

NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

December 15, 2015

12:00 p.m.

Dona Ana Community College

East Mesa Campus

2800 Sonoma Ranch Boulevard

Las Cruces, New Mexico 88011

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

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BOARD MEMBERS

New Mexico Attorney General Hector Balderas, Chairman
Chief Pete Kassetas, Vice Chairman
Sergeant Jaime Quezada
Chief Chris McCall
Sheriff Wesley Waller
Chief Darren Soland
Scot Key
Elisabeth Miller
Kelly Burnham

ALSO PRESENT

Jack F. Jones, II, Director
Richard B. Word, Esq.
Monique Parks
Monica Medrano

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	Exhibits 1 and 2 - Certifications of Public		
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1 ITEM NO. 1: CALL TO ORDER

2 A.G. BALDERAS: I hereby call this meeting to
3 order. I'm Hector Balderas, the Chair of this
4 honorable board. It's great to be in Las Cruces, New
5 Mexico.

6 We just participated in a media outreach here
7 at the Dona Ana Community College. We want to thank
8 the community college for opening the door and also
9 for showing us their great law enforcement
10 de-escalation simulator. It was fascinating and a
11 great experience.

12 ITEM NO. 2: ROLL CALL

13 A.G. BALDERAS: Moving on, I would like to
14 direct this Board to item 2, roll call. If we could
15 have a roll call as the first item of business.
16 Monique, will you please call the roll for us. Thank
17 you.

18 MS. PARKS: Attorney General Hector Balderas.

19 A.G. BALDERAS: Present.

20 MS. PARKS: Mr. Scot Key.

21 MR. KEY: Present.

22 MS. PARKS: Chief Pete Kassetas.

23 CHIEF KASSETAS: Present.

24 MS. PARKS: Sheriff Wesley Waller.

25 SHERIFF WALLER: Present.

1 MS. PARKS: Chief Darren Soland.

2 CHIEF SOLAND: Present.

3 MS. PARKS: Chief Chris McCall.

4 CHIEF McCALL: Here.

5 MS. PARKS: Sergeant Jaime Quezada.

6 SERGEANT QUEZADA: Present.

7 MS. PARKS: Ms. Kelly Burnham.

8 MS. BURNHAM: Here.

9 MS. PARKS: Ms. Elisabeth Miller.

10 MS. MILLER: Present.

11 ITEM NO. 3: APPROVAL OF AGENDA

12 A.G. BALDERAS: Moving on to item No. 3, all
13 Members, you have an agenda ahead of time. And I'll
14 take a motion to approve, if there are no changes.

15 CHIEF KASSETAS: I would like to make a
16 motion to approve the agenda as it stands.

17 CHIEF SOLAND: Second.

18 A.G. BALDERAS: There's a motion and a second
19 to approve the agenda as it stands. All in favor say
20 aye.

21 (Those in favor so indicate.)

22 A.G. BALDERAS: Any opposition? The motion
23 passes to approve the agenda, the agenda is now
24 approved.

25 ITEM NO. 4: APPROVAL OF MEETING MINUTES

1 A.G. BALDERAS: Item No. 4, approval of
2 minutes. The last meeting was October 21st, 2015. We
3 need to look over and approve the minutes from the
4 last meeting of the Board. Copies of those minutes
5 were distributed to the Board and they're also made
6 available on the LEA website.

7 Are there any corrections needed for the
8 meeting minutes by any Members of the Board?

9 If there are no apparent corrections, I'll
10 entertain a motion to approve the minutes.

11 SHERIFF WALLER: Motion to approve.

12 A.G. BALDERAS: Is there a second?

13 SERGEANT QUEZADA: Second it.

14 A.G. BALDERAS: There is a motion and a
15 second to approve the minutes as they stand. All in
16 favor say aye.

17 (Those in favor so indicate.)

18 A.G. BALDERAS: Any opposition to that
19 motion? The motion passes, the minutes are approved.

20 ITEM NO. 5: DIRECTOR'S REPORT

21 A.G. BALDERAS: Item No. 5, our Director's
22 report. Director Jones. Welcome to Las Cruces.

23 MR. JONES: Thank you, sir. Mr. Attorney
24 General, New Mexico Law Enforcement Academy Board
25 Members, this is the Director's report along with the

1 annual report on some of the milestones that we've
2 achieved at the Law Enforcement Academy. I hope that
3 you all had a great 2015 and that next year will be
4 very productive.

5 I have traveled all over the state, working
6 with and teaching with the agencies and the satellite
7 academies. I have found that the attitudes and
8 working relationships of the agencies and individual
9 peace officers toward this new Board have changed
10 dramatically. Thank you very much for the things that
11 you have done to make this conducive to what law
12 enforcement is about.

13 December 27th will be the end of my third
14 year at the New Mexico Law Enforcement Academy. Upon
15 my arrival here, it seemed at times that many of the
16 agencies and the eight satellite academies lacked a
17 sense of unity. That has changed dramatically over
18 the years and communications and support for each
19 other have been impressive.

20 It is no exaggeration to say that the
21 dialogue between the agencies, the academies, the New
22 Mexico Municipal League, the Chiefs of Police
23 Association, and the New Mexico Sheriffs' Association
24 have improved 100-fold in the last two years.

25 There are 233 recognized law enforcement

1 agencies in the State of New Mexico. There has been a
2 positive impact upon the citizens and the
3 communications throughout the State of New Mexico.
4 Since January 2013 to date, we have been fortunate to
5 graduate a combined total of 1,410 peace officers from
6 all nine academies.

7 A special thanks to the staffs of the New
8 Mexico Law Enforcement Academy, the San Juan County
9 Communication Authority, and the Southeastern New
10 Mexico Law Enforcement Academy in Hobbs for picking up
11 the gauntlet to train 347 additional public safety
12 telecommunicators in the State of New Mexico.

13 On January 27th of this year, all nine law
14 enforcement academies in New Mexico met to discuss the
15 issues that are on the forefront of law enforcement
16 training. Cabinet Secretary Gregory J. Fouratt and
17 Deputy Cabinet Secretary D. Scott Weaver each shared
18 comments and time with all nine Law Enforcement
19 Academy directors. It was refreshing to hear what
20 they had to say and how much support they lend to the
21 training of law enforcement officers and PSTs.

22 Some of the things we've done at the New
23 Mexico Law Enforcement Academy and the demands of the
24 volume of work that comes daily to the Law Enforcement
25 Academy is every quarter each of the 233 law

1 enforcement agencies in the state must send in a
2 registry, which includes over 5,000 individual law
3 enforcement officers that are certified to receive
4 money from the New Mexico Law Enforcement Protection
5 Fund.

6 The New Mexico Law Enforcement Academy
7 processed 25 academy accreditations for basic police
8 officer training, cert by waiver, and public safety
9 telecommunications. While this doesn't seem like a
10 lot of work, it is very time-consuming and tedious.
11 Every participant in 25 classes had to have an
12 application processed by the agency and then
13 administered by the LEA and approved by the Director
14 of the Law Enforcement Academy.

15 We scheduled and executed documents for the
16 New Mexico Law Enforcement Academy meetings; conducted
17 the New Mexico Law Enforcement Memorial Ceremony;
18 Issued over 500 instructor certifications to include
19 basic, advanced, general police, and master
20 certificates; received and issued over 300 course
21 certifications; firearms scores data entry for every
22 law enforcement officer in the State of New Mexico;
23 and instructor updates every two to four years for all
24 instructors in the state.

25 The nine academies is where law enforcement

1 begins and is the vanguard of the training that is
2 presented for each of the 233 recognized law
3 enforcement agencies in the state. For all the
4 academies, staff, instructors, and agencies, there has
5 been much change in the past two years.

6 I have been humbled and honored to stand with
7 the staff of the New Mexico Law Enforcement Academy,
8 each of the Law Enforcement Academy directors, the
9 agencies, chiefs, and sheriffs.

10 It is an honor that during my professional
11 life I have had the ability to ensure and provide
12 high-quality training to peace officers and public
13 safety telecommunicators in the State of New Mexico
14 and be part of something that is so meaningful.

15 It is with a sense of satisfaction and true
16 sense of accomplishment that I wish to inform the
17 Board that I will be leaving the position as the
18 Director of the New Mexico Law Enforcement Academy on
19 December 31st, 2015.

20 Looking back, it has been a great three
21 years. And I am grateful that I have been able to
22 work with you and the many professional people in New
23 Mexico law enforcement.

24 I would ask one thing, that I urge each of
25 you on the Board to attend the graduation ceremonies

1 of all basic police officer training and public safety
2 telecommunicator academies in the future.

3 Sir, standing for any questions, this is the
4 Director's report.

5 A.G. BALDERAS: Are any questions from the
6 Board or comments?

7 CHIEF KASSETAS: I have a comment.

8 Jack, I've worked with you throughout the
9 years. I appreciate your dedication. It's true, you
10 actually did have a huge impact in this state,
11 bringing together law enforcement entities. I know
12 you've worked tirelessly.

13 I see you at the LEA academy I'd like to say
14 at five in the morning, but I'm not getting there at
15 five in the morning. But I know, talking about the
16 training academy, that you're out there at I would
17 call it ground zero with the troops, running with them
18 and mentoring them, because you realize how important
19 that it is out there in the field because you've
20 walked in my shoes, you've done what I've done. And
21 that's important, Jack.

22 So it's a testament to what you've done. And
23 I appreciate it and I commend you for it. Thank you.

24 MR. JONES: Thank you, Chief.

25 A.G. BALDERAS: Any other comments?

1 CHIEF SOLAND: Director Jones, on behalf of
2 Indian Country law enforcement, I want to thank you
3 for your support in allowing and paving the way for
4 tribal law enforcement officers to become state
5 certified through an accessible process.

6 And I also want to thank you for bringing the
7 first I guess mobile certification-by-waiver school
8 that you brought to Zuni Pueblo earlier in 2015, where
9 you were able to state certify every one of the Zuni
10 police officers.

11 It was a big deal. It's a big deal out there
12 in Indian Country, which provides support in rural
13 communities and where the resources are not readily
14 available. So thank you.

15 MR. JONES: It was our honor, Chief. Thank
16 you all very much.

17 A.G. BALDERAS: Director, before you leave,
18 on behalf of not only my commitment and my gratitude
19 to you, but on behalf of my staff, Sonya and Julia and
20 John Wheeler, we have only seen you respond to us
21 professionally, with great effort, and we're really
22 grateful.

23 You were very important to our transition and
24 you were always very welcoming. So your commitment
25 and your effort should be commended. We'll always be

1 grateful to you for your service. Thank you.

2 MR. JONES: Thank you, sir.

3 CHIEF McCALL: Mr. Chair, if I may.

4 Director Jones, I wanted to also echo a lot
5 of the things that were heard here today. And I want
6 to point out a few things that I know have benefited
7 agencies all over the state.

8 They may not be aware of some of these
9 changes that went on or how things were operating
10 prior to your arrival. Just the application process
11 for our officers to get into the academy was becoming
12 a bureaucratic nightmare and was full of red tape.

13 You cleared that pathway and made that an
14 efficient process. We no longer are concerned about
15 getting those in with all I's dotted and the T's
16 crossed. We get all the pertinent information that's
17 necessary and get the cadets going and moving in the
18 academy with their training with a whole lot less
19 stress.

20 Beyond that, some of the other changes that
21 you've definitely spearheaded is working to try to get
22 that 16-week academy pared down to a stage that really
23 is more productive for law enforcement; not only the
24 cadets and their training, using their time wisely in
25 the academy, but also for the agencies on the other

1 side, waiting on those cadets to come out and be
2 productive police officers.

3 Cutting that time and making that training
4 more efficient I think has benefited every law
5 enforcement agency in the state. And I want to thank
6 you for those and many other contributions that you've
7 made over the last three years.

8 It's greatly appreciated in the arena of law
9 enforcement. You've definitely left your fingerprints
10 on a lot of things in this state as it relates to law
11 enforcement.

12 MR. JONES: Thank you, Chief.

13 Members of the Board, Mr. Attorney General,
14 it has been my honor to serve as your Director of the
15 New Mexico Law Enforcement Academy. Thank you very
16 much, sirs.

17 SERGEANT QUEZADA: Director Jones, I can't
18 let you go without saying anything. From the time
19 I've been on this Board, I've learned a lot from you
20 and I appreciate that. And speaking for the line
21 officers, your heart is dedicated for the line
22 officers.

23 As much as everyone speaks about your
24 dedication, I can truly see, working with you, you're
25 totally all the way down to that single officer that's

1 out there in the streets doing everything, making sure
2 he's going to go home.

3 And your heart is in the right place. I
4 really appreciate it. I don't know how you can ever
5 be replaced, sir. I just want to tell you, from my
6 heart, I greatly appreciate everything you've done for
7 this Board.

8 MR. JONES: Thank you, sir.

9 SHERIFF WALLER: Director Jones, I as well
10 would like to thank you and, on behalf of the
11 sheriffs, thank you for everything that you've done
12 for us. You'll be greatly missed. And I wish you
13 well in your future endeavors. Thank you.

14 MR. JONES: Thank you, sir.

15 A.G. BALDERAS: We appreciate it. Thank you.

16 MR. JONES: Thank you, sir.

17 ITEM NO. 6: RETURN TO NMAC REQUIREMENTS FOR INFORMAL
18 HEARING PROCESS

19 A.G. BALDERAS: If there are no further
20 questions for the Director, item No. 6, return to the
21 NMAC requirements for the informal hearing process.

22 The next agenda item will be presented by our
23 Vice Chair, Chief Kassetas. You have the floor, sir.

24 CHIEF KASSETAS: Good morning, everybody.
25 What this presentation will do is help the Board,

1 especially with the new Members, understand why we're
2 here today and where we want to be as far as how we
3 process cases through the system.

4 Up here helping with this process is Sonya
5 from the AG's office and Julia who have worked with
6 not only the subcommittee, which consisted of Scot Key
7 and Chris McCall and myself, but also the LEA staff to
8 streamline this process.

9 We talked about this a couple of meetings
10 ago, about putting together a group to look at how an
11 act is structured and how to better follow that.
12 We've deviated from that somewhat in that we have
13 employed the services of David Linthicum, who is
14 sitting in the room here, and has done a great job as
15 an informal hearing officer. But at the end of the
16 day, that task is statutorily bound to the LEA.

17 I'd like everybody to realize and acknowledge
18 that the Director's job is all encompassing. It is so
19 much to ask one person, Jack or his predecessors, to
20 not only oversee the academy that has an endless
21 supply of new officers and dispatchers coming through
22 it, but also to oversee advanced training, biennium
23 training requirements, officer certification
24 requirements, and the disciplinary track. And I know
25 I'm leaving out some other things that Jack is

1 responsible for.

2 So this will basically lay out where we're at
3 and where we propose we go with this. And, Sonya, you
4 can chime in at any time to help me with understanding
5 the legal aspect of where we're going.

6 The first line, and you can follow along on
7 the screen here -- I think there's a handout that we
8 have -- really talks about the very beginning of the
9 LEA-90 process, the form that comes into the
10 Director's office.

11 That's being retooled by LEA to better
12 capture some information that not only the Board, but
13 the public is interested in. And I don't know where
14 we're at in that process, if the Director can speak to
15 it or Deputy Secretary Weaver as far as when the form
16 will be available. But it's going to add some
17 different fields where the chiefs and/or agency heads
18 can actually add additional information.

19 So there's three basic tracks that an LEA-90
20 follows. The first one is it's completed and it's
21 sent to the Director's office and the case goes
22 through the process.

23 Option two is the matter is appropriate for
24 consideration, but it's determined that the LEA-90 is
25 incomplete. In this case the Director contacts the

1 submitting agency and asks that the LEA-90 be revised
2 and resubmitted.

3 That way, every time one of these is kicked
4 back to the agency, it documents and provides a paper
5 trail as to why we're sending it back. It's not the
6 Director's job or the LEA's job to be the Internal
7 Affairs for any of the agencies.

8 The chiefs need to step up and make sure that
9 information is in there. And also some of these
10 agency heads don't do a lot of these so the Director
11 will communicate with them. And if it does go back,
12 there will be accompanying documentation so we can
13 follow that.

14 The third option is that the Director
15 determines the matter should be handled by the
16 submitting agency; in other words, it's a policy
17 violation. Many agencies send us LEA-90s for
18 everything.

19 And we really have to look at the NMAC and
20 how that applies and confirm that, if there's a
21 violation at hand, it speaks to the core issue of
22 certification of police officers.

23 And then, if not, that LEA-90 gets returned
24 back to the agency with a letter also so the Board and
25 the Director and everyone can follow that progression

1 and it's explained in the letter why it's not being
2 accepted as it relates to NMAC and the different
3 violations that the NMAC calls for.

4 The next slide is really the procedure. The
5 Director will follow the newly developed standard
6 operating procedures. And those are being worked
7 through now internally with the Law Enforcement
8 Academy staff and the AG's office to make sure the
9 process is consistent.

10 And then there is a determination made to
11 deny, revoke, or suspend a peace officer or a
12 telecommunicator's certification. It's really a
13 checklist. That's an internal process to make sure we
14 stay on track.

15 Sonya, do you want to expand on that at all?

16 MS. CARRASCO-TRUJILLO: No, sir. I think
17 that one of the things that was expressed many times
18 during this process is maybe the thought that there
19 was a lack of consistency. And so the Board was
20 sometimes unsure as how a decision was reached.

21 And so the purpose of a checklist is so that
22 this Board will know when an LEA-90 packet has been
23 reviewed; that what it means to be reviewed is, for
24 example, the packet has been read.

25 If there are witnesses that need to be

1 contacted, those witnesses have been contacted. If
2 the leader of the law enforcement entity needed to be
3 contacted, then that has happened.

4 So it's just a way to ensure that the Board
5 understands that there will be sort of some
6 consistency in this process that you can count on;
7 every time an LEA-90 packet has been reviewed, that
8 those things have been done.

9 And whether or not it will be a written
10 checklist or just something that we will present and
11 you will know happens on a regular basis is sort of up
12 to the leadership now.

13 CHIEF KASSETAS: If any of you have any
14 questions, please ask them. Really this is just going
15 right back to the way NMAC was structured with some
16 assurances that we can continue the process.

17 The next slide is right out of the rule
18 actually. It talks about the contemplated actions
19 that can be taken by the Director, the four different
20 actions depending on what's going to happen after that
21 decision is made.

22 It should be easy for the LEA staff to follow
23 as we follow these actions. Essentially it's the
24 rule.

25 MS. CARRASCO-TRUJILLO: So just one thing

1 that I want the Board to know that we paid a lot of
2 attention to in this committee was all of the date
3 requirements; because that seemed to be something that
4 the Board was really concerned about, that this is a
5 lot of process to happen in a short amount of time.

6 So we went through and we made sure to
7 highlight on each of these slides every time an NMAC
8 rule -- there is a date limitation. And this is the
9 first one that we see in the NMAC rules, is this first
10 seven calendar days.

11 If you look at No. 4, this says in the NCA,
12 so this is the notice that will go to the Respondent
13 or the target of the action, there has to be a
14 statement that the affected individual has seven
15 calendar days from receipt of the notice to respond in
16 writing to the notice to request an opportunity for an
17 oral response.

18 So that seven-day deadline is for the
19 Respondent. So in the notice it will say, Chief
20 Kassetas, you have seven days from the date that you
21 receive this letter to let us know in writing if you
22 want an oral response.

23 So we'll talk about what the oral response is
24 later. But that's the first timeline. So every time
25 in these slides today you see something in bold,

1 that's why we did it. So that we can discuss those
2 timelines to make sure that everyone is comfortable
3 with that.

4 MS. BURNHAM: I have a question,
5 Mr. Chairman. How has that been working for us, that
6 seven-day turnaround? Is that appropriate to ask?

7 CHIEF KASSETAS: I can give you my opinion as
8 a Board Member. I don't think the seven days inhibits
9 anything regarding the process. Most folks that get
10 these letters comply almost immediately once they read
11 them. And it's very clear that they have seven days.

12 And that keeps the process moving. We
13 couldn't in the NMAC extend that out any more, we
14 would have to change that rule. But if it was
15 extended out any further, it would just elongate the
16 process.

17 Jack, do you agree?

18 MR. JONES: Yes, sir. I agree
19 wholeheartedly. The seven days keeps the process
20 going and it limits the amount of time that they can
21 go and get things done. So they have to give us an
22 action back. So it keeps the process rolling. It's
23 pretty timely and we haven't seen a lot of issues with
24 it.

25 MS. BURNHAM: Thank you.

1 MR. JONES: Yes, ma'am.

2 CHIEF KASSETAS: So the next item you'll see,
3 once the Respondent gets the NCA from the Director, he
4 has an option to submit a written response or submit a
5 request to deliver an oral response.

6 And it talks about if option two is chosen,
7 the Director or his designee shall schedule a meeting
8 with the Respondent to take place within 14 days. So
9 now we have another time stamp. So now we're three
10 weeks or four weeks out from the receipt of the
11 request unless both parties mutually agree to an
12 extension of that time frame.

13 So we talk about the Director or his
14 designee. Now that's Dave Linthicum I believe. And
15 he facilitates that for us.

16 I would advocate that we revert back
17 internally to the LEA and have the Deputy Director,
18 whoever that may be, at the Director's request provide
19 that function. In my talks with LEA leadership and
20 DPS leadership who happen to be here, they think that
21 they can do that and facilitate that.

22 So that is a decision that the Board needs to
23 understand, is we would go back to the LEA handling --
24 I use the word informal hearing. It's the process
25 really of within 14 days the officers wanting to have

1 an oral response. Make sense? Did I surmise that
2 correctly?

3 MS. CARRASCO-TRUJILLO: Yes. So again this
4 slide is supposed to represent what we have been
5 calling an informal hearing. But in the NMAC rule,
6 it's just really simple.

7 This is just the ability to respond. So this
8 is in your notice an opportunity to be heard. This is
9 the opportunity to be heard. It doesn't have to be a
10 big deal.

11 In line with the NMAC rule, the Respondent
12 has the opportunity to write a letter. Dear LEA Board
13 Director, you were wrong about your Notice of
14 Contemplated Action because of these reasons. Or
15 No. 2, LEA Board Director, I want to come in and tell
16 you why you're wrong about your Notice of Contemplated
17 Action.

18 And then option No. 3 that I think is
19 important to point out is that the Respondent can also
20 say, "Dear LEA Board Director, I think you're wrong
21 about what's in the Notice of Contemplated Action. I
22 have a representative who wants to come and tell you
23 why."

24 If you notice, in the NMAC rule, that
25 representative can be anybody he wants. It's not

1 limited to an attorney, it's not limited to anyone.
2 If the Respondent wants to send his mom or his priest
3 or his boss or whoever, under the NMAC rule, they can
4 do it.

5 And so one of the things I think that is a
6 little bit confusing and was confusing to me is the
7 whole informal hearing process and what that means.
8 And there are all kinds of machinations of that that
9 got a little bit out of hand.

10 But if you look at the NMAC rule, it's just a
11 really simple step in this process. You are allowed
12 to respond to what the contemplated action is. So
13 that's kind of what we are suggesting, is that we just
14 go back to the rule in its simplest form.

15 CHIEF KASSETAS: So you're saying that the
16 person receives a Notice of Contemplated Action and we
17 are determining this is what's going to happen to you.
18 And they are able to say yeah, I accept that, no
19 problem; or they say no, wait a minute, I want to
20 respond verbally or in writing before the final action
21 is done, right?

22 MS. CARRASCO-TRUJILLO: Exactly.

23 CHIEF KASSETAS: Any questions?

24 CHIEF McCALL: Just one thing. I just kind
25 of want to point the Board back to how that grew to

1 that point. That came from when we were missing
2 information as to allegations, we were only hearing
3 from the officer's perspective and we weren't hearing
4 from the agency's perspective.

5 And we were getting I think we found out some
6 slanted information as it related to the case because
7 all we were hearing was the officer at that point, we
8 weren't gathering information other than what was
9 written from the agency; and I think the officer would
10 bring out other facts that we were unable prior to
11 that to ask the agency about or get clarification on.
12 I think that's how that grew to that point.

13 CHIEF KASSETAS: You're correct, Chris. And
14 I think it was frustrating, when it got to the
15 hearing, that the Director or whoever was hearing it
16 was being bombarded with a lot of stuff that muddied
17 the water so to speak.

18 I think that just speaks to the fact that the
19 Director or the Deputy Director or whoever is in
20 charge of that has to really have a good understanding
21 of the NMAC and the rule and allow discussions that
22 are relevant and disallow those that aren't.

23 I wouldn't think it's a free-for-all session
24 where you can bring stuff up that's not relevant.
25 They have to be able to say no, that's not relevant,

1 and keep on task.

2 And also I don't think the process would
3 preclude that the other side could be invited to go.
4 I don't see where it precludes that either, although
5 it seems to be the goal would be to not make it as a
6 big production as it is. The decision was made, you
7 convince me why I'm wrong and then I'll move forward
8 with it.

9 I do the same thing as the State Police
10 Chief, where I might not pass down a final decision on
11 a suspension of one of my officers. I'll call that
12 officer in and I might even ask them, tell me why I
13 shouldn't suspend you for ten days, help me out here,
14 talk me out of this.

15 And sometimes it leads to a change of heart
16 or sometimes I actually add time. Go figure, right.
17 So that's the process. And I think it's almost turned
18 into mini-trials. And I don't know if that was the
19 focus of the NMAC and the Board's oversight. I think
20 there's a place for that, and that would be the formal
21 hearing. Yes, ma'am.

22 MS. BURNHAM: I want to ask a question just
23 to make it clear for myself. This is a very clean
24 process, simple process, and this is the informal
25 hearing that we think that NMAC had in mind, not a

1 complicated, long, drawn-out thing, where it's he
2 said/she said.

3 Option one means the officer finds out what
4 he's accused of or she's accused of, responds that I
5 didn't do this and I want a formal hearing and here is
6 what I say happened; or I agree, I did it, real short
7 and sweet.

8 Then No. 2, they could ask to deliver an oral
9 response. Now, is it contemplated that that would be
10 in person?

11 CHIEF KASSETAS: Most oral responses are in
12 person. They come to the Director's office or the
13 adjutant judge is what we call David Linthicum. In
14 person.

15 MS. BURNHAM: Okay. That's good. Where they
16 basically do what they would do in No. 1, but it's
17 just oral; am I correct?

18 CHIEF KASSETAS: You're correct. This
19 process really hinges on one of the first slides I
20 talked about. Remember, I said there were three
21 options. And if you didn't have enough information,
22 we send it back with a letter.

23 It's a cumbersome process for the chiefs and
24 the agency heads to make sure that what goes into that
25 LEA-90 is on the mark, it has enough information,

1 and/or they're able to be providing an avenue to give
2 that information to the Director's office prior to
3 making a decision; because in essence the Director
4 should already have all that information, not even
5 need the agency there because it's all laid out. For
6 item one, the video; for item two, the report; for
7 item three, the IA investigation.

8 MS. BURNHAM: Gotcha. Well, No. 3 is the one
9 I can see that might slow up the works, if I
10 understand it correctly. Option three is that the
11 officer can request that a representative respond on
12 his or her behalf orally or in writing.

13 Well, does that representative -- is he held
14 or she held to the 14 days or does the person just say
15 I'm going to request that they respond and down the
16 road -- I mean by saying 14 days, I'm saying I want a
17 lawyer or I want somebody to respond for me.

18 Is that going to toll the 14 days because
19 they've just said that much or must that
20 representative respond in the short way that we
21 contemplate or that I think it contemplates within the
22 14 days?

23 MS. CARRASCO-TRUJILLO: Ma'am, the Respondent
24 or the representative would be held within the same
25 time frame as if it were the actual Respondent.

1 MS. BURNHAM: Good deal.

2 CHIEF KASSETAS: So the next step would be,
3 if after gathering information, reviewing all the
4 documentation or testimony, the Director feels it
5 necessary to amend the original action, he must be
6 prepared to demonstrate to the Board why that's done.
7 So the Board will get an understanding I suppose or a
8 description or a reasoning as to why the Director
9 initially made one decision and may change their mind
10 to another one.

11 MS. CARRASCO-TRUJILLO: So the reason that we
12 added this slide was just to demonstrate that the
13 first part of the rule, when we're talking about the
14 Notice of Contemplated Action, is this is what I'm
15 thinking of doing.

16 And then there is the investigation process
17 and then there's the opportunity to be heard. And so
18 now, after the Respondent comes in or gives a letter,
19 there may be new information that has come to light.

20 And so this slide is just to demonstrate what
21 will happen in the mind of the Director, is so you all
22 know there is a period now where I'm going to rethink
23 everything that I have before I create the document
24 that is the NFA, which is the Notice of Final Action;
25 because it is that Notice of Final Action that

1 triggers all the things that lead to a formal hearing.

2 So this is just kind of a tangible
3 demonstration of what we think will happen in the
4 process.

5 CHIEF KASSETAS: It's outside of the rules of
6 NMAC, which we can do. We can do more, I suppose, not
7 less. And it gives us one more safety valve with the
8 Board to understand why that decision was made to
9 deviate. And there may be a good reason to deviate
10 from the original contemplated action. Any questions
11 on that slide?

12 This next portion is right out of the rule.
13 It's the legality part of it. It really just defines
14 the written Notice of Final Decision or NFD. There's
15 another time stamp here, within 45 days of service of
16 the NCA.

17 It says the notice shall contain items one
18 through four below. Number 3 is a general explanation
19 of the evidence in the possession of the Director. So
20 really it lays out everything that's been worked up to
21 that point and why the decision was made. And some of
22 this is 45 days before it hinges on making sure we
23 approve the receipt. Any questions on the Notice of
24 Final Decision and how we get there?

25 So ultimately an individual, if they don't

1 like what they got so to speak, may ask for a formal
2 hearing. Deputy Secretary Weaver will talk a little
3 bit later in the program about how formal Hearing
4 Officers will be vetted and chosen and a process which
5 really we haven't had. They've just been picked and
6 some of them have worked out great.

7 But upon receipt of the Notice of Final
8 Decision, there are two options. Either the person
9 doesn't respond and the Board takes final action at a
10 meeting or the Respondent will request a formal
11 hearing within the appropriate time frame in
12 compliance with the rule.

13 Remind me, we haven't talked about cost. But
14 there's a significant cost to DPS in doing this entire
15 process. Theoretically it's funded by the
16 legislature. I'll leave that up to interpretation.
17 But it almost seems like there's never enough to go
18 around.

19 But as more officers' certifications are on
20 the line and the more technical it gets with the
21 lawyers involved, there's a propensity to not accept
22 responsibility sometimes and people want to take it
23 all the way to the final outcome.

24 In formal hearings the Hearing Officers are
25 paid an hourly wage. And it's a lengthy process. And

1 we're in the thousands and thousands and thousands of
2 dollars this year already, which is necessary, we have
3 to have it, it's part of the process.

4 But I know Secretary Weaver will talk about
5 the cost as far as formal hearings go. That's the
6 option once we get to that process in a formal hearing
7 and it proceeds.

8 In the next slide, it talks about that formal
9 hearing. Really once a formal hearing is requested,
10 the Attorney General's Office takes over as far as the
11 Legal Division. There are attorneys for that that
12 prosecute the case.

13 And you'll see in this slide here, items one
14 through five talk about the different filings and
15 different steps to take. Sonya, do you want to add
16 anything to that formal process?

17 MS. CARRASCO-TRUJILLO: No. I think this is
18 pretty self-explanatory. Number 1 in the NMAC rule
19 says, "The Board may appoint a Hearing Officer,"
20 because the rule contemplates, if you all wanted to,
21 you could be the formal hearing tribunal, which I
22 think will never happen.

23 And it's always a good idea to have a formal
24 Hearing Officer. And then all of the rest of these
25 things will be sort of the formal Hearing Officer and

1 the attorneys from the Attorney General's Office and
2 the Respondent.

3 And this is the other place where you see
4 some time frames in there. And these are very
5 standard time frames for administrative hearings
6 really in all state agencies. And it has to do with,
7 you know, filing notice between the parties and
8 answers and different things like that.

9 So these are not things that you as a Board
10 need to worry about complying with, this is really for
11 the Respondent and then for the attorney who is
12 representing the Board.

13 I think probably the big one at the end just
14 to be mindful of is that the hearing must be held --
15 and I think, when I talked to my counterpart at the
16 A.G.'s office, the hearing has to at least be started
17 within 90 calendar days of the original request from
18 the Respondent.

19 So that's when the clock starts ticking, when
20 we get the notice from the Respondent saying I want a
21 formal hearing. That's when your 90-day clock starts
22 running.

23 CHIEF KASSETAS: So finally, with those
24 outlines, the formal hearing is over. The Hearing
25 Officer submits a written recommendation to the Board.

1 And that's one of the reports you will see. Some of
2 them are quite lengthy sometimes and usually they have
3 attached transcripts to them.

4 So the Hearing Officer submits the
5 recommendation to the Board and the Respondent within
6 30 days of the formal hearing. And it's also served
7 on the Respondent via the certified mail process.

8 Upon receipt of the written recommendation,
9 either party may submit a statement of objections
10 within ten calendar days. Within 60 calendar days of
11 receipt of the recommendation, the Board shall
12 consider the recommendation plus any objections and
13 either accept or reject the recommendations.

14 What that means in a nutshell is that we have
15 to have a Board meeting that falls within that
16 60 days; otherwise, we have to hold a special meeting
17 to follow in that time constraint and/or maybe look at
18 at some point changing the NMAC to lengthen that.

19 But it seems we haven't had that problem at
20 the formal hearings because we've been able to follow
21 that time frame. With this Chairman the Board
22 meetings have seemed to be a lot more regularly
23 scheduled and adhered to in a quarterly time frame,
24 four per year.

25 So that should cover it. The Board got in a

1 jam under the former A.G. sometimes. Not to fault
2 him. But as far as meetings getting cancelled or
3 maybe backed up. And it's not the AG's fault but
4 maybe planning at the time, I'm not sure. We seem to
5 not have to worry about that as much as we need to I
6 suppose.

7 Any questions on that? That is the end of
8 the PowerPoint slide. Sonya can answer any legal
9 questions the Board has. And I think this process
10 gets us back to a less I suppose clustered system
11 that's easily followed and can be contained within DPS
12 and helps with not only budgetary constraints, but
13 processes in LEA to get us to these meetings to make
14 our decisions. Any questions?

15 MS. BURNHAM: I have a question. Do we have
16 enough people to get to meet all these timelines now?
17 And I know we always need more people, we always need
18 more employees. But somebody like Jack Jones who is
19 there at five o'clock in the morning, that's how it
20 gets done sometimes.

21 So I'm just wondering as a citizen do we have
22 enough people to meet these deadlines so that we don't
23 get jammed up?

24 CHIEF KASSETAS: I have a unique situation.
25 I wear two hats, I'm the State Police Chief and I sit

1 on the LEA Board. I see what happened to the LEA and
2 I can tell you that they're taxed at times.

3 But I think, under this new direction and new
4 organizational structure, we've used Dave Linthicum.
5 And I'm talking about him when he's not here. We've
6 used him to the fullest. He's done an excellent job
7 at making sure these cases are moving along the
8 process with a professional end result.

9 But ultimately, within the structure of the
10 LEA, we have added some personnel there. I think
11 there still need to be some tweaks.

12 And also too I think I have to say that the
13 AG's office has stepped up and really helped with the
14 processes in determining what we need to do and giving
15 support like I've never seen to the Director and LEA,
16 which he should, that's what the function of the AG's
17 office is, is to support and really make things
18 happen.

19 So the long-winded answer is yes. Although I
20 still think the Board needs to be cognizant of the
21 cases that are coming in, track those cases, and make
22 sure that there are fail-safes in place so we don't
23 ever get into a situation we were in four years ago,
24 where we had hundreds of cases backed up and folks
25 were calling us saying how come such and such LEA-90

1 that was submitted never showed up.

2 And I see Deputy Weaver and Director Jones
3 nodding their heads yes. So if you wanted to say no,
4 I suppose you would.

5 DEPUTY SECRETARY WEAVER: Mr. Chairman,
6 Members of the Board, absolutely, this is obtainable.
7 But before we sit here and say, oh, it absolutely is
8 obtainable, we've been doing this with the help of
9 Jack's staff, Monica, Monique, and it's in place
10 today.

11 We're not adding anything to it, we're not
12 taking any days away. We're just following the rules
13 that already exist. And this staff here has been
14 doing this for a long period of time. That's simply
15 all we're doing, is clarifying the processes.

16 CHIEF KASSETAS: That concludes my comments.
17 Are there any more questions?

18 ITEM NO. 7: DISCUSSION: ADDING SEXUAL ASSAULT TO
19 REPORTING BLOCK FOR BIENNIUM TRAINING

20 A.G. BALDERAS: Great. Thank you, Vice Chair
21 Kassetas, for that update. If there's no more
22 questions, we're on now item No. 7 for discussion,
23 adding sexual assault to reporting block for biennium
24 training.

25 Item seven will be presented by our Secretary

1 of the Department of Public Safety, Greg Fouratt.

2 Mr. Secretary, you have the floor.

3 SECRETARY FOURATT: Thanks. Mr. Chairman,
4 Members of the Board, Greg Fouratt. At least, when I
5 left Albuquerque today, I was still the Cabinet
6 Secretary of DPS. I haven't heard anything to the
7 contrary.

8 Mr. Chair, with your indulgence, before I get
9 to the actual agenda topic, I want to say something on
10 behalf of and to Jack Jones.

11 And I'm going to start by saying that it has
12 been a privilege to know him, it's been a privilege to
13 serve with him. He is the consummate public servant
14 whose contributions to this country and this state are
15 greater than anything I could ever make. And I admire
16 him in some ways. In many ways he's a hero to me.
17 And I told him that privately.

18 You know, by design, Mr. Chair and Members of
19 the Board, the New Mexico Legislature may ask too much
20 of the Law Enforcement Academy Director. On the one
21 hand, he or she has to work for the governor and the
22 cabinet secretary, whoever they are; on the other
23 hand, he or she has to work for nine independent
24 planets in the solar system called the LEA Board.

25 He or she is responsible for training police

1 officers, training dispatchers, disciplining police
2 officers, disciplining dispatchers, keeping records on
3 all police officers and dispatchers. And then he or
4 she has to take incoming fire on nearly a lethal basis
5 from the media, from the public, from community
6 groups, and in some ways from the law enforcement
7 community across the state.

8 We ask one person, one person, to do this.
9 After three years I want to say this about Director
10 Jones. The pound-for-pound quality of the basic
11 recruits that are graduating from the basic police
12 officer training class is better for his service.

13 In a time of enormous public scrutiny of law
14 enforcement training, when there is perhaps legitimate
15 criticism about whether we are over-militarizing the
16 police, he has professionalized this curriculum in a
17 way that has met with public favor and with
18 professional favor.

19 That was a finesse and a nuanced dance that
20 not many people could have pulled off. And not many
21 people could have reduced a basic curriculum from
22 22 weeks to 16 weeks in the atmosphere in which this
23 country finds itself. To have reduced police officer
24 training in this atmosphere is an amazing
25 accomplishment for Director Jones.

1 I told him privately and I will now say it
2 publicly, I think history will look back on this
3 three-year tenure of the Law Enforcement Academy under
4 Director Jones with enormous favor.

5 I wasn't here three years ago when he
6 started. But I am told that the Law Enforcement
7 Academy was a mess. I am told by people who did
8 observe it that it was a sinking ship, that it was not
9 credible.

10 And he not only rescued the ship, but he has
11 righted it, it is floating, and it is on the
12 trajectory that it needs to go. And enormous credit
13 is due to him and the staff that he has put together.

14 So that's what I'd like to say about Director
15 Jones. And I thank you for the colleague that you've
16 been, I thank you for all that I have learned from
17 you, and I thank you for this service to this
18 department, this state, and this country.

19 I'd like to move to the sex assault kit
20 issue. And the reason that it is relevant to you all
21 is that, at the end of this, I'm going to ask you to
22 consider giving the Director the discretion to add sex
23 assault kit processing to biennium training for law
24 enforcement officers.

25 So that's why this is relevant to you. But

1 in order to make it as relevant as possible, let me
2 just give you about 60 seconds of context.

3 Last legislative session there were two
4 companion bills, one in the House and one in the
5 Senate, virtually identical, that sought to legislate
6 the processing of sex assault kits or rape kits, the
7 forensic evidence that is obtained from an alleged
8 sexual assault.

9 And I have to tell you, I had no idea where
10 this legislation was coming from. We had not been
11 consulted about it, the lobbyist that was the impetus
12 behind it had not reached out to us. I didn't know
13 what this issue was. And I think it was a blessing
14 that the legislation never got much traction and it
15 certainly did not pass.

16 But it got us to thinking, what is the
17 problem that this proposed legislation is seeking to
18 address. And then, as we began to reword during 2015,
19 we realized that across this country, not just in New
20 Mexico but across this country, we may have an issue
21 of sex assault kits stockpiling or being amassed in
22 police evidence rooms not being sent to the lab.

23 And so, to make a long story short, we at DPS
24 formed a working group to try to figure out whether
25 New Mexico has this problem. And so we have a working

1 group that consists of forensic laboratory personnel,
2 I'm on it, Deputy Secretary Weaver is on it, the AG's
3 office is on it, the State Auditor's Office is on it,
4 we have representatives from police and most
5 importantly the victim community and the sex assault
6 nurse examiner community.

7 And here is what we found. 148 law
8 enforcement agencies in New Mexico were polled. And
9 they did us a favor of checking their own evidence
10 room to see whether there are sex assault kits
11 untested sitting in their evidence room.

12 And there's about -- I can't remember the
13 exact number. But it is north of 5,000 kits. It's
14 probably close to 6,000 kits, about 65 percent of
15 which are sitting in the Albuquerque Police Department
16 evidence room. So DPS is responsible for 35 percent
17 of that number.

18 And so we have a process in place. It's not
19 relevant today. We have a process in place to figure
20 out how do we get those -- it's about 1,900 kits that
21 need to come to the DPS lab.

22 How do we get those kits to our lab, how are
23 we going to hire the personnel to test those kits and
24 get the results back to the law enforcement agency to
25 do with whatever they want. We're going to figure out

1 what to do with that process. That's not why I'm
2 here.

3 We want to make sure that we don't have
4 another untested sex assault kit backlog sitting in
5 police evidence room issue ever again. And our
6 thought is that one approach to this, one insurance
7 policy we can have to ensure that it never does recur
8 is to begin to develop the reflex in law enforcement
9 that, if you get a sex assault kit in a criminal case,
10 you send it to the lab.

11 It just becomes a reflex. You get a kit, you
12 send it to the lab. You get a kit, you send it to the
13 lab. You don't just -- you don't sit on it and forget
14 about it in your evidence room.

15 And, thus, we want you all to consider giving
16 the discretion to the Director to make sex assault kit
17 processing -- I'll use a rough term, it's not as
18 refined a term as I would like -- part of biennium
19 training. But we don't want to do it in the way that
20 the legislature has done mandatory blocks of biennium
21 training in the past, which is without a sunset
22 clause.

23 Sometimes well-intentioned legislation like
24 four hours of Safe Pursuit Act driving every two years
25 for your entire 20-year career might be too blunt an

1 instrument. So we think there is more agility in
2 giving the Director the discretion to add this than to
3 have the legislature force this down our throats.

4 So that is the purpose of this presentation
5 and my request. We're asking you to consider this so
6 that we can train New Mexico's police officers on how
7 to deal with sex assault or rape kits in a way that
8 prevents backlogs in the future. Thanks. I'll stand
9 for any questions.

10 A.G. BALDERAS: Thank you, Mr. Secretary.
11 Are there any questions from the Board?

12 MR. KEY: Mr. Chairman, Secretary Fouratt,
13 does this fall into the category of whether it's just
14 a money issue that needs to be allocated by the
15 legislature versus a need for teaching law enforcement
16 something that may appear to be overly simplistic or
17 obvious?

18 SECRETARY FOURATT: Mr. Chair and Mr. Key, I
19 think the answer -- you gave me an either-or. I think
20 the answer is both. It's certainly a money issue for
21 us to find the money to test 1,900 rape kits that we
22 don't have in our work file yet. And we are seeking
23 separate legislative appropriation to deal with that
24 to the tune of 1.2 million. That's going to help us
25 with this problem.

1 But it cannot be a financial issue for law
2 enforcement agencies. They cannot be using that as
3 the reason why they don't send the kits to the lab,
4 because they don't pay for the service to begin with.
5 I mean we're the ones that foot the bill to pay for
6 forensic services.

7 But there has to have been some reason. And
8 I'm sure, if there are 6,000 kits, there are 6,000
9 reasons why those kits never made it from the police
10 evidence room to the lab. But those reasons cannot
11 include money, because nobody pays for that except the
12 servicing labs.

13 So what we're trying to do is say whatever
14 your reason was for not sending those 6,000 kits,
15 that's fine. We're not here to Monday-morning
16 quarterback, we're not here to judge you, this isn't a
17 value judgment thing. We just don't want you to do it
18 anymore.

19 The forensic answer that may be yielded by
20 the testing is important. You and I know this as well
21 as anybody here. It's important not just for that sex
22 assault case. But then we're going to enter the
23 results of the rape kit into the CODIS database. And
24 who knows where that DNA signature has been. So we
25 may solve other unsolved cases simply by testing these

1 kits.

2 So we're going to get money to test them.
3 Law enforcement agencies need to send them
4 irrespective of what it costs.

5 A.G. BALDERAS: Thank you. Board Member
6 Quezada.

7 SERGEANT QUEZADA: Secretary Fouratt, I'm
8 trying to understand. Are we going to test every one
9 no matter what? Let's say there's a plea agreement or
10 something that gets taken care of. Are we still
11 wanting to do it regardless? Or if for some reason
12 there's enough evidence and the case gets nolle
13 pros'd, are we still going to do that also?

14 SECRETARY FOURATT: Mr. Chair and Board
15 Member Quezada, the answer is yes. Even if there has
16 been a conviction, whether by jury verdict or guilty
17 plea, we still want to test those kits; because we
18 don't know what other crimes we're going to be
19 solving.

20 And maybe the answer is none. But if the
21 answer is yes, we're not going to know unless we test
22 those kits. And the classic example of this is a case
23 out of Albuquerque involving a guy who the media
24 branded "Ether Man" because his habit was to use an
25 ether-soaked rag to incapacitate these victims and

1 then have his way with them.

2 And he was only caught and ultimately charged
3 with and convicted of multiple rapes around New Mexico
4 because his DNA was entered into CODIS. So we're
5 trying to rule out if there are any other "Ether Men"
6 or "Ether Women" out there. So there is a practical
7 purpose.

8 Now, the last example you gave me was a nolle
9 pros. That's a little more complicated. If the nolle
10 pros was because law enforcement or the District
11 Attorney's Office concluded that no crime was
12 committed at all, either because the victim came in
13 and said, on the night this happened, I felt really
14 guilty, and I had a sex assault kit; but two days
15 later I admitted what it was, I just had second
16 thoughts about engaging in that behavior with that
17 person but it was not a crime, that's happened before.

18 It's happened in my own professional
19 experience, not my personal experience. We cannot
20 enter into CODIS DNA derived from that which is not a
21 crime. So there may be a small percentage of kits
22 that were taken during the course of a criminal
23 investigation which later facts have proven should not
24 have been a criminal investigation.

25 We're not going to worry about that less than

1 1 percent. We're going to shoot for the 99 percent of
2 the kits that were obtained during what was and what
3 remained criminal investigations. Does that help?

4 SERGEANT QUEZADA: Yes.

5 MS. BURNHAM: Mr. Chair. I'm sorry.

6 A.G. BALDERAS: You had your hand up.

7 MS. BURNHAM: Yes, I did. As a narcotics
8 prosecutor, the officers that I worked with often held
9 off sending the narcotics to the lab because the lab
10 was so backed up. And it is a training issue in that
11 their training is to be practical.

12 And if this guy pleads, I don't want to load
13 up the lab. But the reason you're giving is to
14 protect all of society by entering these samples -- I
15 mean marijuana is marijuana. That's one thing. But
16 this semen could help in many, many, many cases.

17 That's important. And it would take a
18 different mind-set from the officer because he's
19 taught to be practical. And I don't know at what
20 point the officer receives the samples to be put into
21 evidence and I don't know at what point they are sent
22 to the lab.

23 But we do need clear procedures on that. And
24 I think it's important. I don't know how you're going
25 to get them all tested. But my hat is off to you for

1 trying.

2 SECRETARY FOURATT: Thank you, Mr. Chairman,
3 Ms. Burnham. We're going to need about 1.2 million
4 and some skilled scientists and about three years to
5 get it done.

6 One thing I forgot to say is, with the use of
7 federal grant money that is in the possession of the
8 sex assault nurse examiner community, we're going to
9 create this training. We think it's going to be an
10 hour by webinar. So we're going to try to make it as
11 user-friendly and as relevant and current as possible
12 for New Mexico law enforcement officers so that it is
13 meaningful and achieves its end.

14 CHIEF KASSETAS: Secretary Fouratt, let me
15 get this straight. I'm on the Board and you're my
16 boss and you have to answer any questions I ask you,
17 right?

18 SECRETARY FOURATT: Mr. Chair, Chief, that's
19 right.

20 CHIEF KASSETAS: Awesome.

21 SECRETARY FOURATT: Enjoy this next five
22 minutes and your retirement.

23 CHIEF KASSETAS: You know, this is a very
24 serious issue. We know that every two years every
25 certified officer certified by this Board has to get

1 40 hours of biennium training.

2 And, Director Jones, remind me, how many of
3 those 40 hours are already mandated and set aside by
4 the legislature on things we're going to teach?

5 MR. JONES: Twenty-one hours, sir.

6 CHIEF KASSETAS: So what you're asking the
7 Board to do is essentially adopt one hour as you
8 described that's going to be created, which is
9 important. It's not up to the agency to create it.
10 The law enforcement academies will put this out,
11 right? It talks about how to submit cases to the lab,
12 correct?

13 SECRETARY FOURATT: Yes.

14 CHIEF KASSETAS: The proper procedures. So
15 in that context it seems really a noninvasive move and
16 I endorse it. I would only add, I wouldn't limit it
17 just to sex assault cases.

18 I've been in the headquarters where the state
19 lab is. Folks walk in with boxes of evidence. And
20 some of them don't even know why they're dropping it
21 off. They want fingerprints, they want DNA, and they
22 want whatever else.

23 And really we maybe should network with the
24 prosecutor's offices and the defense attorneys to help
25 streamline that presentation and add a little

1 substance to it and talk about how to analyze that
2 evidence before you take it to the lab.

3 Instead of the lab having to do everything,
4 maybe there's a better process to get the case through
5 the system and through that backlog. Food for
6 thought. Since you have a captive audience for that
7 hour, hour and a half, whatever it is, you can maybe
8 talk about how the lab works, how we service the
9 entire law enforcement community.

10 Outside of, of course, APD's lab, I think
11 that's the only other lab in the state, right? At no
12 cost to any agency to use and funded by the
13 legislature somewhat, and then and how that stuff
14 moves forward. Just food for thought.

15 I think it's a good approach. I like the
16 fact that LEA is going to drive it, create it, provide
17 it, and I don't see a chief objecting to that in my
18 opinion.

19 A.G. BALDERAS: If there are no other
20 questions or comments, I just want to briefly comment
21 on a couple areas that I've been involved in this
22 issue.

23 First is that, Mr. Secretary, you're
24 absolutely right. There's a high level of concern
25 from the community about the backlog and a lot of

1 misinformation. So I want to commend you and the
2 committee and this task force for being very
3 proactive.

4 Secondly, I think Board Member Burnham raised
5 another issue. And that, as you go for legislative
6 funds, as we're trying to assess how big of a problem
7 this is, there may have been a skew or there may be a
8 lack of awareness on how big the demand is.

9 And so training will diffuse officers having
10 to make that judgment call that the labs are backed up
11 and, therefore, I should have some more discretion.
12 And I think your request for a motion for discretion
13 to the Director gives the flexibility to the Director
14 to interact and craft appropriate training.

15 And I appreciate the feedback from Chief
16 Kassetas in that there is room here for us to have
17 some influence on identifying the necessary training,
18 identifying, and reacting.

19 I know there's a lot of concern out there.
20 So I appreciate the Secretary providing a potential
21 solution.

22 I'll entertain, as I understand it, a motion
23 to give the Director discretion to include this type
24 of training in the biennium training. So if there's a
25 will of the Board, I'll entertain a motion. If not,

1 we need to move on.

2 MR. KEY: So moved.

3 A.G. BALDERAS: There is a motion. Is there
4 a second?

5 SHERIFF WALLER: Second.

6 A.G. BALDERAS: All in favor of the motion to
7 give the Director discretion to pursue appropriate
8 training involving the delivery of rape kit evidence
9 in biennium training, all in favor.

10 (Those in favor so indicate.)

11 A.G. BALDERAS: Is there any opposition to
12 that motion? Congratulations, Secretary, the motion
13 passes.

14 SECRETARY FOURATT: Thank you very much.

15 ITEM NO. 8: PRESENTATION: PROCESS/STANDARDS FOR
16 HIRING NEW HEARING OFFICERS

17 A.G. BALDERAS: The next item will be No. 8,
18 presentation of process/standards for recruiting new
19 Hearing Officers. Agenda item No. 8 will be presented
20 by Deputy Secretary of DPS Scott Weaver. Thank you
21 for coming. You have the floor.

22 DEPUTY SECRETARY WEAVER: Good afternoon,
23 Mr. Chairman, Board Members. I come before you today
24 simply because, you know, as we talked about the
25 processes, the LEA-90 process, the informal and the

1 formal hearing processes, in the situation with the
2 Board, as Ms. Carrasco-Trujillo described earlier, the
3 Board may pursue a Hearing Officer.

4 Currently where the Board stands today is you
5 have three active Hearing Officers. And in the past
6 you had as much as ten people to take care of the
7 formal cases that come before the Board. Again we
8 have three.

9 And I guess my pitch or proposal is to say,
10 look, I don't know that you have a process in place to
11 hire new people. So we're coming to you to say DPS,
12 through the Law Enforcement Academy -- because the
13 Director is actually the secretary of this Board --
14 would like to create a process to advertise, select,
15 and recommend to the Board additional people to become
16 Hearing Officers to work on your behalf.

17 I'm going to stop right there to see if you
18 have any questions on what I've covered so far,
19 because, if not, I'll move forward and talk about some
20 of the current Hearing Officers and the evaluation
21 process that I would recommend.

22 What we will do is we will advertise
23 statewide. There will be a hearing committee that
24 will take place. Obviously all this will take place
25 through the Law Enforcement Academy Director's office.

1 There will be a background investigation completed.

2 And then, once it's been completed, they will
3 select the candidates to be Hearing Officers; inform
4 the Board, allow the Board -- when I say allow the
5 Board, I don't mean allow the Board. Ask the Board to
6 approve or ratify these individuals to become Hearing
7 Officers.

8 And I'll add to this by saying the existing
9 Hearing Officers that we have, we're not getting rid
10 of them or asking them to rehire. This is a process
11 that's going to be in place as we pursue additional
12 Hearing Officers to the Law Enforcement Academy Board.

13 We would also like to advise that we would
14 like to create an evaluation process, because these
15 individuals will be at-will Hearing Officers assigned
16 to work for the Law Enforcement Academy. And they are
17 immune from professional service contracts. So,
18 therefore, if the evaluation demonstrates that they're
19 not worth keeping around, we may terminate their
20 services at any given time.

21 I would like to close by asking that, if you
22 would take into consideration this process, then we
23 would like to pursue it by the first of the year,
24 start the process by the first of the year, to bring
25 on additional Hearing Officers for the use of the

1 Board. I stand for any questions.

2 A.G. BALDERAS: Are there any questions from
3 the Board?

4 MS. BURNHAM: I have a question. If an
5 employee is at will, then you can fire him for no
6 reason or for any reason. Is that the way it stands
7 now?

8 DEPUTY SECRETARY WEAVER: For this particular
9 position, yes. As a matter of fact, we don't have a
10 contract. They are -- I don't want to use the word
11 immune. It doesn't apply to these positions.

12 And there are some rules within state
13 government that say they will need a contract, a
14 professional service contract, which is something that
15 you typically would have to have if you're going to
16 pay somebody over \$5,000.

17 They don't qualify for that. So, therefore,
18 we can pay them whatever their salary would be for
19 these cases. But they are at will per se. If they
20 don't do the job, we obviously do not allow them to
21 pursue any more investigations.

22 MS. BURNHAM: If we have a formal evaluation
23 process that applies to such people, then I don't
24 understand how they would still be at-will employees.
25 It just doesn't make sense.

1 DEPUTY SECRETARY WEAVER: It's an evaluation
2 of the Hearing Officer program, an evaluation of
3 productivity. And if the Board chooses that this
4 individual is not a benefit because they're
5 representing you, you know, in lieu of you, then we
6 can replace them.

7 MS. BURNHAM: Okay.

8 DEPUTY SECRETARY WEAVER: Did that answer
9 your question?

10 MS. BURNHAM: It's a pretty complicated
11 question. But I'll think about it. Thanks.

12 DEPUTY SECRETARY WEAVER: Okay.

13 CHIEF KASSETAS: I think I can expand on that
14 and maybe clear it up a little. It's a contractual
15 position in my mind that a formal Hearing Officer
16 works essentially at the request of the Board in this
17 process.

18 So if we at the end of the day have three to
19 four formal Hearing Officers and one Hearing Officer
20 just isn't getting it, what I mean by that is they're
21 not processing the cases correctly, they're not
22 adhering to the format, the reports are late, they're
23 incomplete, then we are able to look at that and
24 evaluate it and say, you know what, Director, don't
25 assign any more cases to Pete Kassetas or whoever else

1 because it's just not working. And that gives us the
2 ability to be flexible.

3 The question I do have, though, is you have
4 four slides here. Under Education and Experience, it
5 talks about a Bachelor's degree in political science,
6 business administration, social services, or labor
7 relations, and seven years of experience in conducting
8 employment placement, Internal Affairs investigations,
9 and a well-rounded understanding of the punitive
10 process, et cetera, et cetera.

11 Just that first part would even preclude me
12 from being a formal Hearing Officer, having a criminal
13 justice degree and 23 years of experience.

14 I know that it cleans it up in the second
15 part. It talks about a combination of education from
16 an accredited college or university with ten years of
17 experience, which would probably still preclude me I
18 suppose.

19 So the question is I know that, with the
20 formal Hearing Officers, we look for people with law
21 enforcement experience across the spectrum as far as
22 bringing to the table 20 plus years of law enforcement
23 and have an understanding of how an administration
24 works.

25 So I agree with the concept and proper

1 vetting for formal Hearing Officers. There should be
2 a background, there should be a process. I don't know
3 if we want to limit ourselves to this educational
4 experience portion.

5 I think it should be opened up and looked at
6 in a little less selective a manner. Some of this
7 stuff is important, but there are other items on here
8 that maybe shouldn't be. So maybe we might want to
9 exclude that. I think the Board can probably provide
10 direction.

11 DEPUTY SECRETARY WEAVER: Sure. I'm glad you
12 brought that up. We have the actual advertisement,
13 the education and experience, the procedure, and then
14 the actionable items. This is a presentation that, if
15 you want any edits, amendments, I'll be glad to do it.
16 Not a problem.

17 We can do it today, we can do whatever the
18 Board recommends as it pertains to how they want the
19 advertisement to look. They can certainly do that.
20 If you want to work with the educational and
21 experience processes, we can do that.

22 At the end of the day, if you will allow for
23 us to pursue the process. But we wouldn't pursue that
24 until we've worked with either Rick or other members
25 of the Attorney General's Office or any other Board

1 Members that you deem fit before we did anything.

2 This is the process that we're here to discuss.

3 CHIEF KASSETAS: Would the process right now,
4 if we did it just the way you've set out here, would
5 that exclude any of the three Hearing Officers we have
6 now?

7 DEPUTY SECRETARY WEAVER: We're not asking to
8 take anybody's job that are existing Hearing Officers.
9 This is the process for hiring new Hearing Officers,
10 because there's nothing documented on how these people
11 that are here today -- how they were even hired.

12 CHIEF KASSETAS: I understand that, Scott. I
13 was just wondering if the folks that have been doing
14 the job now as formal Hearing Officers would meet this
15 requirement.

16 I mean I don't think the Board would readily
17 want two sets of Hearing Officers, one that met the
18 bar and standard and then one that didn't. So we
19 probably should think through that.

20 But I agree, I recommend to the Chair that
21 we -- I'm sure there are other questions. But there
22 should be a process in place. I think that the Board
23 should ultimately, before we jump off on hiring new
24 formal Hearing Officers, at least approve and track
25 and follow what the LEA wants to do as far as bringing

1 these formal Hearing Officers in.

2 And I think we're about 90 percent there, we
3 just need some tweaking. And how we get that down I
4 don't know between now and the next meeting.

5 A.G. BALDERAS: Are there any questions?

6 SERGEANT QUEZADA: I want to add a comment to
7 what Chief Kassetas is saying and agree as far as the
8 education and experience. Speaking for the line
9 officers obviously, these are the ones that have all
10 the information and everything.

11 I just don't see where, on this experience
12 right now, where they're going to have the background
13 of a law enforcement officer. I can see that
14 probably, with that experience, yes, they can write an
15 outstanding report. I know that I take a lot of their
16 opinions and comments from the facts on why an officer
17 did a certain thing.

18 Are they going to ask the right questions and
19 find out why an officer did what they did and be able
20 to relate to it or is this just someone with a
21 Bachelor in political science? I would like to see
22 more law enforcement background than just that
23 education.

24 A.G. BALDERAS: Mr. Deputy Secretary, are you
25 open to some feedback here? I understand you're

1 asking for some guidance and direction from the Board.

2 Is that correct?

3 DEPUTY SECRETARY WEAVER: Absolutely. You
4 know, the education and experience, I'm not steadfast
5 with that. We just took the bull by the horns here
6 and said let's give it some thought, let's do
7 something to try to help the Board out, given the fact
8 that you only have three cases that are pending and
9 you have cases that are out there that are well over a
10 year old that these formal Hearing Officers haven't
11 completed. And it's an issue.

12 So we wanted to take this opportunity.
13 Anything that you see today is certainly not set in
14 stone. This is simply a recommendation. And it's an
15 example of what you may be looking at.

16 If you like it, we'll move forward. If you
17 want to edit it, we can clearly edit it as well. But
18 I will go back and address what Sergeant Quezada said.

19 It does describe the Internal Affairs
20 investigation, it does describe executive experience,
21 it does describe law enforcement experience in this.
22 But if you want to make it more clear to maybe
23 somebody that's not an executive, absolutely. We're
24 working at the discretion of the Board here.

25 A.G. BALDERAS: Here is what I was going to

1 recommend. This is a practice that we've kind of
2 applied in my leadership of the Board. It sounds like
3 there's been some great feedback here about the right
4 qualifications.

5 And I actually agree that Ms. Burnham had a
6 good point about making sure there are no unintended
7 consequences relating to Hearing Officers; that while
8 they're at will, they independently should have free
9 judgment from any pressure of hiring or termination.

10 What I was going to suggest is that, if you
11 would allow me to appoint a subcommittee of Members of
12 this Board that will engage you through
13 teleconference, I'm sure we can give you some more
14 specific feedback.

15 I would also address my own Members of this
16 Board to give you some diverse perspective that would
17 strengthen your recommendations when you come back at
18 the next meeting. And we can potentially consider
19 formal action at that point, if you're open to that
20 process.

21 DEPUTY SECRETARY WEAVER: Sure. I'm open to
22 it.

23 A.G. BALDERAS: Great. I know the sergeant
24 actually presented some opposite perspective. Would
25 you be willing to chair the subcommittee?

1 SERGEANT QUEZADA: Yes.

2 A.G. BALDERAS: Are there any other Members
3 that feel strongly about serving? I guarantee it's
4 not a lot of time.

5 MS. BURNHAM: I would love to serve.

6 A.G. BALDERAS: I think you would be good at
7 giving your perspective.

8 I will also say that you also raised a good
9 issue in terms of concern from the Chair's discretion.
10 We all acknowledge the process could be improved.
11 There was some controversy in the past over Hearing
12 Officers' involvement in other activities.

13 And it's been presented to me in the form of
14 a question from the press in terms of what is our
15 conflicts or checks related to our Hearing Officers,
16 what is the level of scrutiny given to background.

17 So I have just appointed a subcommittee to
18 engage you.

19 DEPUTY SECRETARY WEAVER: Thank you very
20 much. I appreciate that, Mr. Chairman. I want to
21 refocus the conversation that this would be out of the
22 Law Enforcement Academy through the Director's office
23 since he is or she is the secretary of this Board. So
24 just to make some clarification on that.

25 A.G. BALDERAS: Thank you, Deputy Secretary,

1 for your presentation.

2 ITEM NO. 9: RATIFICATION OF CERTIFICATIONS FOR LAW
3 ENFORCEMENT OFFICERS

4 A.G. BALDERAS: We'll now go to item No. 9,
5 ratification of certifications. Director Jones will
6 be facilitating this matter.

7 MR. JONES: Mr. Chairman, Members of the
8 Board, I humbly come to you and ask for ratification
9 of the certifications for the following Exhibits 1
10 through 6. All of these people have gone through the
11 cert-by-waiver course that was presented by the New
12 Mexico State Police and met and exceeded the
13 qualifications established by the NMAC or by this
14 Board.

15 Exhibit 1 is Cheryl Long, Tarvares Mallard,
16 and Franklin Lawrence, there are three individuals.

17 A.G. BALDERAS: Thank you, Director Jones.
18 I'll entertain a motion to approve Exhibit 1, Cheryl
19 Long, Tarvares Mallard, and Franklin Lawrence,
20 15-0240-P, 15-0241-P, and 90-0136-P.

21 MR. KEY: So moved.

22 MS. BURNHAM: Second.

23 A.G. BALDERAS: There's a motion and second
24 to approve. All in favor say aye.

25 (Those in favor so indicate.)

1 A.G. BALDERAS: Any opposition? The motion
2 passes. The record will show the certification of all
3 those listed in Exhibit 1.

4 MR. JONES: Mr. Chairman and Distinguished
5 Members of the Board, the Southeastern New Mexico Law
6 Enforcement Academy had a Cert-by-Waiver Class No. 18
7 which is Exhibit 2, Certification Nos. 15-0242-P
8 through 15-0248-P and 02-0091-P. They met and
9 exceeded the requirements of the NMAC and the
10 requirements of this Board for their cert-by-waiver
11 class.

12 A.G. BALDERAS: Thank you, Director Jones.
13 I'll entertain a motion to approve all the individuals
14 beginning with Mary Brooks, 15-0242-P, through Sean
15 Roach, 15-0248-P, and Brandon Walker, 02-0091-P.

16 CHIEF McCALL: Motion to approve.

17 MR. KEY: Second.

18 A.G. BALDERAS: There's a motion and a second
19 to approve all the members in Exhibit 2. All in
20 favor.

21 (Those in favor so indicate.)

22 A.G. BALDERAS: Is there any opposition to
23 the motion? The motion passes. The record will
24 reflect that the Board approved all certifications in
25 Exhibit 2.

1 MR. JONES: Mr. Chairman, Distinguished
2 Members of the Board, I humbly ask you to accept
3 Southeastern New Mexico Law Enforcement Academy's
4 Basic Police Officer Class No. 35, Exhibit 3,
5 15-0249-P through 15-0265-P. They have met all the
6 requirements of the NMAC and exceeded the requirements
7 of this Board.

8 A.G. BALDERAS: Thank you, Director Jones.
9 I'll entertain a motion to approve all the individuals
10 in Exhibit 3. Is there a motion?

11 CHIEF KASSETAS: So moved.

12 A.G. BALDERAS: Is there a second to that
13 motion?

14 CHIEF McCALL: Second.

15 A.G. BALDERAS: There is a motion and a
16 second to approve all members in Exhibit 3. All in
17 favor say aye.

18 (Those in favor so indicate.)

19 A.G. BALDERAS: Is there any opposition?
20 Director Jones, the motion passions to approve all
21 certifications in Exhibit 3.

22 MR. JONES: Mr. Chairman, Distinguished
23 Members of this Board, we have two individuals that
24 challenged the New Mexico LEOCE and passed the
25 requirements for the LEOCE. And I humbly ask that you

1 ratify their certifications, No. 15-0266-P and
2 No. 00-0107-P.

3 A.G. BALDERAS: I'll entertain a motion to
4 approve all members in Exhibit 4. Is there a motion?

5 SHERIFF WALLER: So moved.

6 A.G. BALDERAS: Is there a second to approve
7 Exhibit 4?

8 SERGEANT QUEZADA: Second it.

9 A.G. BALDERAS: All in favor of this motion
10 to approve Exhibit 4 say aye.

11 (Those in favor so indicate.)

12 A.G. BALDERAS: Any opposition to this
13 motion? The motion passes, Director Jones, to approve
14 both members in Exhibit 4.

15 MR. JONES: Mr. Chairman, Distinguished
16 Members of the New Mexico Law Enforcement Academy
17 Board, it is my honor and privilege to ask you to
18 approve and ratify the certifications for basic police
19 officer class No. 191, Exhibit 5, Nos. 15-0267-P
20 through 15-0322-P. They met or exceeded all
21 requirements in the NMAC or the New Mexico Law
22 Enforcement Academy Board.

23 A.G. BALDERAS: I'll entertain a motion to
24 approve all the individuals included in Exhibit 5
25 which starts with Alvarez and ends with Jayme Vigil.

1 Is there a motion?

2 CHIEF McCALL: A motion to approve.

3 A.G. BALDERAS: Is there a second to that
4 motion to approve?

5 SERGEANT QUEZADA: Second it.

6 A.G. BALDERAS: There is a second. All in
7 favor to approve all members in Exhibit 5 say aye.

8 (Those in favor so indicate.)

9 A.G. BALDERAS: Any opposition? The record
10 will show that the Board approved all certifications
11 of officers in Exhibit 5.

12 MR. JONES: Mr. Chairman, Distinguished
13 Members of the Board, I humbly come before you and ask
14 that you approve New Mexico State Police Academy Class
15 No. 89, Exhibit 6, Certification Nos. 15-0323-P
16 through 15-0357-P.

17 A.G. BALDERAS: I'll take a motion to approve
18 all individuals included in Exhibit 6 as stated by
19 Director Jones. Is there a motion?

20 SHERIFF WALLER: Mr. Chairman, I move to
21 approve.

22 A.G. BALDERAS: Thank you. Is there a
23 second?

24 CHIEF SOLAND: Second.

25 A.G. BALDERAS: All in favor say aye to

1 approve members in Exhibit 6.

2 (Those in favor so indicate.)

3 A.G. BALDERAS: Any opposition? The motion
4 passes. The record will show the Board approved
5 certifications of all officers in Exhibit 6. Thank
6 you, Director Jones.

7 ITEM NO. 10: RATIFICATION OF CERTIFICATIONS
8 FOR TELECOMMUNICATORS

9 A.G. BALDERAS: We will now be moving to item
10 No. 10, ratification of certifications for
11 telecommunicators. The next agenda item will also be
12 facilitated by Director Jones. You have the floor.

13 MR. JONES: Mr. Chairman, Members of this
14 Distinguished Board, I humbly come to you and ask that
15 you ratify the certifications for Southeastern New
16 Mexico Law Enforcement Academy's Public Service
17 Telecommunicator Class No. 9, which is Exhibit 1,
18 which is Certification Nos. 15-0077-PST through
19 15-0090-PST, Exhibit 1.

20 A.G. BALDERAS: Thank you, Director Jones.
21 I'll entertain a motion for approval of all members in
22 Exhibit 1.

23 MS. BURNHAM: So moved.

24 A.G. BALDERAS: Is there a second?

25 CHIEF SOLAND: Second.

1 A.G. BALDERAS: There is a second. All in
2 favor of approving the members in Exhibit 1 as stated
3 by Director Jones say aye.

4 (Those in favor so indicate.)

5 A.G. BALDERAS: Is there any opposition? The
6 record will reflect that the Board approved all of the
7 certifications of telecommunicators in Exhibit 1.

8 MR. JONES: Mr. Chairman, Distinguished
9 Members of this Board, it is my honor to come before
10 you to ask you to ratify the certifications for the
11 New Mexico State Law Enforcement Academy PST Class
12 No. 130, Exhibit 2, which are Certification
13 Nos. 15-0091-PST through 15-0118-PST and 06-0007-PST.

14 A.G. BALDERAS: Thank you, Director Jones.
15 I'll entertain a motion to approve all members stated
16 in Exhibit 2.

17 MS. MILLER: So moved.

18 A.G. BALDERAS: Is there a second to that
19 motion to approve?

20 CHIEF KASSETAS: Second.

21 A.G. BALDERAS: There is a second. All in
22 favor say aye.

23 (Those in favor so indicate.)

24 A.G. BALDERAS: Is there any opposition to
25 that motion? The record will show that the Board

1 approved those certifications in Exhibit 2 beginning
2 with Bonnie Aguire and ending in Michael Young. Thank
3 you, Director Jones.

4 MR. JONES: Mr. Chairman, Distinguished
5 Members of the Board, thank you very much for
6 ratifying those certifications.

7 ITEM NO. 11: PRESENTATION: APPLICATION TO ACCREDIT
8 DACC AS A SATELLITE ACADEMY

9 A.G. BALDERAS: Item No. 11 is the
10 application to accredit Dona Ana Community College as
11 a satellite academy. And it will be presented by
12 Mr. Richard DeRouen who is gracious enough to be
13 hosting us today. If we could have Richard DeRouen
14 please come forward.

15 Before we do that, let's take a break.

16 (Recess.)

17 A.G. BALDERAS: We'll call the meeting back
18 to order and call up Mr. Richard DeRouen, please.

19 MR. DeROUEN: Good afternoon, Mr. Chairman,
20 Members of the Board. Hopefully we made it
21 comfortable for you here at Dona Ana Community
22 College.

23 A.G. BALDERAS: Thank you. I'm very
24 impressed.

25 MR. DeROUEN: The reason I'm talking to you

1 this afternoon is to speak on behalf of the
2 application of Dona Ana Community College for a
3 satellite academy at this campus.

4 If you notice by the application submitted,
5 we have a letter from the county manager, Julia Brown,
6 indicating the sheriff's department's or at least the
7 county's interest in partnering with us on this
8 particular endeavor. Their academy does exist for the
9 sheriff's department. We are looking at embedding
10 with that particular program and enhancing it.

11 A.G. BALDERAS: Go ahead.

12 MR. DeROUEN: As you know, Dona Ana Community
13 College is part of New Mexico State University. And
14 our mandate as a land grant university is to provide a
15 liberal and practical education; liberal being, of
16 course, the sciences, mathematics, philosophy, and
17 other areas.

18 But also military sciences and other training
19 that supports the development of the community. And
20 our focus is on wanting to expand our program from its
21 current status of just providing academic
22 opportunities for students.

23 We've grown as a community college and our
24 program has grown. Our CJ program grew from
25 approximately 140 in 2006 to well over 1,100 students

1 at this particular time. We are the largest
2 graduating program within the community college as far
3 as consistent graduates other than general studies or
4 some of the other areas.

5 We have a consistent effort at development
6 and expansion, developing our spectrum of faculty
7 members. Dave Levine is in the audience now. He is,
8 for example, a New York City detective retired. He
9 was at Ground Zero on 9/11. We also have a lieutenant
10 retired from the El Paso Police Department. We have
11 quite a depth of experience within our ranks.

12 Our interest is to assist the state in any
13 way that we can in this program as far as curriculum
14 development, expansion of law enforcement training,
15 and providing a good solid environment for our
16 professionals in the future.

17 A.G. BALDERAS: Are there any questions from
18 the Board?

19 MS. MILLER: Actually, in reviewing your
20 materials, I do have a couple of questions. I saw
21 that you had interviews with the Las Cruces PD and the
22 sheriff's office. But it seems a redundancy of effort
23 to have three large academies in one location.

24 So what efforts are being made to coordinate
25 into a single effort, even if you were to still use

1 certain staff and facilities of the department and the
2 sheriff's office?

3 MR. DeROUEN: My understanding -- correct me
4 if I'm wrong, President Scott. She's in the audience.
5 We are actually combining with -- we would be part of
6 the Dona Ana Sheriff's Academy.

7 MS. MILLER: And that's a county decision,
8 the sheriff doesn't sign off on that.

9 DR. SCOTT: In meeting with County Manager
10 Julia Brown, many of our conversations were around the
11 challenges that they are currently having in holding
12 their academy.

13 Presently, with the number of openings that
14 they have, they face primarily two challenges that we
15 believe we can help with as all of us hopefully
16 working together. Certainly most of our effort has
17 been focused in the county.

18 The first challenge No. 1 is they struggle
19 recruiting recruits to come in and actually attend
20 their academy. And that would make some sense. One
21 of the expertises we have is we're recruiting all the
22 time.

23 We're recruiting for all of our programs. We
24 have a full marketing program of how we market
25 academics. That's certainly an element that we can

1 help with.

2 Number two, she said, even if I have a class,
3 the struggle we've had is, because we have so many
4 openings that are unfilled, it is difficult for me to
5 release my officers to teach. And so if I release my
6 officers from the road or from their duties to
7 actually teach in the academy, I have now further
8 depleted my staff.

9 And so her willingness to work with us and
10 explore how that would work together, hopefully in a
11 sense combining into one academy, is because of the
12 challenges she's had. We have those opportunities
13 simply because we have resources the county doesn't
14 have.

15 I think the third benefit of a community
16 college having this is that recruits coming through
17 our program also earn college credits towards an
18 Associate's degree that eventually matriculates to a
19 Baccalaureate degree that allows for an opportunity
20 which right now I'm not aware that exists anywhere
21 else but here in the county.

22 MS. MILLER: So the benefits that you're
23 pointing out I'm aware of. But my curiosity about the
24 approach and not having the police department and the
25 sheriff's department and you-all all on the same page,

1 combining all of this together, is because you're
2 receiving state funds and the department and the
3 sheriff's office are using public funds.

4 And so for taxpayers it sort of winds up
5 being a double taxation situation and duplication of
6 effort that, from a payment standpoint, I think might
7 not go over very well with the people who wind up
8 paying for a lot of it.

9 Now, the benefits you bring up are good
10 benefits. It just seems like there should be a little
11 more effort at coordination with the other two
12 academies here, looking at, you know, do they have
13 things like attrition rates, where they're training
14 people and then those people are taking off; how many
15 people are lying fallow, working a desk job in the
16 sheriff's office, waiting for a training class to come
17 up. Just some hard numbers to justify what you know
18 to be the benefits.

19 MR. DeROUEN: Well, there are a couple of
20 things that need to be considered in this process.
21 The sheriff may not sustain an academy, they do not
22 have one at all. And our primary focus is, in fact,
23 training. The first budgets that are cut by any
24 organization are training and maintenance.

25 MS. MILLER: Right. I'm not asking you to

1 justify your abilities or your idea. You know, as a
2 citizen representative on this Board, I'm a taxpayer.

3 And so the first thing I look at is the
4 amount of money you're getting from the state. And I
5 know the department and the sheriff's office are also
6 receiving funds. And it seems to be some double
7 payment in just broad terms.

8 And I would think, looking at that, it's a
9 good justification argument to start talking to the
10 department and the sheriff to coordinate your efforts.

11 MR. DeROUEN: I understand what you're
12 saying. Yes, that's very true. Coordinating between
13 them, it would be great to have a regional process.
14 That's what this started off to be.

15 I can tell you that, as we put on a class or
16 a course, we are funded based upon the hours
17 associated with it. So for a regular college course
18 that we are putting on, for example, Introduction to
19 Criminal Justice, if we added extra sections, we would
20 still be acquiring that funding associated with those
21 courses.

22 MS. MILLER: Well, you know, I'm overeducated
23 so I don't have an issue with that. I'm just seeing
24 that there are some coordination efforts lying fallow.
25 And I would encourage you to pursue them.

1 MR. DeROUEN: Sure. I would agree with that.
2 If anything, what I would suggest is that we also have
3 closer linkage with the field training officer
4 programs. I think that's part of the gap that's out
5 there, what is being taught in the academy versus what
6 the field training officers are doing in the field
7 with the individual trainings once they get out.

8 This again is another area. You know, our
9 prior Chief Financial Officer, Andy Burke, had asked
10 me what can you guys do that the academies currently
11 are not doing.

12 And one thing that I have suggested was talk
13 about development of an FTO association throughout the
14 state. And our next step would be taking a look at a
15 training managers association. This way all the
16 agencies can get together and exchange information and
17 find out where we can shave off here and add
18 efficiencies there to the entire training process for
19 the state.

20 MS. MILLER: Well, certainly coordinating and
21 learning from other trainers is a good idea. For
22 those that aren't from the local area or might not be
23 aware, there are some apparent conflicts between the
24 sheriff and the county commission.

25 So I just want to be very careful that you're

1 working to look at making a single entity, because in
2 truth you're taxing DPS a little bit too in terms of
3 resources, because it creates another arena of
4 supervision. I might be beating a dead horse. But I
5 wanted to point out that, being more receptive to the
6 idea of doing this, that there are some points that
7 would be very helpful to have.

8 MR. DeROUEN: Agreed. That's why again we
9 have an advisory board that provides input to us on a
10 regular basis. We do try to seek input from the other
11 departments.

12 I can tell you that, at Western New Mexico
13 University, I've talked with Gil Najar. And I have
14 talked with the other academies around the state
15 briefly.

16 MS. MILLER: It's very clear why this would
17 be good for the college. What I would like to see is
18 if it would be very good for the Las Cruces Police
19 Department and sheriff's office and having them here
20 working with you.

21 MR. DeROUEN: We have been working with the
22 local agencies. They have benefitted from our ability
23 to provide services and assistance as appropriate for
24 those agencies.

25 MS. MILLER: I'm still desirous of seeing a

1 little more coordination.

2 MS. BURNHAM: Mr. Chairman, if I may.

3 A.G. BALDERAS: Sure.

4 MS. BURNHAM: I just want to say that I'm
5 Kelly Burnham. Chris Burnham is a professor at New
6 Mexico State and he's just about to retire. And I
7 know a lot of people from the branch because of him.

8 I mean that has nothing to do what I decide
9 or what we decide on this issue. I just want to make
10 it public that I do have contacts with people in the
11 branch.

12 The things that I like about what you want to
13 do is that you are experts in educating adults. And
14 that's an important part of working with the young
15 women and men who come to academies, approaching it
16 from an adult job-oriented, practical perspective.
17 And I think you have the talent for doing that.

18 I like hearing about the recruiting expertise
19 because I know that we are short or I hear that we are
20 short of officers here. And I think that's something
21 important.

22 And I think that infrastructure, those kinds
23 of things that you're offering, are impressive at
24 least to me. I'm not a police officer and I don't
25 know what those gizmos are that you've described, but

1 they're pretty impressive.

2 My big worry is that we have the cream of the
3 crop as instructors and how you're going to do that,
4 because if the sheriff doesn't have enough people to
5 give to his own academy, how is he going to have
6 people to supply you. And I imagine that, with the
7 Las Cruces Police, it might be the same problem.

8 And as I understand it, you will have two --
9 you will have an administrator who is over the whole
10 program and many other programs. And then you have a
11 key person who is going to earn about \$66,000 a year,
12 right?

13 MR. DeROUEN: Yes.

14 MS. BURNHAM: And then the rest of the
15 people, you're going to have a pool of adjunct. Have
16 I got that right?

17 MR. DeROUEN: For the most part, yes.

18 MS. BURNHAM: And that's \$25 an hour to
19 start?

20 MR. DeROUEN: Yes.

21 MS. BURNHAM: Okay. I'm just wondering how
22 you're going to attract quality faculty who have the
23 energy and expertise left over to give to your
24 students. Have you thought about that?

25 MR. DeROUEN: Yes. We currently have a pool

1 of 32 adjunct faculty that teach for us now. They do
2 the majority of the heavy lifting for our program.
3 And they are the individuals that do attract our
4 students for the most part because they are, in fact,
5 practitioners in the field.

6 We have a number of retirees that have
7 expressed interest in teaching with us. Plus we're
8 looking at other resources; for example, State Police,
9 Game and Fish, other instructors, PT instructors,
10 other people that can assist us that have their
11 current certifications.

12 So there is a body of people that we can
13 actually hire that a lot of agencies cannot, because
14 they've been going to a separate contract situation
15 with those individuals; whereas, at the community
16 college, we can hire them as our part-time faculty.

17 MS. BURNHAM: All right. And in figuring
18 what you would pay an adjunct faculty member, have you
19 considered what an officer makes in overtime? And I
20 don't know what that number is.

21 MR. DeROUEN: Yes. We took a look at the
22 median averages. If you notice I think on the section
23 when we were talking about the faculty pay, we took a
24 look at what the average salary rate would be. And
25 the \$25 figure comes from that. That's actually

1 pretty high as far as part-time faculty for our
2 community college.

3 MS. BURNHAM: As I remember your materials,
4 the pay was not -- the pay figure was based on what an
5 officer makes -- what an average officer makes per
6 hour, which is about \$18 and something. But I think
7 that overtime pay is much more than that. Am I wrong
8 about that? Anybody know?

9 CHIEF SOLAND: Probably ballpark.

10 MS. BURNHAM: Twenty-five?

11 MR. DeROUEN: We were looking at the
12 overtime. I'm trying to think of what section it's
13 in. We looked at Las Cruces, which is a higher pay
14 rate. And we were looking at the averages based upon
15 the historical records we could find.

16 MS. BURNHAM: It's okay.

17 MR. DeROUEN: I did take a look at the
18 agencies and what they were being paid. So we were
19 trying to match that overtime rate.

20 MS. BURNHAM: All right. You're way ahead of
21 me.

22 MR. DeROUEN: It does fluctuate. It's on
23 page 10. I don't know if that's useful. I'm thinking
24 we did use Las Cruces as our primary department as the
25 largest in the region in the pay rates.

1 MS. BURNHAM: All right. Thanks. That
2 answered my questions.

3 CHIEF KASSETAS: Mr. Chair, may I. I have a
4 question. Right now a Law Enforcement Academy is
5 statutorily mandated to train officers at no charge to
6 other agencies unless you're a state agency, Game and
7 Fish and others, right?

8 MR. DeROUEN: Yes.

9 CHIEF KASSETAS: Some of the resources you
10 talk about actually pull from my State Police force.
11 I think we have too many satellite academies to be
12 brutally honest. We have nine. You're asking to add
13 a tenth academy and a third to Dona Ana County itself.

14 So I can't support this to be honest with
15 you, and I'll tell you why. Not because of the
16 presentation. I think it's very good. This is a
17 gorgeous facility and you have a staff and resources.
18 But at the end of the day, you're running three
19 separate academies.

20 If you came here and told me that the sheriff
21 and the county commissioner agreed to decertify their
22 academies -- I don't know how that works, like close
23 the doors so to speak -- and then defer to this
24 entity, I just don't see adding a third.

25 That puts undue strain on DPS because they

1 still have to oversee and manage and administer
2 oversight over a tenth academy. So Director Jones,
3 who should be in Santa Fe and concentrating on budget
4 issues and legislative issues, has to go to Hobbs and
5 Dona Ana County times three and Farmington and
6 everywhere else. So it's difficult.

7 And I'm not going to put the chief on the
8 hotspot here. But would the Las Cruces PD and the
9 county all come together and join in one or would the
10 county be amenable to decertifying -- that isn't the
11 right word.

12 But saying, hey, we won't be an academy
13 anymore, we'll just go with the Don Ana County model?
14 If you did that and there were two in this county, I
15 can see that playing out. Is that a possibility?

16 MR. DeROUEN: Yes. We've always been
17 amenable to that. I can tell you that the initial
18 conversation that started this was with Terrence
19 Moore, the City of Las Cruces City Manager.

20 And he's the one that came to us with the
21 proposal to actually look at incorporating from a
22 larger picture into one entity as a whole. So it's
23 not like we were sitting in a vacuum and thought of
24 this. This was as a result of a direct civic leader
25 action as far as prompting us into this particular

1 mode.

2 CHIEF KASSETAS: What would it cost a county
3 or city officer to go to this academy at the end of
4 the day?

5 MR. DeROUEN: I believe it's listed in that
6 segment. I want to say it's 2,100 or \$2,200. And
7 that's for the college credits. There's not a way
8 that we can avoid the costs of the college credits, at
9 least not that I'm aware of.

10 CHIEF KASSETAS: But there are other costs
11 such as ammunition. Is the department supplying all
12 that?

13 MR. DeROUEN: That would be supplied by the
14 agency. The agency normally does supply the
15 ammunition and training. We're talking about 1,500
16 rounds per person roughly.

17 CHIEF KASSETAS: I mean I'm just wondering.
18 There's got to be an overall cost to the agency. I
19 mean what they were paid to send their person through
20 there, whether it was the ammo or the instructors
21 being paid. That's paid by the college I'm sure. I
22 mean there's a cost, right?

23 MR. DeROUEN: My basic assessment, looking at
24 Las Cruces, from what I could gather, is I've heard as
25 much as a million dollars. I don't know. What I do

1 know is that, in estimating the cost of salaries
2 associated with this, it would be about \$334,000 or
3 thereabouts. Not too far from that.

4 CHIEF KASSETAS: And so the Las Cruces PD is
5 going to send six recruits through Dona Ana Community
6 College and pay only \$2,200 per student?

7 MR. DeROUEN: Well, you have the academy
8 that's long established. You know, as a reminder, the
9 Las Cruces academy existed several years before Dona
10 Ana existed. So their academy emerged out of a
11 necessity because there was a lack of anything else in
12 this particular area.

13 We've only come to the point where we could
14 even approach something like there in 2006. So we're
15 actually late to the table as it were in this regard.
16 And that's understood. But, at the same time, we have
17 developed into a significant resource for the region.
18 And we cannot ignore that either.

19 But Las Cruces has a fairly solid culture of
20 law enforcement. You can't deny what's there.
21 They've had excellent training managers in their
22 existence. Jerry Reese is a good example of a good
23 training manager. Shane Russell is another one that
24 was there. You have a lot of good people that are
25 there.

1 So it's going to take a matter of us
2 establishing an academy and gaining the trust of the
3 local agencies. They're not just going to jump in
4 with both feet. You know this as well as I do, Chief.
5 As a law enforcement officer, you don't walk in off
6 the street and become a sergeant. You have to gain
7 trust.

8 CHIEF KASSETAS: I understand that. I get
9 it. But it's kind of like a field of dreams. You're
10 saying, if we build it, they will come. Like I say,
11 it looks like a great program. I haven't had a chance
12 to delve into the binder.

13 But I mean look at the conflict in the county
14 now. I can't imagine. But I would see this working
15 like I said and us moving forward as a Board and the
16 LEA endorsing it if it was one for one.

17 If we can convince the county to say this is
18 where you need to be and here are the costs and Dona
19 Ana Community College is going to provide this
20 function, the Chief of Las Cruces PD can make a
21 decision whether he continues his academy and sends
22 people to Santa Fe for absolutely no cost. I think we
23 even feed them, right, Jack?

24 MR. JONES: Yes, sir.

25 CHIEF KASSETAS: Except they're away from

1 home for 16 weeks versus being able to stay down here
2 in the area and stay home with their families. I
3 think that's the only benefit, right? I don't know,
4 keeping them down here versus sending them to Santa
5 Fe.

6 So there's got to be a way that, at the local
7 level, you can talk about breaking down barriers and
8 walls and try to consolidate that effort. Everything
9 looks great and it looks like you could go today.

10 I'm just not sure that adding a third academy
11 to Dona Ana County is the way to go without reducing
12 the footprint somewhere and how that gets done
13 politically.

14 You know, if you asked me to close my
15 academy, I wouldn't do it because I get more mileage
16 out of 22 weeks at the State Police Academy in
17 addition to the 16 weeks that the basic academy
18 teaches. I have a closed audience. I have that extra
19 time.

20 I don't hire officers and put them on the
21 streets immediately like the statute allows. This
22 isn't how we operate. You have to be certified and
23 commissioned and go through the field training 16-week
24 program we discussed.

25 But I commend you for what you're doing. I

1 think you've been before this Board before, right?

2 This is the second time.

3 MR. DeROUEN: Right.

4 CHIEF KASSETAS: I don't know if this is an
5 action item at this point. I know that conceptually
6 it sounds great. I just don't know if it's the right
7 thing to do right now.

8 MR. DeROUEN: Chief, to your previous point,
9 I can tell you that, when I started in law enforcement
10 1973, you had a year before you go through the
11 academy.

12 But I would ask the Board this question.
13 You've asked some interesting questions regarding
14 incorporating and consolidating. Then my question is
15 you can see the value of this. How could I call upon
16 the Board to assist me in this process?

17 MS. BURNHAM: I have a suggestion for you. I
18 think the consensus of what you've heard today is that
19 you need very much more coordination with the Dona Ana
20 County Sheriff's Office, the Las Cruces Police
21 Department, the County of Dona Ana, the City of Las
22 Cruces.

23 What you all are offering that I really love
24 is 32 credits to people who work their tails off in
25 the academy and they would get college credit for

1 that. I think, if you can work out the kinks so that
2 there isn't duplication, you have a very
3 exciting idea. There's a lot of good things about it.
4 But there are kinks that are going to have to be
5 worked out in my opinion.

6 CHIEF McCALL: Mr. Chair, I come at this with
7 a different point of view than the rest of the Board.
8 I don't know a lot about Dona Ana Community College,
9 but in the name is community college.

10 We're very stuck here on it sounds like Dona
11 Ana County Sheriff's Department and the Las Cruces
12 Police Department. Two fine organizations. But there
13 is more to this community and more to this area than
14 the Las Cruces Police Department and Dona Ana County.

15 I assume that you will be taking independent
16 candidates that sponsor themselves, that self-sponsor
17 themselves.

18 MR. DeROUEN: Yes.

19 CHIEF McCALL: I assume you will be working
20 with other agencies within the region to try to draw
21 them in and utilize your services as well?

22 MR. DeROUEN: Yes.

23 CHIEF McCALL: From my perspective and my
24 point of view, I come from a different perspective, I
25 come from Texas law enforcement initially. And this

1 is a very common approach with TCLEOSE in Texas, is to
2 cosponsor with community colleges to create training
3 opportunities for police officers to help fill the
4 void.

5 I just listened to a presentation last week
6 by Director Jones to say we're 1,500 police officers
7 short and more than that when you consider the 600
8 that Albuquerque is short in the state.

9 And I think, if we continue trying to hold on
10 to a centralized Law Enforcement Academy system and
11 try to keep that closed, we're never going to fill
12 that gap. I think you're looking to fill a niche that
13 we've missed in this state for many years.

14 I think the Southeastern New Mexico Law
15 Enforcement Academy has stepped in and filled that
16 niche in Southeastern New Mexico in that that
17 academy -- and I can speak from an agency that that
18 academy came from.

19 We had that academy licensed at the Hobbs
20 Police Department. And it was in conjunction turned
21 over to the New Mexico Junior College and the
22 Southeastern New Mexico Law Enforcement Academy to
23 create that training opportunity. And they definitely
24 fill a void there.

25 I believe in this area, with the population

1 that you have in this corner of the state in this
2 area, there is a great need from other agencies as
3 well as openings for independent officers, folks who
4 want to be police officers and want to prove to
5 themselves that they can complete an academy, to step
6 up and do that.

7 We do a lot of recruiting. We recruit a lot
8 out of El Paso Community College. We hire one or two
9 out of every one of their classes. And they come over
10 and take the waiver academy.

11 I think that this would be an exciting option
12 for us, to come over and try to recruit from Dona Ana
13 Community College and their program and already have
14 New Mexico certified officers to come to work for our
15 agency.

16 We don't have the hiring pool in Southeastern
17 New Mexico that Las Cruces or Albuquerque or Santa Fe
18 or New Mexico State Police have for that matter. We
19 don't have that size of a pool to draw from. So we
20 have to expand our horizons and go out and try to find
21 those people from other places and attract them to our
22 city and our department.

23 And I think there are many departments in
24 this state that are in that same position, looking for
25 qualified people, you know, without going out and

1 going to other departments and taking their officers
2 and trying to pull them into their departments.

3 This is a great opportunity for us to look at
4 those independent folks that want to be police
5 officers, that just want an opportunity to prove
6 themselves. That's my perspective.

7 MR. DeROUEN: Just some feedback on that.
8 You all touched on several issues today that are kind
9 of interesting.

10 One was speaking to the issue of dealing with
11 sexual assaults, especially with children in a rural
12 area that are hard to get to. We actually have a
13 program here that's a practical field investigations
14 course. It's designed and aimed at agencies of ten or
15 less, which is the majority of agencies in New Mexico.

16 It gives those officers an opportunity to
17 step up and handle and process that crime scene. I
18 mean, if the wind is blowing at 60 miles an hour and
19 you have evidence that's going to disappear, it gives
20 that individual the ability to collect that evidence,
21 preserve it, and make some initial determinations
22 without waiting for a backlog from the lab.

23 I mean many of you here sitting down, I can
24 teach you how to do to a basic ballistics check and
25 caliber and type of weapon just by examining the

1 cartridge casing or any projectile casing that's left
2 behind. This saves a tremendous amount of time and
3 helps smaller agencies with limited resources. Again
4 these are the type of things that we do here at Dona
5 Ana Community College that are quite different.

6 CHIEF KASSETAS: Can you still do those
7 things without being a certified regional academy,
8 though? You mentioned something that was beyond a
9 basic 16-week curriculum. You can still do those
10 unique innovative courses and instruction without
11 being a satellite academy, right?

12 MR. DeROUEN: Sure.

13 CHIEF KASSETAS: So the benefit of being a
14 satellite academy does what for Dona Ana Community
15 College? It allows self-sponsors and other agencies
16 to send folks to the 16-week academy to the school,
17 correct?

18 MR. DeROUEN: Absolutely. You know we are a
19 military friendly institution. So, therefore, we can
20 also tie it to the military and look at certification
21 by waiver.

22 MS. MILLER: So the capital outlays for two
23 organizations is impressive. They're both here, they
24 both seem done or close to done. So what it seems
25 like we're discussing is that there is some political

1 capital on your end that needs to happen and needs to
2 be spent.

3 And several people here have pointed out
4 certain things; that if you can address those
5 questions, I think you would get a lot of community
6 support for what you're trying to do.

7 And the more community support you have for
8 what you're trying to do, it makes it easier for us to
9 respond to either having another academy and the
10 burden that places on DPS or actually reducing the
11 number of academies but expanding the opportunities
12 for training.

13 So I hope I'm not speaking out of turn for
14 others here in saying that. But I'm trying to show
15 you what pieces we're wanting to hear. This is a nice
16 program and you've done a lot of work and the
17 organization is there. There's no doubt about it.

18 But there needs to be the community support
19 part. And that's working with agencies and other
20 sections of the state to help you. That might be an
21 idea too.

22 MR. DeROUEN: Okay.

23 A.G. BALDERAS: I guess I'm going to try to
24 follow that. I'm actually interested in hearing you
25 speak to this. I think there's been some helpful

1 discussion at least for me. I'd like to research.

2 And I'm a little torn because we're losing
3 our Director. And there's a succinct question as it
4 relates to our current academies that probably needs
5 to be navigated a little bit by me in terms of
6 researching what the process is for even approving a
7 satellite academy application.

8 I'm going to work with Director Jones and
9 Members of the Board to facilitate and work out the
10 sustainability of expansion or of conflicts with the
11 current academies.

12 I have no problem inviting you back for
13 another discussion to at least give me, the Chair, a
14 little better understanding; because I've heard some
15 differences of opinion among my own Members that I'd
16 like to reconcile and work it.

17 Secondly, I think a direct appeal to me as
18 the Chair also has occurred. I was not privy to this
19 packet before the meeting and what the specific
20 challenges may be. I've heard a conflict between
21 sustainability and threats to current academies or
22 duplication, a very healthy issue, versus some of the
23 greater law enforcement demands on education.

24 And my suggestion would be that it's a good
25 idea to not just limit yourself to local partners but

1 also, starting with my office, about how this benefits
2 not just the region, but the larger rural problem,
3 where there's an officer shortage.

4 I would be very curious to continue that
5 dialogue directly with both of you moving forward.
6 And there isn't an action item the way the agenda item
7 is presented today.

8 We would invite you back to one of our next
9 meetings, when we've advanced this dialogue, and maybe
10 we'll have a little more clarity as to whatever are
11 the next steps to empowering my Board to give a little
12 bit more deliberate action on an up or down vote.

13 It sounds like you need us to reconcile a
14 little bit in terms of how much support we have for
15 this issue. But those are a few suggestions, to
16 engage me directly so that I can kind of work with
17 staff and my Director on the sustainability issue and
18 also with threats to some of the academies. I would
19 be glad to invite you back to the next meeting.

20 MR. DeROUEN: I find it interesting I guess,
21 if anything. I appreciate that insight. Throughout
22 the application process as I read the document, it
23 spoke the issue of other academies. There are a lot
24 of things we can contribute in the form of curriculum
25 development and actual hard research that we can

1 definitely provide that's not being done at the
2 current academies.

3 As far as the training managers association
4 that I was speaking of earlier and the FTO that I was
5 talking about, we could do a survey or what's called a
6 needs survey which is expensive and time-consuming and
7 hard to coordinate many times.

8 If you're in continuous contact with your
9 trainers and with your agency as to the products that
10 they expect and the changes that are developing, then
11 that means you will be staying current with what's out
12 there. Just a thought, just a thought.

13 If I may, I would like to give you one more
14 piece of information to consider just about law
15 enforcement training in general.

16 I give this to all of my students as to why
17 they should be in college. If you're going to be a
18 law enforcement officer, why they should be in
19 college. They don't know why, this is why.

20 It's something I developed after talking with
21 my colleagues for about six months to a year. We were
22 taking a look at the issues in general. Hopefully
23 I've enough copies. And this is something that has
24 been identified, if you're not aware of it.

25 The heavy lifters within the criminal justice

1 field are the officers in the field. They're the ones
2 that actually need the most training possible. Our
3 goal is to assist in that process with testing,
4 looking at coaching abilities, and skills. There's
5 lots of things that we can do that we're looking at.
6 So again keep that in mind.

7 A.G. BALDERAS: I would like to make a
8 comment. The reason I think some maybe direct
9 dialogue is important is this is a good example of
10 where we might have mutual interests that run through
11 the academy process.

12 Chief Kassetas and I along with a public
13 member have the duty to certify the benefits of widows
14 of fallen law enforcement officers. And in this
15 difficult process of which I've had to participate
16 with Chief Kassetas a couple of times now, there's a
17 growing dialogue among pro law enforcement voices but
18 not within this structured system that are starting to
19 look at public policy choices of New Mexico; for
20 example, a student loan forgiveness program since
21 there's not one currently in New Mexico to try to
22 incentivize the level of commitment or the way we
23 invest in and treat officers.

24 And in addition to the fact that there's a
25 shortage of officers, you might develop some allies,

1 for instance, in this dialogue, that investment in
2 education for law enforcement is a win/win for the
3 general community as well as our officers.

4 But there might be some folks that might
5 partner with you on that larger demand, which is that
6 New Mexico is not incentivizing educational
7 opportunities for law enforcement. And also we're
8 definitely not walking the walk with setting aside
9 resources at a state level.

10 So this captured my eyes, that you might have
11 support from other partners. Not just for the direct
12 education and training agenda that we're dialoguing
13 right now, but that the state is looking at financial
14 incentives and public policy to better train and treat
15 our officers on the front end; like loan forgiveness.

16 So that's where I think your diagram is
17 actually pretty telling. So if we can continue that
18 dialogue, I would appreciate it.

19 Any other questions? Thank you for your
20 presentation.

21 ITEM NO. 12: DISCUSSION: LEA BOARD APPROVAL OF LEA
22 LESSON PLANS

23 A.G. BALDERAS: We're now going to move on to
24 item 12, LEA Board approval of LEA lesson plans. Is
25 Mr. Mechels here? He is not in attendance.

1 He provided some materials for the Board. If
2 there are no questions or comments from Board Members
3 on these materials, we can move on to item 13. There
4 are no questions.

5 ITEM NO. 13: CREATE A MEDICAL REVIEW PANEL AND ALSO
6 DISCUSS TEMPORARY WAIVER

7 A.G. BALDERAS: Item 13 will be presented by
8 our Board Member, Ms. Miller. Ms. Miller, you have
9 the floor to have your presentation on Medical Leave
10 Act.

11 MS. MILLER: Since the last Board meeting in
12 October, Officer Jeremy Romero requested a permanent
13 firearms qualifications waiver under the Americans
14 with Disabilities Act, also known as the ADA. In
15 light of that, the Board formed an ADA subcommittee
16 which is comprised of myself, Ms. Burnham, and
17 Sergeant Quezada.

18 And we took a look at what the NMAC said in
19 regards to this issue, we looked at DPS policy, we
20 looked at other states' policies regarding this issue,
21 we looked at U.S. DOJ Advisories regarding the ADA in
22 law enforcement, and then we looked at relevant case
23 law from other cities and states that had faced
24 similar issues.

25 And where we stopped was when we recognized

1 that, when it comes to law enforcement, part of ADA
2 compliance applies or pertains directly to essential
3 physical skills.

4 So given that, in order to assess the
5 essential physical skills as they apply to Officer
6 Romero's case, it is the subcommittee's opinion that
7 it is appropriate and prudent to form a medical review
8 panel per NMAC 10.29.9.17(D). The panel will include
9 one member from this Board, a police chief, a sheriff,
10 the academy Director, two physicians, and an advocate
11 for the disabled community.

12 The subcommittee, in preparation for today's
13 meeting, did ask Director Jones to create a short list
14 of physicians to select from. Also in your packets
15 you will see a listing of the New Mexico Governor's
16 Commission on Disability to serve as a group to reach
17 out to to determine the advocate for the disabled
18 community.

19 The subcommittee is also going to assist
20 Director Jones in contacting Board Members to serve on
21 the panel and help with scheduling and other issues.
22 It is our hope that this plan will be completed in a
23 timely manner given how this affects Officer Romero's
24 desire to maintain his certification.

25 So are there any questions about what was

1 reviewed or talked about, are there any questions
2 about Officer Romero's case specifically?

3 A.G. BALDERAS: Board Member Miller, I want
4 to just clarify. You're saying that, according to the
5 rule, there's already an option to create this medical
6 review board?

7 MS. MILLER: Correct.

8 A.G. BALDERAS: And then are you recommending
9 that we just provide guidance to Director Jones to put
10 a panel together for our approval?

11 MS. MILLER: Correct. The NMAC requires that
12 we recommend that a medical review panel be created,
13 but the Director can carry that out.

14 A.G. BALDERAS: And as it relates to the
15 specific case that prompted this review, will we have
16 enough time to consider the recommendation of that
17 panel and that review board by the next meeting and in
18 time to review Officer Romero's request?

19 MS. MILLER: I'm not sure I understand.

20 A.G. BALDERAS: I think there was some time
21 sensitivity last time. Is that correct?

22 MS. MILLER: So there's a second piece to
23 this. Essentially the subcommittee was going to
24 request that you consider directing Director Jones to
25 offer a temporary limited waiver of the firearms

1 qualifications subject to the results of this medical
2 review panel and then lasting until the medical review
3 panel is done. Given the time issue of this, it would
4 seem prudent to go that route.

5 A.G. BALDERAS: This is very helpful. Thank
6 you for providing this update. I have no problem
7 directing Director Jones to take steps to appoint this
8 review panel, if the Board is inclined to support
9 that. I think it's prudent and it's in the rule.

10 I think we're trying to track down Director
11 Jones to get some clarification on the timing or at
12 least what options the Board can consider.

13 MR. JONES: I apologize, Mr. Chairman, Board
14 Members.

15 A.G. BALDERAS: You deserve a break.

16 MR. JONES: I was talking to the Dona Ana
17 Community College folks.

18 You'd like clarification on the certification
19 for Mr. Romero, Officer Romero?

20 A.G. BALDERAS: Yes. Board Member Miller is
21 recommending that we ask you to begin to take steps to
22 appoint a medical review committee or board?

23 MS. MILLER: It's actually called medical
24 review board.

25 A.G. BALDERAS: To give us a recommendation

1 on that. I think we're generally supportive of that.
2 My question just went to, if you were able to assemble
3 that medical review board for the specific purpose of
4 the Jeremy Romero case, would we have enough time to
5 consider that recommendation without his license I
6 guess expiring? We're really concerned about the
7 time.

8 MR. JONES: Let me explain, first of all,
9 sir, that Officer Romero's certification does not
10 expire for another six years. Where he is lacking is
11 in his biennium training.

12 Now, if he makes his biennium training, he
13 can go to the cert by waiver in three years or he can
14 challenge the test within the next eight months to get
15 his certification back and make up his biennium
16 training. So his certification is still good for
17 another six years unless the Board takes it away
18 because he does something that goes before the Board
19 for disciplinary action.

20 To do the medical review board, sir, I need
21 permission from the Board. And we need to get three
22 doctors that are suggested to the Board from the
23 academy, and then the Board will approve us to put
24 together that board that they will look at.

25 Then once that board has been established,

1 then we can move forward with a medical review board
2 to look and see if he can meet the needs for ADA
3 specific --

4 MS. MILLER: The essential physical skills.

5 MR. JONES: Yes. So if he meets the need for
6 a specific ADA requirement. But we have to have the
7 medical review board before the Law Enforcement
8 Academy can move forward and say, yes, we're going to
9 make these requirements and set these adjustments for
10 you for a specific requirement, like firearms.

11 A.G. BALDERAS: Okay. Is that something you
12 would prefer to have a motion and vote on? I mean I
13 think there's enough support here that you could take
14 steps to put that medical review board together.

15 MR. JONES: Sir, all the Director needs is
16 direction from the Board to go do this and we will go
17 forward and make it happen. And then I need to have
18 certain Members of the Board that I can call and say
19 these are the individuals that we've selected for the
20 review panel.

21 And the Board can say yes, move forward with
22 that. We don't need to have a whole Board. It's like
23 a committee, Chief Kassetas, when we do a committee
24 and we put that together. We don't need the whole
25 Board.

1 I just need the Board to say move forward
2 with that, we'll come up with the recommendations,
3 give them to the Board, and the committee will then
4 say yes, and we'll move forward with a medical review
5 board.

6 A.G. BALDERAS: We appreciate that, Director
7 Jones. Are you okay with the recommendation, Director
8 Jones, of guidance, that you have our permission to
9 start moving forward on that medical review board?

10 MR. JONES: Yes, sir. Deputy Director Coss
11 and myself have already looked at doing this because
12 Board Member Miller had asked us to look at it. So we
13 were just waiting in the wings to move forward with
14 that.

15 A.G. BALDERAS: Thank you for that. And
16 we'll move forward on this recommendation.

17 MR. JONES: Yes, sir.

18 A.G. BALDERAS: Is there any more
19 information, Board Member Miller, or does that
20 conclude your presentation?

21 MS. MILLER: No more information. There is
22 the question of the temporary waiver from biennium
23 training. And if that does not need to be part of the
24 process, then we can address that.

25 MR. JONES: Mr. Attorney General, Members of

1 the Board, with the Board's permission, we can grant
2 him a temporary waiver for biennium training until the
3 next Board meeting. And we can make a decision on
4 that at that point in time.

5 Again I would like to say that his
6 certification is not in jeopardy. His certification
7 is good for another six years. The problem that we
8 have is that, if he was to go do law enforcement work
9 right now, it would be suspended as of December 31st
10 because he's not met his biennium training. But his
11 certification is still active. He just needs to make
12 up the biennium training.

13 A.G. BALDERAS: And you're saying there's a
14 waiver for that that you would consider granting.

15 MR. JONES: If the Board grants it, we can
16 grant him a waiver until the next Board meeting.

17 SERGEANT QUEZADA: Can I ask a question. Do
18 you know what he's missing on his biennium training
19 right now?

20 MR. JONES: Firearms.

21 SERGEANT QUEZADA: Is it four hours that he
22 needs? Can he do that in his classroom or does it
23 have to be out in the range?

24 MR. JONES: He must do firearms
25 qualification.

1 SERGEANT QUEZADA: Okay.

2 A.G. BALDERAS: And that's what I'm concerned
3 about. You know, my role as the Chair is also to keep
4 my Board from creating a potential conflict.

5 So I'm not asking for a direct opinion on
6 whether you believe there should be a waiver of that
7 qualification. I'm worried that, if we don't weigh in
8 on the waiver issue, we may have unintended
9 consequences of indirectly weighing in and not
10 allowing the medical review board to give us a
11 recommendation first and then take action.

12 So I would ask that you consider a waiver.
13 And I would love to hear from the Board. I would say
14 that I would want this Board to consider the medical
15 review feedback first. So that's my only concern
16 about this.

17 But I would ask the Board to weigh in if they
18 feel in strong opposition that the waiver is somehow
19 creating an unfair precedent. But I do believe we
20 should directly seek out a medical review opinion
21 before we decide anything. But I would ask the
22 Director to weigh in and Board Members.

23 MR. JONES: Sir, this would be a precedent.
24 The Board has never done this before. But if you read
25 the NMAC, the Board has the authority to look at

1 circumstances and grant a limited and temporary
2 waiver.

3 A.G. BALDERAS: Right. Have we ever had a
4 panel or a medical review board before on certain
5 issues and, if so, how many do you remember?

6 MR. JONES: Pardon me, sir?

7 A.G. BALDERAS: Have you impaneled a medical
8 review board in the past?

9 MR. JONES: Yes, sir. There have been. But
10 it's for people that failed to meet the requirements
11 of an academy for hearing or eyesight. And what we
12 did is we put together a medical review board for
13 those individuals to go before that panel, that
14 medical panel, to see whether or not, for example, if
15 you don't meet the eyesight requirement, if you wore
16 glasses, would that make a difference. Yes, sometimes
17 it does. So a medical review panel will look at those
18 issues.

19 And if I may, an example would be, if I was
20 going to apply for an academy right now and I have
21 poor vision in my left eye, that doesn't meet the
22 requirements to go to an academy; but it is
23 correctable with eyeglasses or contacts to meet the
24 minimum requirements for the academy.

25 MS. MILLER: The subcommittee's concern is

1 that, because he's asking for relief under the ADA,
2 that we need to actually look at what he is able to do
3 against the list of essential physical skills that are
4 specified in an LEA-4 medical form.

5 And there is actually a very concrete list of
6 skill sets that an officer would need to meet. And by
7 doing the medical review, it's not just our personal
8 opinion what his abilities are, but rather a medical
9 professional opinion about what he is capable of or
10 not.

11 A.G. BALDERAS: Any further discussion?

12 MS. MILLER: It's my understanding that this
13 group position doesn't require that he have
14 certification. Is that correct?

15 MR. JONES: No, ma'am. He is a reserve
16 officer with the Bernalillo County Sheriff's
17 Department. And there is no requirement for him to
18 have his certification to be a reserve officer for any
19 agency.

20 MS. MILLER: So if we did nothing, his
21 certification just goes into abeyance until he does
22 the other piece of his training?

23 MR. JONES: Yes, ma'am.

24 MS. MILLER: So it seems like we actually
25 have two options. We can just keep everything current

1 by a temporary waiver or we can let his certification
2 go into abeyance pending the outcome of the medical
3 review.

4 A.G. BALDERAS: Director Jones, would his
5 certification go into suspension in January?

6 MR. JONES: Yes, sir. His certification goes
7 into suspension midnight December 31st because he's
8 failed to meet the requirements for the biennium
9 training.

10 But his certification is not in jeopardy.
11 All he needs to do is fulfill the biennium
12 requirements or go to cert by waiver, which are
13 basically biennium requirements. And he has not been
14 able to do the firearms portion that is required for
15 the biennium training.

16 A.G. BALDERAS: Okay. At this point this is
17 a presentation by Board Member Miller.

18 MS. MILLER: So it seems that, if we go with
19 the waiver option, we are creating a precedent without
20 really discussing it.

21 And given that Officer Romero has options to
22 revive his certification and use of his career despite
23 having biennium training expire at the end of the
24 year, that we are probably more comfortable moving
25 forward in that direction than waiting upon the

1 outcome of a medical review panel.

2 And then, if adding the option for waivers
3 like this in the NMAC is of interest, we can address
4 it at a further time, when there's more time to
5 consider the ramifications of doing that.

6 MS. BURNHAM: May I ask a question. As I
7 remember, the only reason he needed the biennium
8 training waiver was so that his department would not
9 lose money. Is that correct?

10 MS. MILLER: Yes.

11 MR. JONES: If I may, if he works for one of
12 the 233 recognized law enforcement agencies in the
13 state, if you have a certified officer and they're
14 going to maintain their biennium training, then the
15 fiscal year of the following year that you finish your
16 biennium training, your agency will receive \$600 for
17 training requirements from the Law Enforcement
18 Protection Fund.

19 MS. BURNHAM: And does that apply to reserve
20 officers?

21 MR. JONES: No, ma'am. It does not.

22 MS. BURNHAM: Okay. I think the second
23 option is better.

24 MR. JONES: If I may, in my own opinion as
25 the Director of the Law Enforcement Academy, I believe

1 that we need to do the medical review board, not set
2 precedent in giving something to somebody that we have
3 not done before in the past, and let the medical
4 review board come back with it. And we can convene a
5 medical review board within 90 days and move forward.

6 A.G. BALDERAS: And his certification will be
7 you said good for the next six years?

8 MR. JONES: His certification is good for six
9 more years. However, it will be suspended on
10 December 31st at midnight because he has not met the
11 requirement for biennium training. It doesn't mean he
12 can't come back and get it within the next 90 days.

13 If the medical review board comes back and
14 says, yes, he can do these things for an ADA compliant
15 requirement for him, we can do that. If the medical
16 review board comes back and says there's no option,
17 then we'll go with that.

18 As it's laid out within the LEA-4, if he
19 can't make those requirements that's on the LEA-4 form
20 and a medical review board will look at that, then the
21 Board has that to rely on.

22 A.G. BALDERAS: Okay. All right. You have
23 direction to put that medical review board team
24 together.

25 MR. JONES: All right, sir.

1 A.G. BALDERAS: All right. Anything else on
2 this issue?

3 CHIEF KASSETAS: I would like to point out,
4 Mr. Chairman, that although I do have input and ideas
5 and whatnot, I have a conflict or what may be
6 perceived as a conflict. So I abstained from any of
7 the discussion points. Thank you.

8 A.G. BALDERAS: Thank you, Director Jones.
9 Appreciate that.

10 MR. JONES: Yes, sir.

11 ITEM NO. 14: PUBLIC COMMENT

12 A.G. BALDERAS: We're going to move on to
13 item 14, public comment. We're now ready to take oral
14 comment. Generally speaking we ask that individuals
15 are allowed to speak for up to five minutes.

16 And this time the chair recognizes Angela
17 Byrd. Come on up. How are you?

18 MS. BYRD: Doing good. I know you guys are
19 ready to get out of here. But I have a letter.

20 Chairman and Vice Chairman, Members of the
21 Board, my name is Director Angela Byrd. I have a
22 letter from New Mexico Junior College Dean August
23 Fons. I'm here to read it today. It won't take five
24 minutes.

25 It says: "Good afternoon. I have asked for

1 Angie Byrd to read this. I unfortunately am unable to
2 attend this NM LEA Board meeting.

3 "My name is August Fons. I am retired from
4 the Hobbs Police Department. And for the past
5 18 years, I have been actively engaged in law
6 enforcement training for many New Mexico law
7 enforcement agencies.

8 "I recently became aware of New Mexico Law
9 Enforcement Academy Director Jack Jones' resignation.
10 On behalf of the Director Byrd and myself, I want to
11 publicly express our sincere appreciation to Director
12 Jones for his full support and commitment to not only
13 our training programs, but the entire New Mexico law
14 enforcement community.

15 "Personally I view his resignation as
16 unfortunate and untimely. During his tenure he has
17 aggressively pursued and achieved a number of positive
18 law enforcement training initiatives.

19 "Having served as the New Mexico State Police
20 officer as well as a combat veteran and retired
21 command staff officer in the United States Army, he is
22 well versed and knowledgeable in training and
23 operational needs of both law enforcement line
24 officers and leadership staff.

25 "He is a man of his word. Without making

1 rash promises, he does what he says he will do. He
2 has always been honest and willing to stand up for
3 what is right even when others are not.

4 "He has always accepted setbacks for what
5 they are, made necessary and appropriate adjustments,
6 and moved ahead, focusing on what can be rather than
7 what could have been.

8 "We have accompanied Director Jones across
9 the state to a number of agencies and different
10 training venues on many occasions over the last three
11 years. He has always shown an unconditional, high
12 level of courtesy and respect to every law enforcement
13 officer, leader, military veteran, and civilian he
14 meets or interacts with.

15 "Certainly there are those who have chosen
16 and shown that they do not want to be treated with
17 such courtesy and respect. That was always their
18 choice, not his. He talks to people, not about them.
19 His manner is straightforward. And I believe that
20 many, if not all, in the law enforcement community
21 respect that approach and would prefer working with an
22 individual of his caliber.

23 "It has been our pleasure to have worked with
24 Director Jones. And we wish him the very best as he
25 moves forward. Thank you for listening and allowing

1 me this time to go on record." And I agree with all
2 of that as well.

3 On a personal note, Director Jones, I want to
4 tell you, thank you very much for everything you've
5 done for the Southeastern Law Enforcement Academy and
6 law enforcement across the state.

7 You have empowered me to speak out and try to
8 change and make better law enforcement choices in the
9 State of New Mexico. We have needed that 16-week
10 curriculum change for a long time.

11 I have been here eight years. And there are
12 many things that nobody else would go after and you
13 did. And for that I appreciate all your efforts, your
14 commitment, and your dedication. I think all of us
15 here do. And I wish you the very best. Thank you.

16 A.G. BALDERAS: Thank you, Ms. Byrd,
17 appreciate it. Chief Lee Alirez.

18 CHIEF ALIREZ: Good afternoon, Distinguished
19 Chair and Law Enforcement Academy Board Members. I
20 just want to take a brief moment to acknowledge
21 Director Jack Jones. I've known him for two years.

22 Last week, at the law enforcement convention,
23 the question got raised is management and leadership
24 the same thing. Of course, we all know that they're
25 not.

1 But two years ago, when I met that man, I saw
2 something. And I saw something that salary and
3 benefits don't buy. His dedication and resolve and
4 compassion and commitment toward saving officers'
5 lives, making sure they're trained, is beyond
6 reproach.

7 He had the ability and does currently have
8 the ability which is a unique combination as a manager
9 and a leader when you can inspire and motivate others
10 towards the same common goal.

11 I have dealt with Director Jones on a
12 training level, an LEA-90 level. That phone has
13 always been picked up, return calls have been made.
14 And I know how busy they are. And I had the
15 opportunity recently to go out one night while they
16 were doing field problems.

17 Boy, have field problems changed since I went
18 through the academy. I was amazed at the level of
19 training and the caliber of training.

20 Director Jones, you and your staff have saved
21 officers' lives and you've made New Mexico a safer
22 place with the communities we serve. I wish you and
23 yours the very, very best. You have produced a great
24 caliber of leaders in the cadets that you have passed
25 through your academy. Thank you.

1 A.G. BALDERAS: Thank you, Chief. Thank you
2 for the public comment.

3 ITEM NO. 15: SCHEDULING OF 2016 BOARD MEETINGS

4 A.G. BALDERAS: We are at item 15, scheduling
5 of the 2016 Board meetings. The next agenda item is
6 scheduling.

7 And because all of you as a Board have put in
8 so much time and effort, I want to commend Director
9 Jones on his staff and my staff for supporting these
10 efforts. You've been all over the state. And I would
11 like to make a recommendation, but I would also like
12 some input from the Board. You've been all wonderful
13 and supportive.

14 I only have two points of consideration while
15 we're deciding where to go as a Board. The first is
16 that we go to Southern and Northern New Mexico.

17 Secondly, that we do some of them in Albuquerque, but
18 that we get out in the community. And I think you
19 have all responded with fantastic efforts to do that.

20 We have four dates blocked off that I would
21 like the Board to consider; March 8th, June 7th,
22 September 6th, and December 6th.

23 And the second point of priority for me as
24 the Chair in setting a commitment to Northern and
25 Southern New Mexico as well as Central New Mexico was

1 that we transparently set all four meetings at once.
2 And the public can generally plan around that.

3 So in those four dates, if there are no
4 objections, I would like to recommend that we start in
5 Santa Fe in March, March 8th; that we commit an
6 Albuquerque date, and it could be something as late as
7 December.

8 And I would also like some feedback from the
9 Board in determining whether you're okay going to
10 Socorro, Grants, Farmington, or Ruidoso. I would
11 entertain any type of input at this point. I'm okay
12 going down to Socorro or closer to Hobbs.

13 CHIEF McCALL: There is no place on the
14 planet close to Hobbs. I'm just as good with
15 Farmington as I am with Grants.

16 A.G. BALDERAS: Okay. I'll propose Santa Fe
17 March 8th, June 7th we go to Farmington.
18 September 6th we go to Ruidoso, and December 6th we
19 end up in Albuquerque, sort of central. Are there any
20 objections or additional comments? Chief?

21 CHIEF KASSETAS: I'm just happy to be here.
22 I only ask that the Law Enforcement Academy
23 administrative staff do placeholders in our calendars.
24 We don't know where we're going to be yet. But if we
25 can secure those four dates right away. And is it a

1 two-day meeting still like this one, is that the
2 structure?

3 A.G. BALDERAS: Yes, I believe so.

4 ITEM NO. 16: RECESS

5 A.G. BALDERAS: We are now at our last item.

6 Actually I do want to invite any Board
7 Members, if you have time, I know some of you are
8 staying overnight, to visit the simulation that I was
9 privy to earlier. It was a very informative tool for
10 me. I want to thank our hosts for allowing us to
11 observe that.

12 And I do want to go with public comments for
13 Director Jones. It's been a pleasure to work with you
14 and your staff, myself and my staff are grateful.

15 If there are no additional comments, we are
16 now at recess. Thank you all.

17 (At 3:30 p.m. the meeting was in recess.)

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REPORTER'S CERTIFICATE

I, JAN A. WILLIAMS, New Mexico CCR #14, DO
HEREBY CERTIFY that on December 15, 2015, the
proceedings in the above captioned matter were taken
before me, that I did report in stenographic shorthand
the proceedings set forth herein, and the foregoing
pages are a true and correct transcription to the best
of my ability.

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

JAN A. WILLIAMS, RPR
New Mexico CCR #14
License Expires: 12/31/15