NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD MEETING

June 9, 2015 1:00 p.m. Northern New Mexico College 921 N. Paseo de Onate Espanola, New Mexico 87532

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

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4	New Mexico Attorney General Hector Balderas, Chief Pete Kassetas, Vice Chairman Mr. Nate Korn	Chairman
5	Mr. Pat Barncastle	
6	Sergeant Jaime Quezada Chief Chris McCall Sheriff Wesley Waller	
7	Chief Darren Soland	
8		
9	ALSO PRESENT	
10	Jack F. Jones, II, Director Rick Word, Esq.	
11	Monique Lopez Monica Medrano	
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- 1 ITEM NO. 1: CALL TO ORDER
- A.G. BALDERAS: I'm Hector Balderas. I
- 3 hereby call this meeting to order.
- The first item of business is roll call. I
- would like for each of the Honorable Board Members to
- 6 introduce ourselves.
- And I will start with me. I'm Hector
- Balderas, Attorney General of New Mexico. But more
- ⁹ importantly I'll be serving as your Chair for the next
- three and a half years.
- I do want to welcome everyone and also
- commend my gratitude to the general public that's in
- 13 attendance and most importantly for the honor and the
- privilege to preside over not only an important board,
- but what is more importantly a very important mission
- to the citizens of New Mexico.
- And I look forward to a productive tenure
- with all of you, addressing both curriculum and other
- issues that come about as a result of the Board's
- mission.
- 21 ITEM NO. 2: ROLL CALL
- A.G. BALDERAS: I will now defer to my Vice
- ²³ Chair and we can respectfully introduce ourselves. Do
- we have a Vice Chair?
- MR. KORN: No, sir. We don't have a Vice

- ¹ Chair.
- A.G. BALDERAS: That's one of our orders of
- 3 business. Okay. Let's start off on the far left.
- SHERIFF WALLER: I'm Wesley Waller, I'm the
- ⁵ Curry County Sheriff.
- MR. KORN: My name is Nate Korn. I am one of
- ⁷ the citizen representatives to the Board.
- 8 CHIEF KASSETAS: I'm Pete Kassetas, Chief of
- ⁹ the State Police.
- MR. BARNCASTLE: My name is Pat Barncastle,
- 11 I'm the District Attorney representative.
- MR. WORD: My name is Rick Word and I'm
- counsel to the Law Enforcement Academy Board. I'm an
- 14 Assistant Attorney General in the Open Government
- ¹⁵ Division.
- 16 CHIEF SOLAND: Good afternoon. My name is
- Darren Soland, Chief of Police for Ramah Navajo Tribal
- Police Department.
- SERGEANT QUEZADA: My name is Jaime Quezada,
- Sergeant with the Las Cruces Police Department. I'm
- representing the line officers.
- 22 CHIEF McCALL: Chris McCall, Chief of the
- Hobbs Police Department, representing the municipal
- 24 chiefs.
- A.G. BALDERAS: And also please reflect in

- the record that the welcoming and the identifications
- 2 are also serving as our roll call this afternoon.
- 3 ITEM NO. 3: APPROVAL OF AGENDA
- A.G. BALDERAS: The first item of business
- ⁵ I'd like to direct the Board to is, of course, the
- 6 approval of the agenda. And at this time I'll take a
- few minutes for all of you to look over the agenda, if
- you already haven't, and also entertain a motion to
- ⁹ approve the agenda for today's meeting, if there are
- no additional comments.
- MR. KORN: Mr. Chair, I have a question about
- the agenda. Usually we would go into a closed session
- to vote on or to discuss the misconduct matters. And
- 14 I assume we'll be doing that today as well, the
- misconduct today and tomorrow. But hopefully we will
- be doing it today for today's portion.
- A.G. BALDERAS: Board Member Korn, I assume
- you are referencing the matters of default?
- MR. KORN: Well, some are matters of default,
- some are insufficient allegations to sustain a board
- review, and then there are letters of no action. So
- it would be the entire group of those today, the
- personnel matters.
- A.G. BALDERAS: And I think the agenda as
- 25 presented is that the matters of default will be of

- public record at this point the way the agenda is laid
- 2 out.
- MR. KORN: Mr. Chairman, the letters of no
- ⁴ action would not be a matter of public record if there
- 5 are issues for the Board to discuss. And I think
- 6 usually we do those in closed session.
- I would ask that we do that today as well.
- 8 And I'm only asking that so that, if there are people
- 9 here representing those parties, that they would know
- that we will discuss that today and resolve it.
- 11 A.G. BALDERAS: Board Member Korn, I've been
- advised that, if it's not in the agenda to take into
- closed session, it wouldn't be necessarily proper.
- We could potentially table the issues that
- you're concerned with for a later date. At this point
- 16 I would ask for a motion to consider approving the
- 17 agenda as is.
- MR. KORN: And again, sir, I don't mean to
- 19 argue with you. But I would like to have the
- opportunity to make a motion at the end of our time to
- 21 go into closed session, which I think is allowed by
- 22 the rules.
- MR. WORD: Mr. Chair, Members of the Board,
- it's my recommendation that, if a closed session is
- not included on the agenda for today's meeting, that

- the Board not amend to go into a closed session;
- 2 because we're not within the 72-hour period.
- There can be amendments to the agenda. But I
- believe the cautious approach is to not amend an
- ⁵ agenda to provide for a closed session today. There
- is on the agenda for tomorrow's meeting a closed
- ⁷ session.
- MR. KORN: And again I don't mean to argue
- ⁹ with counsel, Mr. Chairman. But under the section
- that allows for making a motion for a closed meeting
- 11 from an open meeting, we can do that. And I think
- it's just more efficient to do as much as we can today
- so that we have tomorrow to concentrate on those
- 14 cases.
- And also I don't know if there might be
- people that are representing or even the particular
- individuals in the room that are in the letters of no
- action. I just think it would be fairer and more
- transparent and better for our speed of process to do
- it today.
- A.G. BALDERAS: Well, Board Member Korn, I
- 22 always welcome your feedback. I'm a little
- disappointed that this matter is being brought forth
- in this way when, in fact, staff has been constructing
- ²⁵ an agenda that is very transparent.

- And actually it was my direction to staff
- that, if there were not matters they felt comfortable
- with going into closed session, that they would delay
- 4 or table those matters at a later date so that we
- 5 could aggressively focus on the most public type of
- 6 meeting possible.
- I still haven't heard necessarily a motion to
- 8 amend or to approve the agenda. So I would ask that
- ⁹ the Board consider approving the agenda or make an
- 10 alternative motion.
- 11 CHIEF KASSETAS: So, Mr. Chair, as I
- understand it, if we approve the agenda as is, that we
- won't do any of the disciplinary cases until
- tomorrow's closed session?
- A.G. BALDERAS: Chief Kassetas, would you
- 16 restate your question.
- 17 CHIEF KASSETAS: Mr. Chair, as I understand
- it now, if we approve the agenda as is, we will not go
- into closed session today. And all of the
- disciplinary cases will be handled tomorrow in closed
- session. Is that what you're saying?
- MR. WORD: Mr. Chair, Members of the Board,
- what I have recommended is that, if there is a motion
- to approve, we proceed; and when we reach one of these
- items, we recess. And we'll have further discussion

- about how to handle those in executive session.
- MR. KORN: Thank you, Counsel. I would make
- 3 a motion to accept the agenda as it is with that
- ⁴ understanding.
- 5 A.G. BALDERAS: Thank you, Board Member Korn.
- ⁶ I'll gladly second that motion. All in favor.
- (Those in favor so indicate.)
- 8 A.G. BALDERAS: There's been a motion, a
- 9 second, and a full approval. Are there any opposed?
- The motion passes and the agenda is approved.
- 11 ITEM NO. 4: APPROVAL OF MEETING MINUTES
- 12 (DECEMBER 8-9, 2014)
- A.G. BALDERAS: At this time we need to
- approve the minutes of the last meeting, which
- occurred on December 8th and 9th. And copies of those
- minutes were distributed and made available on the LEA
- website.
- Are there any corrections to those meeting
- minutes by Board Members who were present at that
- meeting? And I'll wait to see if there are any
- 21 corrections. Are there any corrections to the last
- minutes? Seeing no corrections, I'll take a motion to
- approve the minutes and consider a second, if there's
- ²⁴ a primary motion.
- MR. BARNCASTLE: I'll make that motion,

- ¹ Mr. Chairman.
- MR. KORN: I would second.
- A.G. BALDERAS: All in favor.
- 4 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The minutes are
- 6 approved.
- 7 ITEM NO. 5: OPEN MEETINGS ACT RESOLUTION
- A.G. BALDERAS: Next I would like to direct
- our Board to item 5, the next agenda item, the Open
- Meetings Act Resolution. I will turn it over to Rick
- Word, counsel for my office, who will explain how to
- facilitate the process. Mr. Word, you have the floor.
- MR. WORD: Thank you, Mr. Chair, Members of
- the Board. The Open Meetings Act contains a provision
- at Section 10-15-1(D) that requires public bodies --
- and this Board meets that definition -- to annually
- determine what constitutes reasonable notice of its
- public meetings of all types.
- This Board in the past has not done that.
- Some other boards have not. The Board has a
- regulation in the NMAC that specifies what constitutes
- reasonable notice. But again, as a matter of trying
- to comply with the spirit of the Open Meetings Act and
- the letter, I have prepared an Open Meetings Act
- 25 Resolution.

- This is a standard resolution whose form has
- been in the Attorney General's Open Meetings Act Guide
- for a number of years. It's adopted by pretty much
- every board that we represent.
- ⁵ And I'd stand for any questions you may have.
- But it basically just lays out what constitutes notice
- ⁷ and how it will be accomplished.
- 8 A.G. BALDERAS: Are there any questions? I
- 9 do know, from just understanding the general history,
- our primary mission most importantly is to try to
- conduct ourselves with strict compliance with the Open
- Meetings Act and other regulatory laws that impact the
- Board's business. This is one of just us ratifying
- that we understand what those requirements are.
- 15 If there's nothing else and no further
- questions, I'll take a motion to approve the Open
- 17 Meetings Act Resolution.
- CHIEF McCALL: Motion to approve.
- SHERIFF WALLER: Second.
- A.G. BALDERAS: All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: The record will show that the
- Board approved the Open Meetings Act Resolution in its
- ²⁴ full form.
- 25 ITEM NO. 6: ELECTION OF VICE CHAIRMAN

- A.G. BALDERAS: We are now to the point that
- we recognized earlier. We are going to move to the
- election of a Vice Chairman. And I will entertain
- 4 nominations which are now open for the position of
- ⁵ Vice Chair. And I would entertain a nomination and a
- second, if there's anyone willing to serve as Vice
- ⁷ Chair.
- MR. KORN: Mr. Chairman, it would be my
- 9 pleasure to nominate Chief Pete Kassetas in the
- position of Vice Chair. Chief Kassetas is one of the
- senior Members of the Board, he's well familiar and an
- 12 active member, and I think he would be an excellent
- one to lead the Board in the Chairman's absence.
- A.G. BALDERAS: Mr. Korn, thank you for that
- nomination. There is a nomination to nominate Board
- Member Chief Pete Kassetas. Are there any other
- ¹⁷ nominations?
- Seeing none, the nominations are now closed.
- 19 And we'll move to a vote. All those in favor of
- electing Board Member Chief Kassetas as Vice Chair
- 21 signify by saying aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The ayes have
- it. Congratulations or I should say condolences maybe
- for being my Vice Chair. Thank you, Chief.

- CHIEF KASSETAS: I appreciate that, Chair.
- And please note my limited familiarity with Robert's
- 3 Rules of Order.
- 4 A.G. BALDERAS: The record will show now that
- 5 Board Member Chief Kassetas has been elected as Vice
- 6 Chair of the Board.
- 7 ITEM NO. 7: DIRECTOR'S REPORT
- A.G. BALDERAS: I now go to the Director's
- 9 report, which is item 7 for the general public on the
- agenda. And I now recognize Director Jones to deliver
- 11 his report. Thank you.
- MR. JONES: Thank you very much, Attorney
- General Balderas, New Mexico Law Enforcement Academy
- Board Members, especially Chief Darren Soland and
- 15 Sheriff Wesley Waller.
- I am honored to present the Director's report
- 17 for all nine of the New Mexico Law Enforcement
- Academies for the State of New Mexico. The New Mexico
- 19 Law Enforcement Academy could not do what we do
- without the dedicated support from many of the
- recognized law enforcement agencies and other Law
- 22 Enforcement Academies in the state.
- First I'd like to recognize the super support
- 24 and quidance the New Mexico Law Enforcement Academy
- has received from your office. It is clear what is

- 1 expected and what the direction is we're going to go.
- The New Mexico law enforcement community is
- fortunate to have Cabinet Secretary Gregory Fouratt
- and Deputy Secretary Scott Weaver, who have been
- instrumental in several months of work with the State
- ⁶ Personnel Office on behalf of the New Mexico Law
- ⁷ Enforcement Academy, to assist us with funding for the
- New Mexico Law Enforcement Academy and three critical
- ⁹ staff positions.
- They've also worked tirelessly with the New
- 11 Mexico Enforcement Academy and the law enforcement
- community to share with us their concerns and vision
- ¹³ and training.
- Deputy Director Brian Coss, if I could get
- him to stand up, was hired several months ago. He was
- an instructor at the New Mexico Law Enforcement
- Academy for approximately ten years when he took a
- trainer's position with the New Mexico Department of
- 19 Corrections.
- Deputy Director Coss was there for a couple
- of years. And we are very privileged to have him
- return to the New Mexico Law Enforcement Academy as
- the Deputy Director.
- Advanced Bureau Chief Frank Ortiz, III, was
- hired a few weeks ago. And he comes to the New Mexico

- Law Enforcement Academy from a long and distinguished
- ² career at the Bureau of Alcohol, Tobacco, Firearms,
- ³ and Explosives.
- We're very, very fortunate to have him. He
- 5 came to work our first weekend here without pay to
- 6 help us with an international class that we were doing
- ⁷ at the New Mexico Law Enforcement Academy.
- Ms. Ashley Lopez, who is not here, was hired
- 9 as the Advanced Training Bureau Administrative
- 10 Assistant. Ms. Lopez graduated from the University of
- 11 New Mexico with honors and a degree in Criminology.
- 12 All three of these individuals have hit the
- ground running. And we really appreciate the efforts
- of the Department of Public Safety to work with us to
- accomplish this mission.
- While this brings the New Mexico Law
- 17 Enforcement Academy closer to our full manpower, we
- are still short two instructors. While having a full
- staff at the New Mexico Law Enforcement Academy would
- be of great benefit, we would still not be able to
- perform the many daunting tasks and requirements that
- are required without the support of the many agencies
- and the other eight Law Enforcement Academies in the
- state.
- Major Barlow and his staff at the Dona Ana

- 1 County Sheriff's Academy have been very instrumental
- in assisting us with updating curriculum and assisting
- the New Mexico Law Enforcement Academy with much
- ⁴ needed support.
- Sergeant Eric Urenda, Academy Director at Las
- 6 Cruces Police Department, is the newest director of
- ⁷ all nine academies. And he's done everything in his
- 8 power to assist the New Mexico Law Enforcement Academy
- ⁹ and our staff with our training needs.
- There have been 11 basic police officer
- 11 academies that have started since December 2014.
- 12 There will be a total of 197 police officers certified
- after Western New Mexico University Academy Class 60
- graduates June 18th, 2015. This is a culmination of
- 180,727 hours of basic training provided this quarter.
- Major Dina Romero, Director of the New Mexico
- State Police Academy, and the New Mexico Law
- 18 Enforcement Academy, work many different complex
- issues that arise at the Law Enforcement Academy
- complex in Santa Fe.
- If it were not for her and her staff
- 22 assisting with the many different requirements that
- the New Mexico Law Enforcement Academy is required to
- perform, we would not be able to accomplish the many
- tasks and requirements that are set aside for the Law

- ¹ Enforcement Academy.
- There are three academies in the state, San
- Juan County Criminal Justice Academy, Southeastern New
- ⁴ Mexico Law Enforcement Academy, and the New Mexico Law
- Enforcement Academy, that train public safety
- 6 telecommunicators.
- Sergeant Pat Flores is the Director of the
- 8 San Juan Academy. And Ms. Keri Schrock is the
- ⁹ training supervisor for the San Juan Communications
- 10 Authority. They have established and taught two
- public safety telecommunicator classes this last year.
- Director Angela Byrd in the Southeastern New Mexico
- Law Enforcement Academy just finished her eighth
- 14 public safety telecommunicator class.
- With the New Mexico Law Enforcement Academy
- and the extra effort, time, and professionalism of
- Ms. Schrock and Director Byrd, the State of New Mexico
- has trained an additional 47 new certified public
- safety telecommunicators in the state. This equates
- to another collective 5,822 hours of PST training
- since December 2014.
- Dr. August Fons and Director Angie Byrd have
- 23 put together an advanced training packet, Response to
- Resistance, based on constitutional law for the New
- Mexico Law Enforcement Academy. And they have taught

- this to several agencies throughout the state. It has
- been very well received.
- Due to the efforts of Chief Darren Soland,
- 4 the New Mexico Law Enforcement Academy was able to
- 5 produce the first mobile training team to teach cert
- by waiver for the Zuni Police Department. This was
- another first and it was very successful. We hope to
- 8 do many more in the future.
- The New Mexico Law Enforcement Academy
- continues to receive ever-increasing amounts of
- 11 Inspection of Public Records Act requests. Many of
- these require extensive research, hours, and copying
- under many deadlines, which is burdensome to our small
- 14 staff.
- The New Mexico Law Enforcement Academy was
- privileged to assist DPS and the New Mexico State
- Police with a week-long international crime scene
- investigation course in April.
- We cannot thank those agencies and individual
- police officers, sheriffs' deputies, game wardens, or
- retired police officers, who are dedicated to giving
- their time to the academies to assist with the
- training that occurs throughout the state on any given
- day, with anything but a huge thank you.
- In recognition and appreciation of the New

- Mexico Law Enforcement Academy, the eight satellite
- academies, and those agencies that go beyond their own
- requirements to assist with training law enforcement
- in New Mexico, I am humbly honored to present the
- Director's report to the New Mexico Law Enforcement
- ⁶ Academy Board.
- 7 A.G. BALDERAS: Thank you, Director Jones.
- 8 Are there any questions from the Board for Director
- ⁹ Jones?
- MR. JONES: Thank you, sir.
- A.G. BALDERAS: Thank you. Seeing none,
- we'll move forward. I appreciate it.
- 13 ITEM NO. 8: PUBLIC COMMENT
- 14 A.G. BALDERAS: We are now ready to open up
- to the floor for public comment. I have three
- individuals who have signed up. I do ask that we
- honor the two-minute time commitment.
- But it would be an honor to hear from the
- general public at this time. In the order of the way
- they have signed up, the Chair recognizes Ms. Mary
- Shoemaker to come up and give some remarks. I do
- ²² appreciate it. Thank you.
- Good afternoon.
- MS. SHOEMAKER: Good afternoon. Mr. Chair,
- Honorable Members of the Board, my name is Mary

- Shoemaker. I'm here because yesterday marked the
- one-year anniversary of the death of my son, Victor
- ³ Villalpando, by an Espanola policeman here in
- ⁴ Espanola.
- I want to welcome you to our town. I meant
- to say that first. And I want to ask you to use your
- humanity, your experience, and your knowledge of
- 8 teenagers to work together with the public to try to
- 9 change your training so that this kind of thing
- doesn't happen anymore.
- I think that New Mexico can be a leader in
- how we as a public view each other. We don't have to
- be enemies. And I think that's enough said. But
- thank you very much for allowing me to comment. And
- in honor of my son, I ask you to look at how we can
- make changes. Thank you.
- A.G. BALDERAS: Ms. Shoemaker, thank you for
- your comments.
- At this time I would like to recognize Chris
- Mechels to speak about the charter.
- Good afternoon.
- MR. MECHELS: Thank you, Mr. Chairman,
- Members of the Board. I'm Chris Mechels. And this
- comment will not be related to my later agenda item.
- I gave the secretary a handout for you all

- relating to my comments. So if you could find that,
- that would be this one. You have two handouts from
- 3 me. And this is one of them. It has a Board
- description on the front of it, Susana Martinez. You
- 5 should have that.
- A.G. BALDERAS: I believe the Board has the
- ⁷ documents.
- MR. MECHELS: Actually there are two
- 9 documents, Mr. Chair.
- A.G. BALDERAS: That's correct.
- MR. MECHELS: This is the one I'm referring
- you to. It has the POST -- I'm sorry. It basically
- has a description of the New Mexico Law Enforcement
- 14 Academy Board on the front of it.
- A.G. BALDERAS: We've got it, sir.
- MR. MECHELS: Okay. I will be referring to
- 17 that.
- A.G. BALDERAS: You have the floor and the
- 19 time.
- MR. MECHELS: Thank you. Before I get to
- that, though, there are two other points that I would
- like to address briefly. First off, I highly commend
- the Chair for his public declaration in the media to
- commit to transparency and solving problems,
- ²⁵ addressing the curriculum issues, and also addressing

- the issues with police discipline. I think those are
- three very important items. And I think they're all
- very needful of your attention.
- The next item I would suggest is a procedural
- issue. I just made available to you a copy of my
- 6 comments. And I'm also making it available to the
- public in another agenda item. I hope that the other
- 9 people who present agenda items are also requested to
- 9 make their written support documents available to the
- public so that we might be informed.
- 11 That hasn't been Board policy in the past.
- 12 It was Board policy at the last meeting, however,
- again requesting that people on the agenda make their
- written documentation available to the public so that
- we can have it at a public meeting.
- Let's see. The other issue I have also on
- the matter of transparency is I think Mr. Korn has an
- agenda item which concerns the rights of the public.
- 19 And I hope the public will be allowed to comment on
- that agenda item, because he's talking about things
- 21 that directly affect us. And we should be able to
- 22 speak to them.
- So that concerns those bookkeeping items.
- What this is about is -- it may be and, in fact, I'm
- hoping it is old information to all of you. It is not

- old information to the public. And it may not be to
- ² you.
- But what I'm talking about is the charter of
- 4 this Board. It never seems to get discussed. I came
- 5 across -- recently I was looking at the lesson plans,
- one of the few lesson plans that are available. One
- of them is instructing the cadets as to the role of
- 8 the LEA Board. There is no mention in that lesson
- 9 plan of the actual role of the LEA Board. None.
- So for their benefit and for yours perhaps,
- the role of the LEA Board briefly: Founded in 1969.
- 12 This is the founding document. The 1969 legislature
- founded the Board as an independent entity.
- 14 Independent. Key word.
- 15 From there I would call your attention to the
- Law Enforcement Academy Board description, which is
- available on the governor's website, in which it
- describes the Law Enforcement Academy Board. "The
- 19 Board is the Police Officer Standards and Training
- (POST) agency for New Mexico, awarding law enforcement
- officer and telecommunication officer certification."
- Mr. Jones is your current representative to
- POST. This is important. 1969 was a time when we
- were founding such organizations nationwide, there was
- ²⁵ a move towards police standards nationwide. New

- 1 Mexico was one of the POST organizations founded at
- ² the time.
- A.G. BALDERAS: Mr. Mechels, I don't want to
- interrupt you, I just want to be respectful. We have
- ⁵ a two-minute limit. We're now nearing four minutes.
- MR. MECHELS: I thought we had five minutes.
- ⁷ Did you say two? It's always been five.
- A.G. BALDERAS: It is two. I just want to be
- 9 respectful.
- MR. MECHELS: I thought it was five. One
- more thing and I'll wrap it up. I thought it was five
- ¹² minutes.
- Anyway lastly and in a hurry, the document
- which governs -- I shouldn't say governs. But it is
- accepted as the consensus standard of POST. Again
- POST includes the New Mexico Law Enforcement Academy
- Board. This document is on their website.
- And it defines among other things how
- curriculums are to be developed, how testing is to be
- developed. These are standards that we extensively
- all subscribe to as members of a POST organization.
- What I'm going to tell you today needs
- looking into are the changes that were made by this
- Board in 2013. I maintain that we took these
- standards and without once mentioning them threw them

- ¹ in the trash.
- We have ignored these standards. And these
- standards are part of the description for which POST
- was founded. They're the reason for the Board's
- ⁵ existence.
- I suggest we need to get back on board and
- ⁷ follow these standards, which we did by the way until
- 8 2003, when Secretary Denko forced off the Law
- ⁹ Enforcement Academy Board Director at that time and
- installed his own man. Thank you.
- 11 A.G. BALDERAS: Thank you, Mr. Mechels, for
- coming in and expressing those thoughts.
- Ms. Anaya for public comment. Whichever
- microphone you feel comfortable with.
- MS. ANAYA: Good afternoon, Honorable Hector
- Balderas and the New Mexico Law Enforcement Academy
- 17 Board. My name is Teresa Anaya. I am the mother of
- Jeannette Anaya, the person that Officer Wilson shot
- ¹⁹ and killed.
- On the evening of November 6th, 2013, my last
- 21 conversation with my daughter as she left for the
- evening was, "I'll see you later, mom. Don't worry
- about me, I'll be okay. I love you." I replied, "Be
- careful. I love you too."
- On the morning of November 7th, 2013, two

- 1 State Police officers came to tell us that our
- daughter had been shot. I began to scream
- hysterically, "Where is she, is she going to be okay,
- what happened, who shot her?"
- 5 They replied with no compassion that she was
- shot by police. "I'm telling you, we don't know what
- happened, it's under investigation. Your daughter is
- gone."
- 9 We were told by the medical examiner that two
- bullets entered and hit her body. One in the back and
- exited in her front lung. The other on the top of her
- head and exited through her left cheek.
- I didn't want that to be our lasting image of
- her. We couldn't even hold her and kiss her and tell
- her we loved her one last time.
- In January 2014 the jury ruled the shooting
- justified. We were devastated. It wasn't until then
- that we were able to view the dash cam video. To this
- day the video is available online. It clearly shows
- Owen Wilson never, never shot four warning shots. He
- shot 16 consecutive times as my daughter tried to get
- 22 away from him.
- The evidence is in the video. Wilson
- perjured himself, the investigation, and the DA
- covered and supported his lies. The pursuit was

- illegal. Had he followed the law, this senseless
- tragedy would have never happened.
- I am Jeannette's voice now. And as her
- 4 mother I challenge you to view that video and see what
- we see, see what the public sees, and see what is
- 6 necessary and lawfully right and lawfully just.
- My daughter's death must not have been in
- ⁸ vain. Please, please, will you respond to that, will
- you respond to my request. Our faith in God has
- helped us live through this tragedy.
- We hope and pray that no other family will
- endure the heartache and the emptiness that my
- daughter's death has left upon us. Our lives will
- never be the same.
- My heart and prayers go out to Officer Gregg
- Benner's wife and children. We feel their pain.
- 17 Thank you for your time. Sincerely, the Anaya family.
- A.G. BALDERAS: Thank you, Ms. Anaya, for
- 19 your words. It means a lot to us you're here.
- MS. ANAYA: Thank you.
- A.G. BALDERAS: Is Mr. Montoya here, Robby
- Montoya? You have the floor, sir.
- MR. MONTOYA: Thank you so much. My name is
- Robby Montoya. I work with the children and youth in
- the valley, hundreds. I've done this for about

- 1 25 years. Victor Villalpando was one of my students.
- I met him when he was five years old.
- I stand before you with great respect. Your
- ⁴ jobs are amongst the most important in society. I
- 5 know that you work tirelessly to do the very best that
- ⁶ you can do. And I honor that.
- In working with children, the most poignant
- 8 thing that I can say is, in watching what's been
- 9 happening across our nation and perhaps across the
- globe, with the militarization of police force, there
- may be a lack of nuance and the ability to really
- discern what's happening on a case-by-case basis.
- Now, from your side you might say, well, in
- the moment there's a split second decision and the
- public doesn't understand that. And that is probably
- true. But if we could bring to bear the practitioners
- and the training in a broad, full spectrum, to bring
- the appropriate person to answer calls, to understand.
- In Victor's case there were many calls he was
- making. He was in trouble. He was struggling. And
- 21 he was making calls for help I believe. We can't
- bring him back. I wish we could. He was an
- incredible young man.
- But what we can do is work together to try to
- be better. And again I respect your work. And if I

- can be of any service to save the children and the
- young people of this community and many others, I'm at
- your service. Thank you so much.
- 4 A.G. BALDERAS: Thank you for coming,
- ⁵ Mr. Montoya. Dr. Singleton. We also thank you for
- 6 coming. You have the floor.
- DR. SINGLETON: Thank you for giving us a
- forum to speak with you on this occasion. I'm
- ⁹ Dr. Tamara Singleton.
- Victor Villalpando was my patient. And like
- most doctors in the world, youth safety is a huge,
- huge priority for us. And it's horrible to see a
- young man in crisis being taken from us in this way.
- Like you I'm sure, I've done a lot of
- studying. And I think it's wonderful that so many of
- the training officers are here. And so I'm interested
- in the crisis intervention management.
- And when I studied this and spoke with people
- 19 from other police departments throughout the nation, I
- see that a lot of -- there's so much less spent on ER
- visits, so many fewer deaths of citizens and police
- officers.
- And I feel that, if we go ahead and keep on
- with our training for how to manage crisis situations,
- we're going to lose a lot fewer citizens and police

- officers, there will be a lot less injury being done,
- and we'll be a safer society.
- We need to come together as a society to
- 4 solve this problem. It shouldn't be us and them. We
- don't need to have any of our mothers crying, if
- they're the mother of a police officer or any of our
- ⁷ local youth or grownups for that matter.
- 8 So I just wanted to express my support for
- 9 any type of improved crisis intervention that we can
- have as part of our police officer training.
- In addition, we need to monitor the
- 12 attitudes. I speak to police officers when I see
- them. They tell me they've been taught shoot to kill.
- And to me there's, as Robby said, a lot more nuance
- than us and them and shoot to kill.
- And I agree with the gentleman who spoke
- earlier. We should be able to give studies to back up
- what we said. And I've researched that thoroughly.
- Anyone who wants to ask me, I would be happy to speak
- 20 to them.
- 21 And I think we can be benefited immeasurably
- in our society and be a lot safer. And we need to
- embrace these methods or whatever other methods we can
- use for better safety. Thank you again for letting me
- speak with you. And I hope you all will be safe on

- ¹ the job.
- A.G. BALDERAS: I want to thank you, all the
- members of the public, for the expression of not only
- 4 your thoughts but your concerns. I on behalf of many
- of these Board Members who have already served on the
- Board and/or are new today -- there are three of us
- ⁷ today that are completely new to the process and new
- 8 to this mission in terms of what we're trying to do
- ⁹ for our community -- I want to thank you for your
- public input.
- You have our commitment that we will be
- looking at ways to value the community and that
- everyone is safe; and then secondly, that we honor
- you. There are no us against them in terms of the
- loss of life. And we appreciate you also mentioning
- Officer Benner as well.
- But that will be a focus of this Board as
- well, to make sure that we do everything we can to
- minimize the loss of life in the community and that
- there are no us and them. So thank you very much for
- your public comments.
- 22 ITEM NO. 9: RATIFICATION OF CERTIFICATIONS FOR LAW
- 23 ENFORCEMENT OFFICERS
- A.G. BALDERAS: I would now like to address
- and direct the Board to item No. 9 of our agenda. And

- that would be the ratification of certifications for
- law enforcement officers. This will be facilitated by
- our Director Jack Jones.
- I know these are very thick packets. The way
- ⁵ I understand these are organized is each certification
- is in a grouping listed in terms of exhibits. I'll
- ⁷ turn the floor over to the Director of the Law
- 8 Enforcement Academy.
- 9 MR. JONES: Thank you very much,
- ¹⁰ Mr. Chairman.
- The list of certifications for ratification
- of police officers are Bernalillo County Sheriff's
- Office Academy, which is Academy No. 35, Exhibit
- No. 1. There are a number of individuals on there
- that have graduated from the Bernalillo County SO
- 16 Academy No. 35.
- A.G. BALDERAS: Thank you for grouping those.
- 18 I'll take a motion to approve all individuals as
- 19 stated by Director Jones in the exhibit order.
- CHIEF KASSETAS: I'd like to make a motion to
- 21 approve all the officers in Exhibit 1.
- A.G. BALDERAS: Thank you. Is there a second
- to that motion?
- CHIEF KASSETAS: Mr. Chair, I would like to
- state the beginning and ending of the numbers. Number

- 14-0274-P all the way through 14-0287-P, Exhibit 1.
- A.G. BALDERAS: Thank you. Is there a
- 3 second?
- SHERIFF WALLER: I second the motion.
- 5 A.G. BALDERAS: All in favor say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Are there any opposed to that
- 8 motion? The record will show that the Board approved
- ⁹ all certifications with respect to that grouping in
- ¹⁰ Exhibit 1.
- MR. JONES: Sir, the second exhibit is from
- the Southeastern New Mexico Law Enforcement Academy,
- Academy No. 35. It's Exhibit 2, starting with
- 14 Mitchell Billings and ending with Nikolas Laurenz.
- 15 CHIEF KASSETAS: Mr. Chair, a point of
- clarification. The Director said Academy No. 35.
- 17 It's listed as No. 33. Is it 33, Director Jones?
- MR. JONES: Yes, it's 33. I apologize. It's
- ¹⁹ 33.
- 20 CHIEF KASSETAS: Thank you.
- MR. BARNCASTLE: Mr. Chairman, I'll move to
- accept Exhibit No. 2, items 14-0288-P through
- ²³ 14-0301-P, and approve for certification.
- A.G. BALDERAS: Is there a second to that
- motion?

- 1 CHIEF McCALL: Second.
- 2 A.G. BALDERAS: All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed to that motion?
- No opposition. The record will show that Exhibit 2,
- Nos. 14-0288-P through 14-0301-P, is approved.
- 7 MR. JONES: Sir, the next exhibit is Basic
- Police Officer Training Class No. 189, Exhibit No. 3,
- ⁹ which starts with David Aikman and ends with Luke
- Martinez on the second page.
- 11 A.G. BALDERAS: That will be Exhibit 3 for
- the Board. I'll entertain a motion to approve
- Exhibit 3 as stated.
- SERGEANT QUEZADA: Mr. Chair, I would like to
- make a motion to accept Exhibit 3.
- A.G. BALDERAS: Is there a second?
- MR. KORN: I'll second.
- A.G. BALDERAS: All in favor say aye.
- 19 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The record will
- show that the motion passes for acceptance of Exhibit
- No. 3, 14-0302-P through 14-0356-P.
- MR. JONES: Mr. Chair, Exhibit No. 4 is Dona
- 24 Ana County Sheriff's Academy Class No. 20. It's a
- one-page exhibit, it starts with Jonathan Almanza and

- ends with Brandon Switzer.
- A.G. BALDERAS: I'll entertain a motion for
- 3 that exhibit.
- SHERIFF WALLER: Mr. Chairman, I move that we
- 5 approve Certification Nos. 14-0357-P through
- 6 14-0374-P.
- A.G. BALDERAS: Is there a second to that
- 8 motion?
- 9 SERGEANT QUEZADA: I second that.
- A.G. BALDERAS: All in favor.
- 11 (Those in favor so indicate.)
- 12 A.G. BALDERAS: Any opposed? The record will
- show that the motion is passed for Exhibit 4
- unanimously, 14-0357-P through 14-0374-P.
- MR. JONES: Mr. Chair, the next exhibit is
- 16 Cert By Waiver Class No. 84. And it is Exhibit No. 5,
- 17 a single page. It begins with Byron Abeyta and ends
- with Michael Wood.
- A.G. BALDERAS: Is there a motion for
- ²⁰ approval?
- MR. BARNCASTLE: Mr. Chairman, I'll move to
- accept the Exhibit 5, specifically 15-0001-P through
- 15-0019-P including 91-0096-P for approval of
- ²⁴ certification.
- A.G. BALDERAS: Is there a second on that

- 1 motion?
- 2 MR. KORN: I would second.
- A.G. BALDERAS: All in favor say aye.
- 4 (Those in favor so indicate.)
- 5 A.G. BALDERAS: Any opposed? The record will
- show that the motion passes to accept Exhibit 5,
- ⁷ 15-0001-P through 15-0019-P and 91-0096-P.
- MR. JONES: Mr. Chairman, the next one is Las
- 9 Cruces Academy Class No. 44, Exhibit No. 6, a single
- page. It starts with Keegan Arbogast and ends with
- 11 Charlie Velasco.
- 12 A.G. BALDERAS: Is there a motion to be
- 13 entertained?
- SERGEANT QUEZADA: Mr. Chair, I would like to
- make a motion to accept the certifications for Exhibit
- ¹⁶ No. 6, 15-0021-P through 15-0042-P.
- A.G. BALDERAS: Is there a second?
- 18 CHIEF McCALL: Second.
- A.G. BALDERAS: All in favor say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed to that motion?
- The record will show that the Board approved
- 23 Exhibit 6, 15-0021-P through 15-0042-P.
- MR. JONES: Sir, the next one is the San Juan
- ²⁵ County Academy Class No. 34, Exhibit No. 7, a single

- page. It begins with Navid Babadi and ends with
- ² Anthony Vowell.
- A.G. BALDERAS: I'll take a motion for
- 4 approval.
- ⁵ CHIEF McCALL: Motion to approve Exhibit 7,
- 6 Certification Nos. 15-0043-P through 15-0053-P.
- A.G. BALDERAS: Do I have a second?
- SERGEANT QUEZADA: I'll second that.
- 9 A.G. BALDERAS: All in favor say aye.
- 10 (Those in favor so indicate.)
- 11 A.G. BALDERAS: Any opposed? The motion
- passes to accept Exhibit 7, 15-0043-P through
- 15-0053-P.
- MR. JONES: Mr. Chair, Exhibit 8 is
- 15 Southeastern New Mexico Law Enforcement Academy Cert
- by Waiver Class No. 17. It starts with Mark
- 17 Christensen and ends with Alfredo Sanchez.
- A.G. BALDERAS: Is there a motion for
- 19 approval?
- 20 CHIEF McCALL: Motion to approve Exhibit 8,
- Certification Nos. 15-0054-P through 15-0063-P to
- include Certification No. 85-0110-P.
- A.G. BALDERAS: Thank you. Is there a second
- to that motion?
- MR. KORN: I'll second.

- A.G. BALDERAS: Thank you. All in favor say
- 2 aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The record will
- ⁵ reflect that the exhibit is approved. Director Jones.
- MR. JONES: Mr. Chair, the next one is New
- Mexico State Police Academy No. 88, Exhibit No. 9, a
- single page. It starts with Ruben Aguilar and ends
- 9 with Mario Wilson.
- 10 A.G. BALDERAS: Is there a motion for
- approval of Exhibit 9?
- SHERIFF WALLER: Mr. Chair, I move to approve
- 13 Certification Nos. 15-0064-P through 15-0098-P.
- A.G. BALDERAS: Thank you. Is there a second
- on that motion?
- MR. BARNCASTLE: I'll second.
- A.G. BALDERAS: All in favor say aye.
- 18 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The record will
- reflect that the motion passes for Exhibit 9 to be
- accepted, Nos. 15-0064-P through 15-0098-P.
- Director Jones, Exhibit 10.
- MR. JONES: Mr. Chair, Cert By Waiver Class
- No. 85, Exhibit No. 10, a single page. It starts with
- Timothy Trimble and ends with Ronnie Simplicio.

- A.G. BALDERAS: Is there a motion to approve?
- SERGEANT QUEZADA: Mr. Chair, I would like to
- make a motion to accept the certification for Exhibit
- No. 10, Cert By Waiver Class 85, with 15-0101-P
- ⁵ through 15-0110-P.
- A.G. BALDERAS: Is there a second for that
- ⁷ approval?
- 8 CHIEF SOLAND: Second.
- 9 A.G. BALDERAS: All in favor say aye.
- 10 (Those in favor so indicate.)
- 11 A.G. BALDERAS: Any opposed? The motion
- passes to accept Exhibit 10, Nos. 15-0101-P through
- 15-0110-P.
- Director Jones, there's one final item.
- MR. JONES: Mr. Chairman, the next one is a
- 16 Cert by Waiver Challenge. And it is a single page,
- Exhibit No. 11, No. 95-0327-P, Eric Montano;
- ¹⁸ No. 15-0099-P, Sara Howard; and 15-0100-P, which is
- 19 Logan McKinney.
- A.G. BALDERAS: I'll entertain a motion for
- ²¹ approval.
- MR. BARNCASTLE: Mr. Chairman, I'll make a
- motion to approve Exhibit 11, specifically
- Nos. 95-0327-P, 15-0099-P, and 15-0100-P.
- A.G. BALDERAS: Is there a second to that

- 1 motion?
- 2 SHERIFF WALLER: Second.
- A.G. BALDERAS: All in favor say aye.
- (Those in favor so indicate.)
- 5 A.G. BALDERAS: Any opposed? The record will
- show that the Board approved Exhibit 11, 95-0327-P,
- 7 15-0099-P, and 15-0100-P. I believe that concludes
- 8 our Exhibit Nos. 1 through 11.
- 9 ITEM NO. 10: RATIFICATION OF CERTIFICATIONS FOR
- 10 PUBLIC SAFETY TELECOMMUNICATORS
- A.G. BALDERAS: I'd like to go to the next
- 12 agenda item, No. 10, ratification of certifications
- for telecommunicators, which will be presented also by
- 14 Director Jones. You have the floor, Director Jones.
- MR. JONES: Mr. Chair, I would like to have
- the Board ratify Public Safety Telecommunicator
- Academy Class No. 128, Exhibit 1, which is a single
- page, starting with Briana Aguilar and ending with
- 19 Loida Yeahquo.
- A.G. BALDERAS: Is there a motion on
- 21 Exhibit 1?
- SERGEANT QUEZADA: Mr. Chair, I'd like to
- make a motion to accept for certification Exhibit
- No. 1, Telecommunicator Class No. 128,
- Nos. 15-0001-PST through 15-0027-PST, also to include

- ¹ 94-0078-PRD.
- A.G. BALDERAS: Is there a second to that?
- MR. KORN: I'll second, Mr. Chairman.
- 4 A.G. BALDERAS: All in favor say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The record will
- show the motion passed to approve certifications for
- 8 Exhibit 1.
- 9 MR. JONES: The next exhibit, Exhibit 2, is
- the San Juan County Communication Authority Public
- Safety Telecommunicator Academy Class No. 2. It
- starts with Asbe Thomas and ends with Lynda Walker.
- A.G. BALDERAS: Is there a motion to approve?
- 14 CHIEF KASSETAS: I'd like to make a motion to
- approve Exhibit 2, Nos. 15-0028-PST through
- 15-0034-PST and also including 10-0088-PST.
- A.G. BALDERAS: Is there a second to that
- motion?
- SERGEANT QUEZADA: I'll second that.
- A.G. BALDERAS: All in favor say aye.
- 21 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposed? The record will
- show that the Board approves the certifications for
- Nos. 15-0028-PST through 15-0034-PST and 10-0088-PST.
- The motion passes for Exhibit 2.

- MR. JONES: Mr. Chair, I would like the Board
- to approve Southeastern New Mexico Law Enforcement
- Academy Public Safety Telecommunicator Class No. 8.
- 4 It starts with Rae Lynn Ayala through Adelina
- ⁵ Trujillo.
- A.G. BALDERAS: Is there a motion?
- ⁷ CHIEF McCALL: Motion to approve Exhibit 3,
- 8 Certification Nos. 15-0035-PST through 15-0046-PST.
- A.G. BALDERAS: Thank you. Is there a second
- to that motion?
- SHERIFF WALLER: Second.
- 12 A.G. BALDERAS: All in favor say aye.
- 13 (Those in favor so indicate.)
- 14 A.G. BALDERAS: Any opposed? The record will
- reflect that the motion has passed to accept
- 16 Exhibit 3, 15-0035-PST through 15-0046-PST.
- MR. JONES: Mr. Chair, this concludes our
- 18 ratifications. Thank you very much.
- A.G. BALDERAS: Thank you, Director Jones.
- 20 ITEM NO. 11: DISCUSSION OF SANCTIONS IN DISCIPLINARY
- 21 CASES, INCLUDING THE PENALTY MATRIX AND TRACKING OF
- DISCIPLINARY ACTIONS TAKEN BY AGENCIES
- A.G. BALDERAS: I'd like to direct the Board
- and the general public to agenda item 11, the
- discussion of sanctions in disciplinary cases,

- including the penalty matrix and tracking of
- disciplinary actions taken by agencies. The next item
- on the agenda was requested for discussion by Chief
- ⁴ Kassetas. So I'll recognize him at this time. Thank
- ⁵ you, Board Member.
- 6 CHIEF KASSETAS: Thank you, Mr. Chair and
- ⁷ fellow members. I wanted to discuss the way this
- Board looks at taking action against officers and
- 9 dispatchers in which there are allegations of
- ¹⁰ misconduct.
- Sometime back, under Acting Director Hubbard,
- there was a penalty guidelines created that this Board
- has utilized. And it was in place when I arrived in
- this position.
- Essentially what happens is we know, as we go
- through a process where an LEA-90 is submitted to the
- Law Enforcement Academy Director, an informal hearing
- is conducted. And this Board ultimately agrees with
- the Director or the Admin. Judge's findings or they
- move forward.
- When it comes to the penalties that we
- exercise, I have concerns. I don't think this Board,
- when you look at this binder I have here, can handle
- or is equipped to be the Internal Affairs for the more
- than -- Director Jones, I'm going to take a stab at

- ¹ this.
- Over how many law enforcement agencies in New
- Mexico, 235 law enforcement agencies probably with
- ⁴ 6,000 officers?
- MR. JONES: Yes, sir.
- 6 CHIEF KASSETAS: Close to 6,000 officers, to
- oversee the level of conduct. Now, don't get me
- wrong. I'm not saying the Board should back away from
- 9 this.
- We definitely should be looking at cases of
- conduct that are serious in nature, that require us to
- either revoke, which is permanently remove the ability
- for someone to be a police officer in the state, or
- suspend an individual for misconduct.
- We're having problems when we levy penalties.
- For instance, I look at DWI, where an individual
- officer has three to six months of a suspension of
- their certification. And I know that there are other
- areas where a DWI is aggravated and I know it enhances
- that suspension.
- But essentially, if we as a Board or the
- Director decide to suspend an officer for six months
- for a DWI, that's a six-month paid vacation in my mind
- because we do not regulate pay. That is an agency's
- decision.

- We basically suspend the certification, which
- forces the chief or sheriff or Director to have to
- place that officer in a nonworking field status,
- stripping him of a gun and a badge. And he sits in an
- office for three to six months, if they choose to not
- terminate him, which I question why as far as a DWI
- goes, although that's each chiefs' prerogative I
- 8 suppose or leaders' prerogative. So it becomes
- 9 problematic.
- What I'm more interested in as a Board Member
- is to document the misconduct of each officer as it
- occurs through the Law Enforcement Academy so it
- 13 follows those officers through their career.
- 14 I've seen a lot of fine officers in my 23
- years. And some have made mistakes and have been able
- to recover. And I've seen others with four pages of
- law enforcement misconduct. And I scratch my head,
- how can this individual move from agency to agency.
- So it's important for the Board I think to
- consider the punishment levied by the agency
- submitting the LEA-90, which we don't do.
- So I would like to discuss how the Board can
- possibly consider the punishment levied against the
- officer but still intake the case so that particular
- conduct is recorded on the officer's history so it

- follows them throughout their New Mexico law
- ² enforcement career.
- That way, when I go to hire somebody, I'm
- ⁴ able to look at their history and determine what
- ⁵ misconduct the LEA Board reviewed. And I would also
- 6 like to talk about the penalty guidelines matrix and
- how we can possibly improve upon how we do business.
- 8 That's my two main issues.
- 9 A.G. BALDERAS: Thank you, Board Member. Is
- there any other discussion from the Board on that
- 11 topic?
- MR. KORN: Mr. Chair, I'd like to add a
- couple of thoughts on that as well, if I may.
- A.G. BALDERAS: Sure.
- MR. KORN: Mr. Chair, Members of the Board,
- 16 Chief Kassetas and I have had conversations about
- this. And when the penalty guidelines were initiated,
- it was an attempt to standardize penalties so that
- every officer under similar circumstances would get a
- uniform sense of misconduct penalties.
- Before that there was no way for any officer
- to know whether he was getting hammered or whether he
- was treated unfairly. In this way every officer knows
- the parameters within which he can expect to be
- ²⁵ treated.

- But to some extent I also agree with Chief
- 2 Kassetas that, by doing penalty guidelines and by
- making them somewhat strict, we don't know if we're
- 4 reducing the amount of cases that are brought to us by
- ⁵ agencies around the state.
- And then counterpoint to that is that there
- ⁷ are agencies around the state that are small that
- 8 would give no penalty for, say, lying, where there are
- 9 other agencies around the state that would fire
- somebody.
- So I think that the Board has to deal with
- this conundrum, because with 260 agencies, everybody
- is going to have a different way of doing it. And the
- only standardization would be the Board. And I think
- that's part of the discussion that ought to be entered
- into as well.
- 17 A.G. BALDERAS: Thank you, Board Members, for
- 18 feedback. Any other comment or discussion on this
- 19 topic?
- I'm going to take some Chair liberty on what
- has been raised as an important topic by the chief and
- 22 actually members of the public that I think an
- ²³ appropriate approach, considering that I also think
- it's a priority to assess and better understand what
- law enforcement agencies are doing in the State of New

- ¹ Mexico when it comes to discipline, but more
- importantly what discipline means to protecting good
- officers and what discipline means to protecting the
- 4 community.
- I'm going to appoint a subcommittee to work
- with Director Jones and get a handle on what an
- assessment would look like in terms of what the facts
- 8 are related to the topic of discipline. I have
- 9 considerable interest in this subcommittee reporting
- back to this body and then to the public.
- And I would like to appoint Board Members
- 12 Chief Kassetas, Chief McCall, and Sheriff Waller to
- serve as a subcommittee to gain a better understanding
- of the discipline issues in the State of New Mexico
- and also to report back on ID'ing what those
- challenges are potentially, moving forward and
- discussing solutions.
- And I don't need a motion for that. I'm just
- appointing at the discretion of the Chair. Is there
- any further discussion on that potential action item?
- I want to thank our Board Members for that discussion.
- 22 ITEM NO. 12: A BOARD DISCUSSION REGARDING WHO SHOULD
- BE ABLE TO SET MATTERS ONTO THE AGENDA OF
- 24 PUBLIC MEETINGS OF THE NEW MEXICO LAW
- 25 ENFORCEMENT ACADEMY BOARD

- A.G. BALDERAS: I'd like to move to item
- No. 12, a board discussion regarding who should be
- 3 able to set matters on the agenda. As you can tell,
- these agendas are quite long. But there are very
- important matters being addressed.
- We would like to discuss a little bit about
- ⁷ what that criteria should be. And I would like to
- 8 recognize Board Member Korn, who asked to present this
- ⁹ item on the agenda.
- MR. KORN: Thank you, Mr. Chair. Mr. Chair,
- 11 Members of the Board, I believe that our rules of
- operation, the NMAC rules, are somewhat unique in that
- we permit anybody to put an item on our agenda,
- 14 whether it be members of the public or members of --
- well, anybody can put an item on our agenda.
- And then the Board spends time discussing
- things that may not involve the Board, that may be
- extraneous to the matters we handle or the matters we
- ¹⁹ are able to handle. But it does tie up Board time
- from other matters that I think we can do well.
- 21 And I think that we should be like most
- boards around the state and limit our agenda to items
- that Members of the Board want to put on the agenda.
- By doing that, I'm not trying to limit the public from
- having interaction with us.

- I'm just saying that we need to have an
- organized system of processing our own Board matters.
- And nothing in my suggestion prevents a member of the
- ⁴ public from contacting a Board Member or a member of a
- ⁵ department from contacting a Board Member.
- So I mean the protocol might be a sheriff
- that wants something on the agenda might contact
- 8 Sheriff Waller. A citizen that wants something on the
- genda might contact one of the two citizen
- 10 representatives.
- 11 Then that Board Member would be responsible
- for organizing the agenda, preparing the
- documentation, preparing the dissertation before the
- Board so it's efficient, and then that Board Member
- would be responsible for having his name on the agenda
- 16 item.
- So that was a discussion that I was
- proposing. And if the Board has a notion that that
- might be an idea that they agree with, I would then
- make a motion that we direct our counsel to start the
- 21 preparation for making an NMAC change at the next
- meeting. Thank you, Mr. Chairman.
- A.G. BALDERAS: Thank you, Board Member Korn.
- Is there any further discussion on that?
- CHIEF KASSETAS: Mr. Chair, I'd have to agree

- 1 with Mr. Korn. And I want to stress that public input
- is important. It's why we're here. And I believe
- that, through the public comment portion of the
- ⁴ process, that this is accomplished.
- 5 And I also believe that, through the public's
- outreach to the individual Board Members, which, of
- ⁷ course, we're available, we're listed publicly, people
- 8 know who we are, that there's an ability to talk to a
- 9 Board Member about putting on items and enabling us to
- essentially deal with the business at hand. So I'd
- 11 have to agree.
- 12 A.G. BALDERAS: Is there any other discussion
- on the topic of criteria for public agenda? And
- actually I know we have several other topics. I also
- as the Chair really believe it's absolutely essential
- that this Board be able to with complete confidence
- understand state law, our regulatory compliance
- related to the Open Meetings Act, public records.
- And I was going to suggest maybe to this
- Board that we also appoint a subcommittee for
- 21 compliance in governance. I think this is one of
- those issues that you recognized is a concern. But my
- only concern for the rest of our members is that there
- seems to be other overlapping laws and regulations
- that we need to consider.

- And if you're open to it, I would rather
- appoint a subcommittee to understand all the
- compliance, regulatory, and state laws that this Board
- 4 has to comply with. And I'll appoint Chief Kassetas,
- Board Member Barncastle, and anyone else that wants to
- sit on that subcommittee in terms of evaluating what
- our compliance needs are; and secondly, maybe where we
- 8 can improve, if you're open to that, Chief.
- This was actually your topic. I would prefer
- to do that considering we have new members on this
- 11 committee.
- MR. KORN: If may, Mr. Chairman. You're
- suggesting, instead of having a motion on this, we
- just have a subcommittee study it and then decide what
- to do at a later date?
- A.G. BALDERAS: Yes. And that's only my
- 17 Chair's recommendation, because there are other
- regulations and laws also. My priority is going to be
- that this Board adopt a policy agenda moving forward,
- but that that policy agenda be set related to
- priorities and needs that are in full compliance with
- all the other regulations and laws that we need to
- comply with.
- So my job is to keep this Board in full
- compliance. And so I would rather have a subcommittee

- attack all of the governance issues at once and then
- come back with a full report on where this Board can
- 3 improve, if the Board is open to that.
- 4 MR. KORN: Mr. Chairman, since it was my
- motion, I would defer to the Chairman, if that's your
- idea and what you would like to do.
- 7 MR. MECHELS: Mr. Chair.
- 8 A.G. BALDERAS: Yes, Mr. Mechels.
- 9 MR. MECHELS: I would request a public
- comment, that members of the public be allowed to
- speak briefly to this issue, because you're talking
- about our rights. Can I speak briefly to the Board
- about this?
- 14 A.G. BALDERAS: Sure, Mr. Mechels. Was the
- motion withdrawn, Mr. Korn, just so I'm clear?
- MR. KORN: No, sir. I'm deferring. But I
- was going to suggest -- I don't know if there might be
- other Members of the Board that would have a point of
- view. I don't want to be the only one.
- A.G. BALDERAS: Is there any further
- discussion? I will address you in just a second,
- Mr. Mechels. Let me just make sure I've got all the
- Board Member discussion out of the way.
- CHIEF McCALL: I would just like to know a
- little bit more, what governances you want this

- subcommittee to look at, kind of a little more detail
- 2 of what you're referring to.
- A.G. BALDERAS: I appreciate that. I think
- that, at least in the beginning of my tenure, it would
- be great for the three subcommittee members to work
- 6 with staff directly, the Director, to understand which
- regulations and laws specifically apply to this Board.
- I know that there are many topics that are
- being discussed. And we're being asked to make
- decisions on policy moving forward in terms of how
- discipline complaints are filed, what range and scope
- would we like to convey, the topics of curriculum,
- enforcement, and discipline.
- However, I'm also very concerned, and I think
- this is actually a great opportunity, that I would
- like to have the subcommittee identify any and all
- laws and regulations that apply before this Board
- begins to make a decision on policy; because I would
- hate for the policy to be compromised by some
- violation of either the Open Meetings Act or some
- other form.
- So that's my priority as the Chair, is just
- to keep this Board on track with full compliance. As
- I know, and we've heard public comment, there are
- ²⁵ already considerable requests on our policy-making.

- But I'm also concerned that we educate all
- the Board Members on our mission, our regulatory
- compliance, and compliance with state laws. Would you
- ⁴ like to serve on the subcommittee?
- 5 CHIEF McCALL: Sure.
- ⁶ A.G. BALDERAS: Great.
- 7 CHIEF KASSETAS: Mr. Chair, before we go
- forward, my question would be, though, wouldn't that
- be the -- to inform the Board, wouldn't that be the
- task of the Attorney General's attorney?
- I'm not a lawyer. You can appoint me to the
- subcommittee, and it would be very difficult for me to
- get through the volumes of law that's associated with
- this Board. So when we make a decision, we would
- defer to Mr. Word, for instance, and say is this on
- track. We've done that in the past.
- I think one of the bigger issues here is when
- we need to allow the public to have a voice. And
- there's a proper time and place for that. But if 30
- people from the public want to talk to this Board,
- 21 what do we do? How do we do business? That's the
- extreme. Right?
- 23 If 30 people call in before the next meeting
- and say I want on the Law Enforcement Academy Board
- agenda, whether that's good or bad, we're going to be

- 1 here for a week. How do we get to the business at
- 2 hand. And how do we also meet the public's needs to
- yocalize what their issues are.
- And again I go back to public comment. And I
- 5 think I agree with you, we can study this. I just
- don't know if a subcommittee is going to get us there
- on this particular issue or, as you've said, the rules
- 8 that govern this Board. It's some type of higher-up
- ⁹ discussion with attorneys and your staff that know the
- 10 rules and whatnot.
- 11 A.G. BALDERAS: Sure. Board Member Kassetas,
- 12 your comments and concerns are well-taken. That's
- exactly why staff would actually be doing the research
- and the full briefing. So I would never put somehow
- some type of legal compliance on the Board to do the
- 16 research.
- The subcommittee would absolutely, though, be
- directed to get a full briefing from the staff. And
- once they feel comfortable that the staff has met the
- burden to do a full regulatory review and legal
- compliance review, the subcommittee could be very
- useful in asking direct questions of the staff in case
- they miss something.
- So that way, when it comes to the Board and
- the public meeting, you will have vetted your

- concerns. You'll have also reached out to staff to do
- ² further research.
- So if I needed to clarify, that would be the
- ⁴ purpose of the subcommittee, is to screen out many of
- 5 the concerns. That way we have a more final product.
- ⁶ But I agree with your concerns, especially in terms of
- ⁷ the public comment.
- 8 We want to make sure we get it right when we
- 9 make a determination on public comment that's
- compliant with regulatory and legal requirements and
- state law. So I want you to make a policy
- ¹² determination.
- But I just want the Board to be able to make
- that determination, understanding that we are not
- violating any regulation or laws before we make that
- decision. So that's why I recommended a subcommittee.
- 17 CHIEF KASSETAS: Mr. Chair, with that
- description and explanation, I completely understand
- and agree with the formulation of that subcommittee to
- work with your staff. I understand it now. Thank
- ²¹ you.
- A.G. BALDERAS: Thank you, Board Member
- 23 Kassetas. So now we have actually two subcommittees.
- Mr. Mechels, with full respect to you, I
- don't know how to necessarily handle opening up public

- comment to every discussion point on this. I would
- love to hear some of your remarks briefly. But I want
- you to keep in mind that this is breaking from
- ⁴ practice.
- MR. MECHELS: On the topic of the agenda,
- this directly addresses the right of the public. It
- directly addresses the rights of the public and
- 8 reduces the rights. I think it's very important.
- A.G. BALDERAS: You're on the agenda a few
- points down.
- MR. MECHELS: But not on this issue. If you
- would like, I can raise this on that agenda item.
- A.G. BALDERAS: If you would, only for
- efficiency. Could we save your comments when we get
- to that point.
- MR. MECHELS: With the understanding that I
- can raise it then.
- A.G. BALDERAS: I would believe that would be
- ¹⁹ appropriate. We're okay with that.
- 20 ITEM NO. 13: REVIEW OF SAFE PURSUIT ACT
- A.G. BALDERAS: I would like to go to agenda
- item 13, review of the Safe Pursuit Act. This agenda
- item has been requested by a member of the public.
- They will be given ten minutes to address the Board on
- this matter. Is the individual here? Great. You

- have the floor.
- MR. GOAD: Okay. Thank you. Thank you for
- allowing me to address this issue. I did it with the
- last Chair. But there are new Members of the Board, a
- ⁵ new Chairman, and it's a stark and a simple issue.
- 6 My name is Chris Goad. Anyway there's a long
- ⁷ 1978 Safe Pursuit Act which briefly specifies that
- 8 officers should engage in a pursuit only to avoid a
- gen clear and present danger to the public. Further, the
- act specifies that that requirement be written into
- the policies of each individual law enforcement
- ¹² agency.
- Third, it specifies that those policies
- should be submitted to the Director of the LEA to
- assure that they meet the requirement. However, many
- of the existing policies of law enforcement agencies
- are not in compliance with the Safe Pursuit Act.
- For example, the DPS policy for safe pursuit
- basically says, if someone flees, pursue under the
- officer's discretion. So that's in direct
- contradiction to the Safe Pursuit Act. So effectively
- that's an illegal policy. It would seem -- and the
- consequences of that are serious.
- You've heard today about Jeannette Anaya. In
- that case Officer Wilson undertook a pursuit which was

- in violation of the Safe Pursuit Act but in compliance
- 2 with the DPS policy. So it's a very serious matter, a
- 3 fatal matter.
- It would seem that the LEA as an
- organization, and particularly the LEA Board, has the
- for responsibility and the authority to bring policies
- into compliance with the act. Certainly the people
- who wrote the act, the authors of the act, thought so.
- 9 So basically my request -- or my idea is that
- that responsibility should be taken seriously by the
- 11 Board. And the policy should be brought into
- compliance with the act.
- By the way, I have a handout which covers
- what I just said. And I think you should all have
- copies of that. And anyone in the audience who wishes
- to have one can pick it up from Chris Mechels. That's
- ¹⁷ all I had to say. Thank you.
- A.G. BALDERAS: Thank you, Mr. Goad.
- 19 ITEM NO. 14: LESSON PLAN APPROVALS, CURRICULUM MAKING
- PROCESS, TESTING PROTOCOLS, AND RULEMAKING PROCESS
- A.G. BALDERAS: I'd like to direct the Board
- to item No. 14, lesson plan approvals, curriculum
- making process, testing protocols, and rulemaking
- 24 process. The next item was submitted by Mr. Mechels.
- Sir, you have ten minutes to present your

- items. Mr. Mechels, you have the floor.
- MR. MECHELS: Mr. Chair, Members of the
- Board, could I request that I have two minutes to
- 4 speak to the issue that you asked me to defer rather
- 5 than taking it out in my ten minutes.
- 6 A.G. BALDERAS: I will take that as a
- ⁷ reasonable request.
- MR. MECHELS: Thank you. As a Member of the
- 9 Board, Mr. Korn and I have had frequent interactions
- since I first approached this Board in February of
- 11 2014. I think that it's very important that the Board
- be allowed -- that the public be allowed to bring
- ¹³ agenda items.
- 14 As for today, you cut me off at two minutes
- in the public comment period. And now they're
- suggesting that that should be the public input,
- period, just cut off in two minutes.
- A.G. BALDERAS: I want to support you.
- 19 Actually it was three and a half minutes.
- MR. MECHELS: I mean the rule. I mean you
- gave me two minutes. Ordinarily it's five minutes.
- A.G. BALDERAS: I'll look into that.
- MR. MECHELS: The difference between this,
- between having an agenda item and having a public
- comment period, is during the public comment period I

- 1 can bring issues that are more substantive.
- There's already protection against that in
- the NMACs which says that the agenda items must be
- ⁴ pertinent to the business of the Board. People can't
- ⁵ just walk in and throw things on your agenda. They
- have to be pertinent to the business of the Board.
- Have I ever brought this Board anything
- 8 that's not pertinent to the business of the Board? I
- ⁹ don't think so.
- 10 As far as cluttering the agenda, let me point
- out something else as to who is cluttering the agenda.
- Mr. Korn in 2013 had 16 agenda items, in 2014 he had
- 14 agenda items, and in 2011 he had ten agenda items.
- He is a member of the public. He represents
- no constituency. Mr. Gratton, the other member of the
- public who has a background in education, presented no
- agenda items during that period.
- So if you look at who has cluttered the
- 19 Board, I suggest it's Mr. Korn that has brought this
- issue forward. And something that should be looked
- at, in the same breath when you're looking at limiting
- public input, is defining the proper role for a member
- of the public.
- The rest of you on the Board have a
- constituency which is identified. He has none. Why

- 1 do you allow a member of the public to come in and
- totally dominate the discussion when he has no
- 3 constituency outside of himself.
- That ends my comment on that. Obviously I'm
- ⁵ against changing that -- closing that opening for the
- ⁶ public, because the public needs some voice in this.
- ⁷ Isn't this is a public problem?
- Now, back to my main agenda item. The
- 9 issues, as put before you on the agenda item, was to
- update four problems that I have brought before the
- 11 Board in the last year.
- One of them, which is current and I thought
- would be on this agenda, was the lesson plans. They
- have never been approved. They're supposed to be
- approved by the Board before use and be made available
- on the website. They have not been approved, but they
- are in use. And they're not all on the website or at
- least only three blocks of 16 blocks are available on
- the website.
- I know there are 16 blocks because I have
- them, I got them by IPRA. But by your own rules, they
- should be on the website and they are not. Question:
- Why aren't they? I think the answer bears some
- looking into.
- But to the lesson plans, some of my research

- 1 which I will share with you at this point, is part of
- what's going on here is the origin of lesson plans.
- And I refer you to Exhibit 21, which is the back sheet
- of your handout. That is this handout which I gave to
- you earlier, the back sheet is Exhibit 21.
- And there we will find, on page 33 on that
- Exhibit 21, Mr. Kassetas, a Board Member, sharing with
- 8 us, saying, "I would like to discuss the lesson plans.
- ⁹ I do agree with the Director that the content of the
- lesson plans is the job of the Director, the Deputy
- 11 Secretary of the Department of Public Safety, and
- ultimately the Secretary, Greg Fouratt, is responsible
- for the content."
- Here we have the DPS secretary is responsible
- for lesson plan content? This Board is supposed to
- be, by the law which created it, independent. What is
- the DPS doing making your lesson plan content? That
- seems totally inappropriate.
- Another item that comes up and is also within
- these handouts is we have Gordon Eden, the previous
- DPS secretary. And what Mr. Eden is saying, is on
- record as saying, in Exhibit No. 1 and on into Exhibit
- No. 2, is Mr. Eden in September of '13, when they were
- 24 arguing for changing the process of the curriculum,
- Mr. Eden is describing how he, as DPS secretary,

- $^{
 m 1}$ caused this to happen.
- Where is the independence of this Board? You
- have the DPS secretary telling you how he did it, how
- 4 he caused that change. And he's right, he did cause
- that change. Where is your independence? You are by
- law independent. Where is that independence?
- So as far as the lesson plans, the other
- 8 thing I would suggest for the lesson plans is for
- ⁹ anyone -- the Director, in the body of this document,
- points out the fact that he's not sure that the Board
- 11 Members are qualified to examine the lesson plans.
- Well, I think you're all qualified to examine
- the lesson plans. And I think that what's really
- going on is they don't want you to examine the lesson
- plans.
- I have taken the trouble to do so. It's very
- 17 revealing to examine these current lesson plans
- against the previous lesson plans that were done under
- the regime before the DPS attacked the Law Enforcement
- ²⁰ Academy.
- The previous lesson plans which are
- available, you just don't find them -- if you can't,
- ask me, I can supply them to you -- are professional
- documents that look decent.
- The current lesson plans are heavily edited

- versions of those earlier documents. All of the
- formatting has been destroyed and a good part of the
- ³ content. The lesson plans right now are a very junior
- ⁴ league version of the lesson plans that existed when
- you were still an independent organization.
- The other thing -- I want to make sure I'm
- not running short on time here. So let me just go to
- 8 the problem I have with the curriculum. It's just one
- ⁹ of the four subject areas I said I would be speaking
- 10 to.
- The other big problem we have with the
- curriculum is whether or not the curriculum has to be
- done under the rules act. I refer you to Exhibit
- No. 3. These are from previous minutes of this Board.
- And on Exhibit 3 we have Mr. Word describing
- what is the option of the Board as to whether to put
- the curriculum in the NMACs. I suggest that that is
- totally false. The reason the curriculum was always
- in the NMACs is because the Open Meetings Act
- requires -- pardon me.
- The rules act require that you publish the
- changes that affect the public. The curriculum has
- always been seen as a rule that affects the public
- and, therefore, it was published under the rules act.
- And when you publish under the rules act, it

- 1 ends up in the NMACs. That's just the way the system
- works. You cannot separate the NMACs from the rules
- 3 act.
- So when you stop publishing in the NMACs, you
- ⁵ also stop following the rules act. And you are bound
- by statute to follow that rules act. And the Board
- ⁷ always did follow the rules act until 2013.
- 8 So right now I maintain that every change
- you've made to the curriculum since December that has
- not been advertised under the rules act is illegal.
- 11 And the only way you can make a legal curriculum is by
- complying with the rules act as you are bound to do by
- 13 statute.
- The other problem I would leave you with is
- the fact of the transparency issue. Part of the
- problem I'm having seeing what's going on -- and this
- is a real serious problem with the public -- is
- getting any information from the Law Enforcement
- 19 Academy. It is desperately hard. It is bloody damned
- near impossible to get any information from this
- 21 Director.
- In Exhibit 16 I show you the status of
- current IPRA requests. I requested from all the
- academies the last year's curriculum, their schedules,
- ²⁵ and a list of the qualified instructors. I got the

- 1 schedules. I did not get the curriculum. I did not
- ² get the instructor lists.
- And I know they are -- and I have no
- ⁴ explanation. So they are currently in violation of
- ⁵ IPRA. This doesn't seem to bother them. The reason I
- wanted those things is because the curriculum
- ⁷ typically that we're running here in this state gets
- 8 very sloppily reviewed by the LEA.
- I could point you to curriculum being run at
- the academies, specifically Bernalillo and
- 11 Albuquerque, where they were running academies that
- were about 800 hours long when the required number was
- 824. And those 800 hour numbers got past the Law
- 14 Enforcement Academy. Somebody needs to be able to
- look at those curriculum, because the Law Enforcement
- Academy is not doing a good job.
- The other one that's currently a big item in
- the state is -- and recently resulted in a lawsuit
- down in Albuquerque, John Corvino sued over the issue
- of instructor -- there was an issue down at
- 21 Albuquerque APD about instructor qualifications. And
- he was basically run out of town because he asked
- questions about instructor qualifications.
- Bernalillo County has a recent issue with
- that. The place responsible for making sure those

- certifications are current and correct is the
- 2 Director's office. And they're not doing it. So
- 3 there I'll stop and I'll take questions.
- A.G. BALDERAS: Thank you, Mr. Mechels.
- MR. WORD: Mr. Chair, Members of the Board,
- ⁶ just as your counsel I feel compelled to jump in and
- remind everyone that Mr. Mechels and Mr. Goad are
- 8 engaged in litigation with the Board regarding the
- ⁹ curriculum and the Open Meetings Act.
- And I ask that you not engage in anything
- that may touch upon his lawsuit. I would point out to
- 12 Mr. Mechels that it is on the agenda and the Board
- will be discussing this in closed session tomorrow as
- we discuss pending litigation.
- MR. MECHELS: Am I invited?
- MR. WORD: It's in closed session.
- MR. MECHELS: Oh. Too bad. Any other
- questions? Thank you for your time. Mr. Chairman,
- 19 thank you.
- A.G. BALDERAS: Thank you, Mr. Mechels.
- 21 ITEM NO. 15: MISCONDUCT CASES: BOARD REVIEW OF
- MISCONDUCT CASES, TRACKING AND MANAGEMENT
- A.G. BALDERAS: The next item on the agenda
- is item No. 15, misconduct cases, review of misconduct
- cases, tracking and management. It was submitted by

- 1 Board Member Korn. Mr. Korn, you have the floor.
- MR. KORN: Thank you, Mr. Chairman.
- Generally in every meeting I bring the Board up to
- speed on the cases that we have pending and what our
- ⁵ backlog is.
- There are basically two series of dockets
- ⁷ that we have. The one would be the docket of the
- Birector, which it's been basically his docket since
- 9 about September of 2014. And the other is a docket of
- the new Administrative Judge that we developed through
- one of our Board protocols.
- I'm delighted to say that, as far as I can
- tell, the Director's cases have been basically brought
- to zero for all intents and purposes. I know there
- are some that are outstanding there. And after
- tomorrow's session we'll know exactly what that is.
- But basically I think those legacy cases as
- we've called them are down to a very manageable
- number. If they're not zero, they're under ten.
- Meanwhile the AJ's cases are completely current. So
- we have no backlog of cases anymore at all.
- When a case comes into LEA, a case of
- misconduct by an LEA-90, basically the Administrative
- Judge whose name is David Linthicum -- and I think he
- may be here today -- administers that case, reviews

- it, and then puts it out for a Notice of Contemplated
- ² Action within a couple of days. And he has the
- hearing within two or three weeks.
- So I'm delighted to report that our caseload
- is completely current and up-to-date. And this is
- quite an achievement because -- well, five years ago,
- 7 when I started, we had a backlog of 300 cases. And
- when you consider that the Board only gets 120 cases a
- ⁹ year, that was two and a half years of backlog.
- It is now not only reduced, but actually
- eliminated. So it's my pleasure to present that to
- the Board today.
- A.G. BALDERAS: Thank you, Board Member Korn,
- 14 for your update.
- 15 ITEM NO. 16: INDIVIDUAL BOARD MEMBER COMMENTS
- A.G. BALDERAS: And now we're nearing a quick
- break. And I want to thank the public who has been
- here thus far. We're just going to take a very brief
- ¹⁹ break.
- But I would like to defer to any other Board
- 21 comments. Congratulations to my Vice Chair. And I
- know there are two new Board Members and myself here
- as well that are deeply committed to Board issues.
- Are there any other comments before we break?
- MR. KORN: I would like to make one more

- 1 comment.
- A.G. BALDERAS: Sure.
- MR. KORN: Today is my last meeting. And
- ⁴ I've been serving for about five years. I'm one of
- the longest serving members I think that the Board has
- ⁶ ever had.
- And I have to say both to the Board and to
- 8 the Chairman and to the public that for me this has
- been a personal journey that's one of my greatest
- missions. I have, as anybody that knows me would
- know, an unheralded respect and admiration for law
- enforcement as a profession and for officers that ply
- that profession.
- And to be able to sit on this Board has been
- one of my most significant ways of giving back. There
- have been dozens of things that the last five years
- have brought in terms of changes.
- I'm most proud, as being part of the Board,
- of bringing the misconduct to zero. And I'm also very
- proud of the fact that, for the first time, we were
- able to take a cadet orientation and matriculation
- through our academies from what used to be six months
- down to four months without reducing the effectiveness
- or the value of the training.
- So I look at that as a wonderful achievement

- of the Board. And I am most gratified to have worked
- 2 with the Board. I wanted to express that as my last
- 3 comment.
- A.G. BALDERAS: Thank you, Board Member Korn.
- 5 Thank you for your service. And like I said, we
- appreciate it. Any further comment?
- 7 CHIEF McCALL: I just want to recognize Nate
- 8 Korn and all his efforts. You know, the item that we
- ⁹ just heard, the misconduct cases, I remember when I
- started on this Board several years ago there were
- 11 Excel spreadsheets full of backlog cases.
- And I don't know that anyone here on this
- Board realizes what kind of personal investment
- Mr. Korn has made to law enforcement and the number of
- man-hours that he invests in trying to work on those
- cases and trying to get those caught up and a system
- put in place that was much more efficient for us.
- You know, that would just kind of be an
- example of some of the selfless things that Mr. Korn
- has done for this Board. And that's only one of many.
- I appreciate all he's done for law enforcement in New
- Mexico.
- A.G. BALDERAS: Thank you, Board Member
- McCall. Any other comments? Yes, go ahead.
- MR. BARNCASTLE: I'd like to recognize Nate

- 1 Korn as well. The Board, when I first started three
- and a half years ago, was an entirely different Board
- than what it is today. And it's primarily due to your
- 4 efforts.
- You've devoted a considerable amount of your
- personal time, I know that for a fact, in ensuring
- that we're where we're at right now. And I take great
- 8 pleasure in being part of this Board with you. It's
- one of the most gratifying things in my 38 years of
- law enforcement that I've ever done. And I appreciate
- 11 you and I appreciate your efforts. Thank you, Nate.
- A.G. BALDERAS: Any other comments?
- SERGEANT QUEZADA: I'd like to recognize Nate
- 14 for all his dedication. When Chief McCall comments
- about how much time he donates into this, I don't
- think people realize.
- I actually work graveyard shift. And at two
- o'clock in the morning, 2:30 in the morning, he's
- replying to emails or sending out emails referencing
- stuff coming up to the Board.
- Me still working on the streets and seeing
- someone that dedicated, I really, really appreciate
- it. It just says a lot about you, Nate.
- So I appreciate your dedication and your time
- that you've provided to the Board because the result

- is always for the community. So thank you.
- MR. KORN: Thank you.
- CHIEF KASSETAS: Mr. Chair, I'll close out
- with my comment that serving on this Board is in the
- top three most difficult things I do as Chief of the
- 6 State Police, honestly it is. This Board is one of
- ⁷ the top three things that keeps me awake at night,
- 8 serving on this Board.
- The business of policing the police, and I've
- said that before, that's a huge responsibility. Not
- only for us Board Members that come through the
- academies and spend a large part of our careers in law
- enforcement, but for the citizen volunteers who do
- this work without compensation or acknowledgment of
- 15 their efforts.
- Nate is one of those people that was able to
- bring me up to speed quickly. It's baptism by fire as
- the new members have obviously seen today. It's
- important work.
- Some members of the public would believe that
- we're largely along for the ride. What I mean by that
- is not being able to make our own decisions up here.
- But I've been pleased to be surrounded by the
- individuals on this Board who aren't afraid to speak
- their mind and call it when it's right on behalf of

- the officer. And when it's wrong, they step up and
- say that that was wrong conduct that we can't allow as
- 3 a governing board. And I appreciate that.
- So, Nate, thank you for your service. We're
- turning a page here. And I look forward to Chairman
- Balderas' leadership and direction in moving forward.
- ⁷ It is important work. I don't have to tell you that.
- 8 It is one of the most important entities in state
- ⁹ government I think. So again thank you, Nate.
- 10 A.G. BALDERAS: Thank you, Board Member Korn.
- 11 Thank you for all your comments.
- I also just want to reflect really quickly,
- it's really an honor to be here in Rio Arriba County
- and start our new tenure together in such an
- important, diverse, and meaningful county and to come
- out to the community. So thank you.
- With that we'll take a brief ten-minute break
- and then we'll get back. Thank you.
- 19 (Recess.)
- 20 ITEM NO. 17: RICHARD GARCIA
- A.G. BALDERAS: I'd like to reconvene this
- Board back to item No. 17, default orders of
- revocation. I'll go through a list of the individuals
- on the agenda and allow each individual to address the
- Board, if he or she chooses.

- Is Mr. Garcia present and in attendance? I
- 2 will take a motion to accept the default order of
- ³ revocation.
- MR. KORN: Mr. Chairman, I would so move.
- 5 And I might ask the Chair if it might be more
- efficient to do all these at one time, make one grand
- 7 motion, if that will be acceptable to the Chair.
- 8 A.G. BALDERAS: I think probably for
- 9 efficiency that would be appropriate. I just, out of
- an abundance of caution, would rather do them
- separately today.
- MR. KORN: I'll make the motion.
- MR. BARNCASTLE: I'll second that motion.
- A.G. BALDERAS: There's a motion to accept
- the default order.
- SERGEANT QUEZADA: On this one may the record
- show that I'm recusing myself.
- A.G. BALDERAS: Yes. The record will reflect
- that you are recused. And there is a motion and a
- second pending for Richard Garcia. All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- with Board Member Quezada recusing himself.
- ITEM NO. 18: ADAM MENDOZA
- A.G. BALDERAS: I would like to go to Adam

- 1 Mendoza. Is Mr. Mendoza here? Mr. Mendoza is not
- here. Is there a motion to accept the default order
- of revocation for Mr. Mendoza?
- 4 CHIEF McCALL: Motion to accept.
- A.G. BALDERAS: Motion to accept. Is there a
- 6 second?
- SHERIFF WALLER: I second.
- A.G. BALDERAS: All in favor.
- 9 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passed.
- We'll accept the default order for Adam Mendoza.
- 12 ITEM NO. 19: CHRISTOPHER MERRILL
- A.G. BALDERAS: The next item is Christopher
- ¹⁴ Merrill. I'd like to entertain a motion for
- ¹⁵ Mr. Merrill.
- SERGEANT QUEZADA: Mr. Chair, I would like to
- make a motion to accept.
- A.G. BALDERAS: There is a motion to accept.
- 19 Is there a second?
- SHERIFF WALLER: Second.
- A.G. BALDERAS: Second. Thank you. All in
- 22 favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- to accept the default order of revocation.

- 1 ITEM NO. 20: THOMAS RODELLA
- A.G. BALDERAS: I'd like to direct your
- attention to item 20, Thomas Rodella. Is Mr. Rodella
- in attendance? Mr. Rodella is not in attendance. Any
- 5 discussion of the Board? I'll accept a motion for the
- 6 default order for the matter of Thomas Rodella.
- MR. KORN: I would so move, Mr. Chairman.
- A.G. BALDERAS: There is a motion. Is there
- ⁹ a second?
- SERGEANT QUEZADA: I'll second.
- 11 A.G. BALDERAS: There is a second. All in
- 12 favor.
- 13 (Those in favor so indicate.)
- 14 A.G. BALDERAS: Any nays? The motion passes
- to accept the default order of revocation of
- 16 Mr. Thomas Rodella.
- 17 ITEM NO. 21: ISRAEL SAENZ, JR.
- A.G. BALDERAS: I will now take the Board to
- the matter of Israel Saenz. Is Mr. Saenz in
- attendance? I'll accept a motion to accept the
- default order for Mr. Israel Saenz.
- SHERIFF WALLER: Mr. Chairman, I move to
- ²³ accept.
- A.G. BALDERAS: There is a motion. Is there
- ²⁵ a second?

- MR. KORN: Second.
- A.G. BALDERAS: There is a second. All in
- ³ favor.
- 4 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- 6 to accept the default order of revocation for
- Mr. Israel Saenz.
- 8 ITEM NO. 22: JOSE SANCHEZ
- 9 A.G. BALDERAS: Mr. Jose Sanchez? Mr. Jose
- 10 Sanchez. Is there a motion to accept the default
- order for Mr. Jose Sanchez?
- SERGEANT QUEZADA: Sorry, Mr. Chair. For the
- motion on this one, let the record show that I recused
- 14 myself.
- A.G. BALDERAS: Yes. The record will reflect
- that your recusal is accepted.
- 17 Is there a motion on the matter of Jose
- 18 Sanchez?
- 19 CHIEF McCALL: Motion to accept.
- A.G. BALDERAS: Is there a second?
- MR. KORN: I'll second.
- A.G. BALDERAS: There is a motion to accept
- the default order of revocation for Mr. Sanchez. All
- 24 in favor.
- ²⁵ (Those in favor so indicate.)

- A.G. BALDERAS: Any nays? The motion passes
- to accept the default order of revocation for Mr. Jose
- 3 Sanchez.
- 4 ITEM NO. 23: LEONARD STUFFLEBEAN
- 5 A.G. BALDERAS: Leonard Stufflebean, is
- 6 Leonard in attendance?
- MR. JONES: Mr. Chairman, Mr. Stufflebean is
- 8 not in attendance. However, he did not receive his
- 9 Notice of Contemplated Action. And he found out
- through his agency, who he had left, that there had
- been an LEA-90 filed. He just called in this last
- week and asked if he could be put into the system to
- go through this.
- 14 A.G. BALDERAS: Okay. Great. Thank you for
- that information, Director. It appears this motion
- might not be proper. Is there a motion to table until
- Director Jones provides a full follow-up on this
- 18 matter?
- MR. KORN: I would make that motion,
- ²⁰ Mr. Chairman.
- A.G. BALDERAS: There is a motion to table.
- MR. BARNCASTLE: I'll second.
- A.G. BALDERAS: Thank you. All in favor of a
- motion to table the matter relating to Leonard
- ²⁵ Stufflebean say aye.

- 1 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- 3 to table Leonard Stufflebean.
- MR. JONES: Thank you very much,
- ⁵ Mr. Chairman.
- ITEM NO. 24: JOHNATHAN MONTOYA
- A.G. BALDERAS: I direct the Board back to
- 8 the matter of Johnathan Montoya. Jonathan Montoya,
- ⁹ are you in attendance?
- 10 CHIEF KASSETAS: Mr. Chair, before you move
- forward, I would like to recuse myself in No. 24,
- Jonathan Montoya.
- A.G. BALDERAS: Let the record note that
- Board Member Kassetas is recused. It appears
- Mr. Montoya is not in attendance. Is there a motion
- to accept the default order?
- SERGEANT QUEZADA: Mr. Chair, I would like to
- make a motion to accept.
- A.G. BALDERAS: We have a motion. Is there a
- second?
- MR. KORN: I'll second.
- A.G. BALDERAS: All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: The motions passes to accept
- the default order of revocation for Mr. Montoya with

- one abstention.
- 2 ITEM NO. 25: RUBEN TURRIETA
- A.G. BALDERAS: I direct the Board to move to
- ⁴ Ruben Turrieta. Are you in attendance? Is there a
- motion to accept the default order for Ruben Turrieta?
- MR. BARNCASTLE: I'll make a motion.
- A.G. BALDERAS: Thank you. Is there a
- 8 second?
- 9 CHIEF KASSETAS: Second.
- A.G. BALDERAS: All in favor.
- 11 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- to accept the default order for Ruben Turrieta.
- And with that, Director Jones, are there any
- other matters on this item?
- MR. JONES: Yes, sir, there is. Number 29,
- 17 Mikal Monette, under AJ recommendations of default
- 18 revocation. He also did not receive his Notice of
- 19 Contemplated Action. I received a letter from his
- attorney dated yesterday requesting that he have the
- opportunity to get into the system and move through
- the process.
- A.G. BALDERAS: Thank you, Director Jones.
- Before I entertain a motion, are there any others?
- MR. JONES: No, sir.

- A.G. BALDERAS: I'll actually entertain a
- motion to table Mikal Monette, if the Board would be
- 3 inclined.
- 4 MR. KORN: I would so move, Mr. Chairman.
- 5 A.G. BALDERAS: Is there a second?
- SHERIFF WALLER: I second.
- A.G. BALDERAS: Thank you. All in favor of
- 8 tabling Mikal Monette signify by saying aye.
- 9 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? Mr. Mikal Monette
- is tabled. The motion passes to table that matter
- until Director Jones provides an update and an
- ¹³ appropriate response.
- 14 ITEM NO. 26: COLBY MORGAN
- A.G. BALDERAS: I'd like to go back to I
- believe it's No. 26, Morgan Colby; is that correct?
- MR. JONES: Yes, sir.
- A.G. BALDERAS: Is Mr. Colby Morgan here? At
- this time I'll entertain a motion to accept the
- voluntary relinquishment of Colby Morgan. Is there a
- motion?
- MR. BARNCASTLE: I'll make a motion.
- A.G. BALDERAS: Is there a second?
- 24 CHIEF KASSETAS: Second.
- A.G. BALDERAS: All in favor.

- 1 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- for voluntary relinquishment for Mr. Colby Morgan,
- ⁴ item No. 26.
- 5 ITEM NO. 27: JACOB GASSEL
- A.G. BALDERAS: I'd like to direct the Board
- ⁷ to item No. 27, Jacob Gassel. Is Jacob available?
- 8 I'd like to entertain a motion to accept the default
- ⁹ order of revocation.
- 10 CHIEF McCALL: I'll make the motion.
- SERGEANT QUEZADA: Second.
- 12 A.G. BALDERAS: All in favor.
- 13 (Those in favor so indicate.)
- 14 A.G. BALDERAS: Any nays? The motion passes
- to accept the default revocation for Jacob Gassel.
- 16 ITEM NO. 28: CAROLYN NEWMAN
- 17 A.G. BALDERAS: Carolyn Newman, is Carolyn in
- 18 attendance? Item 28, I would like to entertain a
- motion for a default order of revocation.
- SERGEANT QUEZADA: Mr. Chair, I'll make the
- 21 motion.
- A.G. BALDERAS: Thank you. Is there a
- 23 second?
- SHERIFF WALLER: Second.
- A.G. BALDERAS: All in favor?

- 1 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- 3 to accept the default revocation for Carolyn Newman.
- 4 ITEM NO. 29: MIKAL MONETTE
- 5 A.G. BALDERAS: We've done item No. 29.
- f ITEM NO. 30: JERMAL JACKSON
- A.G. BALDERAS: Item No. 30, Jermal Jackson.
- 8 Is Jermal Jackson in attendance? I would like to
- 9 entertain a motion for a default revocation on Jermal
- 10 Jackson.
- SHERIFF WALLER: I move to accept.
- A.G. BALDERAS: We have a motion. Do I hear
- 13 a second?
- 14 CHIEF KASSETAS: Second.
- A.G. BALDERAS: All in favor.
- 16 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- to accept the default order of revocation for Jermal
- ¹⁹ Jackson.
- 20 ITEM NO. 31: JUSTIN TRUJILLO
- A.G. BALDERAS: Item No. 31, Mr. Justin
- Trujillo. Is Justin Trujillo here? I'll entertain a
- motion of recommendation for default revocation for
- Justin Trujillo.
- MR. KORN: I would so move.

- A.G. BALDERAS: Thank you. Is there a
- ² second?
- MR. McCALL: I'll second.
- A.G. BALDERAS: All in favor.
- ⁵ (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- ⁷ to accept the default order of revocation for Justin
- 8 Trujillo.
- item no. 32: Eric rubidoux
- A.G. BALDERAS: Item No. 32, Eric Rubidoux.
- 11 Is Eric Rubidoux in attendance? I'll entertain a
- 12 motion.
- SERGEANT QUEZADA: Mr. Chair, I'll make a
- motion to accept.
- A.G. BALDERAS: Motion to accept the default
- revocation. Is there a second?
- 17 CHIEF McCALL: Second.
- A.G. BALDERAS: All in favor.
- 19 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays? The motion passes
- to accept the default revocation of Eric Rubidoux.
- 22 CHIEF KASSETAS: Mr. Chair, before we move
- forward, as it relates to No. 32, Eric Rubidoux, I
- would like the record to show that I recused myself
- from that decision.

- A.G. BALDERAS: Just so I'm clear, you did
- not take a vote?
- 3 CHIEF KASSETAS: I did not take a vote.
- A.G. BALDERAS: Let the record reflect that
- 5 Board Member Kassetas abstained from voting on item
- ⁶ No. 32. The motion did pass.
- 7 ITEM NO. 33: JONATHAN EDDY
- 8 A.G. BALDERAS: Item No. 33, Jonathan Eddy.
- ⁹ I would like to entertain a motion for a default order
- of revocation on Jonathan Eddy.
- SHERIFF WALLER: Move to accept.
- 12 A.G. BALDERAS: There's a motion to accept.
- 13 Is there a second?
- 14 CHIEF SOLAND: Second.
- A.G. BALDERAS: There's a second. All in
- 16 favor.
- 17 (Those in favor so indicate.)
- A.G. BALDERAS: Any nays, any opposition?
- 19 The motion passes to accept the default revocation of
- Jonathan Eddy.
- 21 ITEM NO. 34: GABRIELLE BILLIMAN
- A.G. BALDERAS: Item No. 34, Gabrielle
- Billiman. Is Gabrielle Billiman in attendance? I
- would like to entertain a motion of default
- ²⁵ revocation.

- MR. BARNCASTLE: I'll move to accept the
- ² default revocation.
- A.G. BALDERAS: There is a motion to accept
- 4 the default revocation. Is there a second.
- 5 SERGEANT QUEZADA: I'll second.
- t A.G. BALDERAS: All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Nays, opposition? The motion
- 9 passes to accept the default revocation of Gabrielle
- 10 Billiman.
- 11 ITEM NO. 35: JOSHUA TERRELL
- 12 A.G. BALDERAS: And now I'd like to direct
- the Board to item 35, Joshua Terrell. Is Joshua
- 14 Terrell in attendance? Items 35 through 41 will be
- motions on recommendations of insufficient allegations
- or evidence to proceed before the Board.
- 17 CHIEF KASSETAS: Mr. Chair, I have a quick
- ¹⁸ question for you.
- A.G. BALDERAS: Sure.
- CHIEF KASSETAS: It seems that 29 is the same
- 21 as 36. Is that a second one?
- MR. JONES: Chief Kassetas, yes, that is. A
- second LEA-90 was filed. We didn't know about the
- second one, which is No. 29. The first one he went
- before the AJ, and the recommendation was insufficient

- allegation or evidence. So that's where we are.
- A.G. BALDERAS: Are you comfortable with
- that, Chief, how it's stated and actually how it's
- ⁴ placed on the agenda?
- 5 CHIEF KASSETAS: Mr. Chair, I don't know. It
- seems a bit awkward to me. I'm trying to follow it.
- MR. KORN: Mr. Chair, can we perhaps table
- 8 those two. I know one we've already voted on.
- 9 MR. JONES: Sir, if I can also clarify, this
- case was never issued an NCA. When the AJ got it, he
- determined that it was a policy issue and he never
- issued one. But we did receive an LEA-90 on it.
- 13 That's why it's on here for dismissal.
- A.G. BALDERAS: Any other further discussion
- on this matter?
- MR. KORN: If may, Mr. Chairman, are they two
- different cases?
- MR. JONES: Yes, sir.
- A.G. BALDERAS: Okay. Was there a motion?
- CHIEF KASSETAS: I had a question. I think
- it's been answered.
- A.G. BALDERAS: Any other questions? Is
- everyone comfortable in terms of how it is stated on
- the agenda?
- MR. KORN: Mr. Chairman, we used to assign

- numbers to these. I think the AJ didn't assign
- numbers and the Director didn't know about the second
- 3 one.
- A.G. BALDERAS: Okay. I'll direct the Board
- back to item 35, Joshua Terrell. Is Joshua Terrell in
- 6 attendance? Joshua Terrell is not in attendance at
- ⁷ this time. Can I have a motion to accept the
- 8 recommendation for insufficient allegation or evidence
- to proceed before the Board on Joshua Terrell?
- MR. BARNCASTLE: Mr. Chairman, I'll so move.
- 11 A.G. BALDERAS: Thank you for your motion.
- 12 Is there a second?
- SHERIFF WALLER: Second.
- A.G. BALDERAS: All in favor.
- 15 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation of insufficient
- allegations relating to Joshua Terrell.
- 19 ITEM NO. 36: MIKAL MONETTE
- A.G. BALDERAS: Now, on to item 36, Mikal
- Monette. I don't believe Mikal is in attendance. Is
- there a motion for Mikal Monette?
- MR. JONES: Is there a motion?
- 24 CHIEF McCALL: Motion to accept.
- A.G. BALDERAS: Is there a second?

- 1 CHIEF KASSETAS: Second.
- A.G. BALDERAS: All right. There is a
- 3 second. All in favor.
- 4 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation of insufficient
- ⁷ allegations to proceed before the Board.
- 8 ITEM NO. 37: NICOLE ROMERO
- 9 A.G. BALDERAS: Item 37, Nicole Romero.
- Nicole Romero is not in attendance. I'll entertain a
- motion.
- SHERIFF WALLER: Move to accept.
- A.G. BALDERAS: Is there a second?
- 14 CHIEF McCALL: Second.
- A.G. BALDERAS: A second. All in favor.
- 16 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation for insufficient
- allegation or evidence to proceed before the Board.
- 20 ITEM NO. 38: STEVEN HINDI
- A.G. BALDERAS: On to No. 38, Steven Hindi.
- 22 Steven Hindi is not in attendance. I'll entertain a
- motion.
- MR. KORN: Mr. Chairman, I would so move.
- A.G. BALDERAS: Is there a second on that

- 1 motion?
- 2 SHERIFF WALLER: Second.
- A.G. BALDERAS: There is a second. All in
- 4 favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation of insufficient
- 8 allegation or evidence to proceed before the Board.
- 9 ITEM NO. 39: BRAD LUNSFORD
- 10 A.G. BALDERAS: Item 39, Brad Lunsford. Is
- 11 Brad Lunsford in attendance?
- SERGEANT QUEZADA: Mr. Chairman, I'll recuse
- myself from this one.
- A.G. BALDERAS: Let the record note that
- Board Member Quezada has recused himself from item 39.
- 16 Is there a motion relating to item 39?
- SHERIFF WALLER: Move to accept.
- A.G. BALDERAS: There is a motion to accept.
- 19 Is there a second?
- 20 CHIEF McCALL: Second.
- A.G. BALDERAS: There's a second. All in
- 22 favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation for insufficient

- allegations or evidence to proceed before the Board.
- ITEM NO. 40: ALBERT RAEL
- A.G. BALDERAS: Item No. 40, Albert Rael. Is
- ⁴ Albert Rael in attendance? He is not in attendance.
- ⁵ I'll entertain a motion.
- 6 CHIEF KASSETAS: Mr. Chair, so moved.
- A.G. BALDERAS: There is a motion to
- 8 entertain a recommendation of insufficient allegation.
- ⁹ Is there a second?
- SHERIFF WALLER: Second.
- A.G. BALDERAS: A second. All in favor.
- 12 (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept a recommendation of insufficient
- allegation or evidence to proceed before the Board for
- 16 Albert Rael.
- 17 ITEM NO. 41: KENNETH OLSEN
- 18 A.G. BALDERAS: Item 41, Kenneth Olsen. Is
- 19 Kenneth Olsen in attendance?
- 20 CHIEF KASSETAS: Mr. Chair, before we move
- forward, I would like the record to reflect I recused
- myself.
- A.G. BALDERAS: Let the record reflect that
- ²⁴ Chief Kassetas recused himself for No. 41. Is there a
- motion for item 41, Kenneth Olsen?

- MR. BARNCASTLE: I'll move, Mr. Chairman.
- A.G. BALDERAS: There is a motion to accept a
- 3 recommendation. Is there a second?
- 4 CHIEF SOLAND: Second.
- 5 A.G. BALDERAS: A second. All in favor.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion
- passes to accept the recommendation for insufficient
- ⁹ allegations or evidence to proceed before the Board
- with one abstention.
- 11 ITEM NOS. 42 AND 43: JOEY AQUINO AND HUMBERTO FLORES
- 12 A.G. BALDERAS: We are now on letters of no
- action, Item No. 42.
- 14 CHIEF KASSETAS: Mr. Chair, I would like to
- make a motion that both these letters of no action,
- Nos. 42 and 43, be moved to closed session regarding
- 17 limited personnel matters.
- MR. WORD: Mr. Chair, Members of the Board,
- 19 Chief Kassetas, I think you may be referring to
- Section 10-15-1(H)(1), matters pertaining to the
- issuance, suspension, renewal, or revocation of a
- license, as a ground for going into executive session
- on the personnel matters you referred to?
- CHIEF KASSETAS: Mr. Chair and Mr. Word,
- that's correct. The motion would be to go into closed

- session for items 42 and 43 citing --
- MR. WORD: I'll rephrase it for you, if you
- 3 would like.
- 4 CHIEF KASSETAS: Yes. Would you.
- MR. WORD: Mr. Chair, if I may, I believe
- 6 Chief Kassetas would like to make a motion to go into
- executive session to discuss items 42 and 43, and only
- those matters, pursuant to NMSA Section 10-15-1(H)(1).
- 9 A.G. BALDERAS: Actually just for purposes of
- 10 discussion?
- MR. WORD: Correct. Mr. Chair, Members of
- the Board, in executive session the Board can discuss
- the matter. They can take no action during executive
- session. And then when they come back out of
- executive session, they'll take an action, if they
- 16 choose to.
- A.G. BALDERAS: There is a motion. Let me
- ask, are Joey Aquino or Humberto Flores in attendance
- 19 for consideration of letters of no action? They are
- not in attendance let the record reflect.
- There is a motion to move both of those
- matters into closed session for purposes of discussion
- at this time. Is there a second?
- SHERIFF WALLER: Second.
- A.G. BALDERAS: There is a motion and a

- second to move the matters of Joey Aquino and Humberto
- 2 Flores only for purposes of discussion into closed
- session. I would like staff to take a roll call vote
- ⁴ on this matter.
- MS. LOPEZ: Attorney General Hector Balderas.
- A.G. BALDERAS: For.
- 7 MS. LOPEZ: Pat Barncastle.
- MR. BARNCASTLE: Yes, for.
- 9 MS. LOPEZ: Chief Pete Kassetas.
- 10 CHIEF KASSETAS: Yes.
- MS. LOPEZ: Sheriff Wesley Waller.
- 12 SHERIFF WALLER: Yes.
- MS. LOPEZ: Chief Darren Soland.
- 14 CHIEF SOLAND: Yes.
- MS. LOPEZ: Chief Chris McCall.
- 16 CHIEF McCALL: Yes.
- MS. LOPEZ: Jaime Quezada.
- SERGEANT QUEZADA: Yes.
- MS. LOPEZ: Nate Korn.
- MR. KORN: Yes.
- A.G. BALDERAS: The motion passes to move the
- matters of Joey Aquino and Humberto Flores into
- executive session. We'll discuss only those two
- matters in closed session. It will only take possibly
- ten minutes and then we'll be back out.

- 1 (Recess.)
- A.G. BALDERAS: We're back from executive
- 3 session, back on the matter related to Joey Aquino.
- ⁴ And I believe Joey Aquino is not in attendance. Are
- 5 there any motions?
- 6 CHIEF KASSETAS: Chair.
- A.G. BALDERAS: Yes.
- 8 CHIEF KASSETAS: I would first, Chair, like
- ⁹ to note that the Board is back in open session. And I
- affirm that, while in closed session, it discussed
- only those matters specified in the motion to close
- the meeting and listed on the agenda under executive
- session in accordance with NMSA 1978 Section
- 10-15-1(H).
- A.G. BALDERAS: The record will reflect that.
- 16 CHIEF KASSETAS: Thank you, Mr. Chair.
- A.G. BALDERAS: Thank you. We are back to
- item No. 42, Joey Aquino.
- 19 CHIEF KASSETAS: Mr. Chair, I would like to
- make a motion on Mr. Joey Aquino to remand that back
- 21 to the Director.
- A.G. BALDERAS: There is a motion I believe
- to reject the letter of no action and send it back to
- the Director? Did I properly state your motion?
- ²⁵ CHIEF KASSETAS: Mr. Chair, you did. I

- apologize.
- A.G. BALDERAS: Is there a second?
- 3 MR. KORN: I'll second.
- A.G. BALDERAS: There is a second to reject a
- ⁵ letter of no action and send it back to the Director.
- ⁶ All in favor.
- (Those in favor so indicate.)
- 8 A.G. BALDERAS: Any opposition to that
- 9 motion? The motion passes to reject the letter of no
- action in the matter of Joey Aquino who was not
- 11 present and send that back to the Director for
- ¹² appropriate handling.
- 13 Item 43, Humberto Flores. Is Humberto Flores
- in attendance? Is there a motion involving the matter
- of Humberto Flores, item 43?
- SERGEANT QUEZADA: Mr. Chairman, I would like
- to make a motion to accept No. 43.
- A.G. BALDERAS: There is a motion to accept
- the letter of no action on Humberto Flores. Is there
- ²⁰ a second?
- MR. BARNCASTLE: I'll second that motion.
- A.G. BALDERAS: All in favor of accepting the
- letter of no action involving Humberto Flores say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition? The motion

- 1 passes to accept the letter of no action on item 43,
- ² Humberto Flores.
- Director Jones, these are all the matters
- 4 related to officer certification?
- MR. JONES: Sir, I need to ask the Board. I
- beg your indulgence. Mr. Israel Saenz is outside. He
- was No. 22 on the default orders of revocation. He
- 8 called. He just found out that he had not received
- ⁹ his Notice of Contemplated Action.
- Mr. Word, I don't know if the Board would see
- 11 fit to go back and allow this individual to enter the
- pipeline again for the misconduct process.
- A.G. BALDERAS: Director Jones, give me one
- second to consult.
- MR. JONES: Certainly, sir.
- 16 CHIEF KASSETAS: Mr. Chair, I have a question
- for the Director. If an individual did not receive
- their NCA, the Law Enforcement Academy would know
- about it, right? Because you would get back the
- returned certified mail notice, right?
- MR. JONES: Yes, sir. What happens typically
- is we go back to the agency. The agency sends us
- their current address that they have as registered
- with the agency. That's where we send the Notice of
- ²⁵ Contemplated Action.

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We get those back. And they're returned --
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- just like a lot of these are, they're returned with no
- action, they didn't sign for it or anything else. And
- so we just put it on the default orders of revocation.
- 5 CHIEF KASSETAS: Mr. Chair, Director, the
- individual found out about it in some way other than
- our notification and now wants to come before the
- Board, is that what you're saying?
- 9 MR. JONES: That's correct.
- 10 CHIEF KASSETAS: Okay.
- MR. BARNCASTLE: Is that sufficient service?
- MR. JONES: It's certified mail, sir.
- MR. BARNCASTLE: I mean you send certain
- things through the mail to their last known address?
- MR. JONES: Yes, sir. And actually in
- reality he doesn't have a standing unless the Board
- wants to give him that opportunity to go back through
- the pipeline.
- MR. BARNCASTLE: Thank you, sir.
- CHIEF KASSETAS: Mr. Chair, as we do this, I
- believe we set precedent for every other person that
- wants to come back to the Board either a day after
- they found out about it or six months. I'm not sure
- where the line is.
- A.G. BALDERAS: And without changing the

- 1 discussion, I just want to make sure we have the
- record accurate here. Director, you're saying that
- ³ Israel Saenz phoned?
- MR. JONES: He phoned, sir.
- A.G. BALDERAS: Okay.
- MR. WORD: Mr. Chair, Members of the Board, I
- ⁷ didn't hear what this individual stated on the phone.
- MR. JONES: He stated he never received his
- 9 NCA, the Notice of Contemplated Action, which was sent
- to him by certified mail. And he found through other
- means that he was on the agenda for the Board today.
- And he phoned in and asked if the Board would
- reconsider and allow him to go through the pipeline
- 14 for misconducts.
- MR. WORD: Mr. Chair, Members of the Board,
- what do you have in terms of proving service, a
- returned green card that states what?
- MR. JONES: That it was sent to his last
- 19 known address and it was returned unsigned.
- MR. WORD: Unclaimed?
- MR. JONES: Unclaimed, unsigned. So those
- are the same two issues that happened with Stufflebean
- ²³ and Monette.
- A.G. BALDERAS: There has been a point of
- clarification from the Director. We've thoroughly

- discussed it. I would entertain a motion to go back
- 2 to open up item 21 for action which is Israel Saenz I
- believe, which initially before there was a vote to
- ⁴ accept the default order of revocation.
- 5 But based on new information and a point of
- 6 clarification from the Director, I'm willing to
- ⁷ entertain a motion. But there has to be a motion and
- 8 a second to go back to item 21.
- 9 MR. KORN: I would make that motion,
- Mr. Chair. I think that the Board should always try
- to not default people if we don't get to hear the
- whole story. So I would make a motion to reopen the
- matter. It's the Board policy to try to hear matters
- 14 rather than default officers.
- SHERIFF WALLER: Second.
- MR. WORD: Mr. Chairman, Board Members,
- Mr. Korn, is it the intent of your motion to not just
- open this back up for discussion, but to not grant
- 19 approval to revoke this person's license, his
- certification, and to send it back to the Director?
- MR. KORN: Yes.
- MR. WORD: So it's a two-step motion.
- MR. KORN: A two-step.
- A.G. BALDERAS: And there was a second to
- open this back up and send it back?

- SHERIFF WALLER: Yes.
- A.G. BALDERAS: All in favor of reopening
- item 21, Israel Saenz, based on new information and
- 4 sending it back to the Director for reconsideration,
- ⁵ all in favor say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any opposition to reopening
- up the matter of Israel Saenz?
- 9 CHIEF KASSETAS: Nay.
- MR. BARNCASTLE: Nay.
- A.G. BALDERAS: There are two objections.
- Please state your name for the record.
- MR. BARNCASTLE: Pat Barncastle.
- 14 CHIEF KASSETAS: Pete Kassetas.
- A.G. BALDERAS: The motion passes to open up
- 16 Israel Saenz with two opposed and to send it back to
- Director Jones. That matter is taken care of.
- I would like to say one thing about staff,
- who are doing a phenomenal job keeping up with our
- activity and taking such a good record.
- 21 ITEM NO. 44: SCHEDULING OF NEXT BOARD MEETINGS
- A.G. BALDERAS: We're to the point on the
- agenda, item 22, where we are scheduling future board
- meetings. The next order of business is scheduling
- three board meetings. And I would like to get the

- remaining three meetings for the year scheduled at
- ² this time.
- As I previously indicated to Board Members
- and to members of the public, we will do our best to
- bold meetings in different parts of the state and have
- a positive presence in those areas to connect with
- 7 communities across the state.
- I have actually set the locations and have
- ⁹ two different options for days to meet with feedback
- from the Board. Option A is, in the August meeting, I
- think it would be important for us to go to Gallup.
- And we have two options that would be in consideration
- for all of your busy schedules, August 10th and 11th
- 14 or the 11th and 12th.
- As I have stated earlier, I do my best to
- comply with the Open Meetings Act. I think that there
- is a wonderful opportunity to set all three meetings
- at once and give the public the best opportunity to
- 19 attend any one of the meetings.
- The second is October in Santa Rosa. And
- that would be the 19th and the 20th or the 20th and
- the 21st. And the final meeting of the year, which we
- are obligated to do four a year, would be in December
- in Las Cruces, December 14th and 15 or the 15th and
- ²⁵ 16th.

- And I'll open up it up for discussion at this
- 2 time.
- CHIEF McCALL: What are the dates for Santa
- 4 Rosa?
- A.G. BALDERAS: Santa Rosa, the 19th through
- the 20th or the 20th and 21st. For Cruces in
- December, it would be the 14th and 15th or the 15th
- and 16. And the August Gallup meeting would be the
- 9 10th and the 11th or the 11th and 12th.
- 10 CHIEF KASSETAS: Mr. Chair, from my position,
- 11 I'm okay for any of those dates believe it or not.
- A.G. BALDERAS: Let's start with the August
- meeting I guess. Those in favor of holding a meeting
- ¹⁴ August 10th and 11, say aye.
- 15 (Those in favor so indicate.)
- A.G. BALDERAS: I guess I'll make my own
- motion. I'll make a motion to hold a meeting in
- August in Gallup on the 10th and 11th. Is there a
- 19 second?
- 20 CHIEF KASSETAS: Second.
- A.G. BALDERAS: All in favor of having a
- meeting on August 10th and 11th in Gallup say aye.
- (Those in favor so indicate.)
- A.G. BALDERAS: Any abstention or objections?
- The motion passes to have the next Board meeting in

- Gallup on August 10th and 11th for the record.
- I'd like to also make a motion to entertain
- having a meeting in Santa Rosa in October on the 19th
- ⁴ 20th. Is there a second on that?
- 5 CHIEF McCALL: Mr. Chair, can we look at
- those on Tuesday and Wednesday rather than Monday and
- 7 Tuesday. That's long travel across the state.
- 8 A.G. BALDERAS: Certainly. Are you referring
- 9 to the 20th and 21st?
- 10 CHIEF McCALL: Sorry. I should have spoke
- up. I just realized that was a Monday and Tuesday.
- 12 If we're going to hold that meeting in Gallup on a
- Monday.
- 14 A.G. BALDERAS: Would you prefer the 11th and
- ¹⁵ 12th?
- 16 CHIEF McCALL: That would be good for travel.
- 17 A.G. BALDERAS: Certainly. And we're in
- discussion now I guess. Does everyone prefer the
- 19 backup dates?
- CHIEF KASSETAS: Mr. Chair, Monday doesn't
- 21 allow us to take care of business at our home agencies
- and then travel up, especially for Chief McCall from
- Hobbs and at night. So I think Tuesdays and
- Wednesdays are a good combination.
- A.G. BALDERAS: That sounds totally

- 1 reasonable. Okay. I'll make a motion to undo the
- 2 previous motion of having the meeting in Gallup on
- August 10th and 11th. If I could have a second to
- 4 undo that motion.
- 5 CHIEF KASSETAS: Second.
- A.G. BALDERAS: Second. We have now undone
- ⁷ the August meeting in Gallup for the 10th and the
- 8 11th. I would gladly make a motion to have a meeting
- ⁹ in August in Gallup on the 11th and 12th, if there's a
- second.
- 11 CHIEF McCALL: Second.
- A.G. BALDERAS: All in favor.
- 13 (Those in favor so indicate.)
- 14 A.G. BALDERAS: Any nays or objections? The
- motion passes to have the first meeting in Gallup on
- ¹⁶ August 11th and 12th.
- 17 CHIEF KASSETAS: Mr. Chair, for the record
- you mean the second meeting, correct?
- A.G. BALDERAS: Yes. You're referencing
- October or August?
- CHIEF KASSETAS: This would be No. 1. August
- would be No. 2.
- A.G. BALDERAS: Yes. For the record it would
- be the second meeting. The motion passes to have the
- second meeting in Gallup on August 11th and 12th.

- I'd like to make a motion to hold the third
- 2 meeting in Santa Rosa October 20th and 21st. If I
- 3 could entertain a second for that.
- 4 CHIEF McCALL: Second.
- 5 A.G. BALDERAS: All in favor of having the
- third meeting in Santa Rose on October 20th and 21st
- ⁷ say aye.
- 8 (Those in favor so indicate.)
- 9 A.G. BALDERAS: Any objections? The motion
- passes to have the third meeting in Santa Rosa on
- October 20th and 21st.
- And I would gladly make a motion to have the
- December meeting in Las Cruces on the 15th and 16th.
- Do I have a second?
- 15 CHIEF McCALL: Second.
- A.G. BALDERAS: All in favor of having the
- December meeting in Las Cruces on December 15th and
- 18 16th say aye.
- 19 (Those in favor so indicate.)
- A.G. BALDERAS: Any objections?
- ²¹ Congratulations, the motion passes to have a meeting
- in December in Las Cruces on the 15th and 16th.
- 23 ITEM NO. 45: RECESS
- A.G. BALDERAS: Is there any further
- discussion on these matters?

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1
             Let me tell the Board, congratulations.
    Thank you for making my first meeting enjoyable and
    efficient. And I'll see you all tomorrow here. And
    I'll entertain a motion to recess.
5
             MR. BARNCASTLE: I'll so move.
             A.G. BALDERAS: Is there a second to recess
    this meeting?
             SHERIFF WALLER: Second.
             A.G. BALDERAS: A second. All in favor.
10
              (Those in favor so indicate.)
11
             A.G. BALDERAS: Any objections? The motion
12
    passes to recess this meeting until tomorrow morning
13
    at nine o'clock. Thank you.
14
              (At 4:10 p.m. the meeting was in recess.)
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1 REPORTER'S CERTIFICATE 2

I, JAN A. WILLIAMS, New Mexico CCR #14, DO HEREBY CERTIFY that on June 9, 2015, the proceedings in the above 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 in any court.

JAN A. WILLIAMS, RPR
New Mexico CCR #14

License Expires: 12/31/15

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