with you, Director Jones.</p> | <p>1 MR. JONES: Absolutely, sir. 2 MR. KORN: Good. 3 ITEM NO. 48: SCHEDULING OF NEXT BOARD MEETING 4 MR. KING: Thank you. So then the next item 5 is indeed what I just mentioned, the scheduling of the 6 next Board meeting. 7 I've said a couple times that I think we 8 should have a meeting fairly expeditiously and not 9 wait a full quarter because of some of the issues that 10 have been raised today. 11 I might have the authority as the chair to 12 actually just call one. But I would much prefer that 13 we all discuss whether we think that that is a good 14 idea and helpful. And then I guess we'll get with 15 staff and talk about that. 16 Staff is smiling because it took us a lot of 17 emails back and forth to get this date set because our 18 schedules are indeed kind of crazy. So I get that. 19 But is it all right if we have staff work on 20 trying to set a meeting before the end of August? And 21 I've already heard some folks say that early August is 22 better. But I don't know that we can actually set a 23 date today. 24 Are you all okay with getting staff to do 25 that? Frankly when we set the meeting will depend to</p> |
| <p>1 some extent on Mark and his staff putting together 2 something smart on this issue of the PT training and 3 what the laws have said around the country and 4 potentially New Mexico with regard to what's 5 appropriate. 6 We may have a long discussion. But we 7 obviously want to do something that meets the needs of 8 the committee with regard to -- I hesitate to call it 9 affirmative action. But equity, you know, trying to 10 show diversity in our police force, which we think is 11 a good thing. So let's look at that. We have two 12 more items to put on the agenda. 13 And I think, Mr. Jones, you'll by then have 14 an opportunity to give us some comparison on some of 15 those -- I want to say the word right again. Lesson 16 plans. 17 MR. JONES: Lesson plans. 18 MR. KING: Lesson plans. All right. Thank 19 you. That being said, are there any other items? 20 MR. JONES: Sir, I have a letter from 21 Stephanie Lopez as Chief of Police at New Mexico State 22 University about testing. So I'd like to hand it out 23 to the Board so you all have an opportunity to read 24 it. 25 MR. KING: Please bring it to us. While</p> | <p>1 you're doing that, is there any further business? 2 MR. COON: Mr. King. 3 MR. KING: Yes. 4 MR. COON: I would like to recommend that 5 maybe the southern part of the state would like to 6 host this next Board meeting. We've got some 7 beautiful mountains and we've got some desert. 8 Whatever you want to pick, we've got it. 9 MR. KING: August would be a good time to be 10 in the mountains I think. So we'll hope for the best. 11 But thank you for the offer. I appreciate that. 12 ITEM NO. 49: ADJOURNMENT 13 MR. KING: All right. I'll take a motion to 14 adjourn. 15 MR. COON: I make a motion we adjourn. 16 MR. BARNCASTLE: Second. 17 MR. KING: All in favor say aye. 18 (Those in favor so indicate.) 19 MR. KING: Any opposed. Okay. Thank you, 20 all. 21 (At 4:30 p.m. the meeting was concluded.) 22 23 24 25</p> |

1 REPORTER'S CERTIFICATE

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I, JAN A. WILLIAMS, New Mexico CCR #14, DO
HEREBY CERTIFY that on July 16, 2014, the proceedings
in the above captioned matter were taken before me,
that I did report in stenographic shorthand the
proceedings set forth herein, and the foregoing pages
are a true and correct transcription to the best of my
ability.

I FURTHER CERTIFY that I am neither employed
by nor related to nor contracted with (unless excepted
by the rules) any of the parties or attorneys in this
case, and that I have no interest whatsoever in the
final disposition of these proceedings.

JAN A. WILLIAMS, RPR
New Mexico CCR #14
License Expires: 12/31/14

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