

NEW MEXICO LAW ENFORCEMENT ACADEMY

REGULAR BOARD MEETING

December 12, 2017

8:35 a.m.

Crowne Plaza Albuquerque

1901 University Boulevard, N.E.

Albuquerque, New Mexico 87102

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

BOARD MEMBERS

New Mexico Attorney General Hector Balderas, Chairman

Chief Chris McCall, Vice Chairman

Chief Pete Kassetas

Sergeant Jaime Quezada

Chief Darren Soland

Elisabeth Miller

Scot Key

ALSO PRESENT

Stephan Marshall, Director

Brian Coss, Deputy Director

Joseph M. Dworak, Esq.

Monica Medrano, Case Manager

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Attached:

Exhibits A-F - Certifications of Law Enforcement Officers

Exhibits A-C - Certifications of Public Safety Telecommunicators



1 Balderas here.

2 MS. MEDRANO: Thank you.

3 A.G. BALDERAS: I want to welcome everyone.  
4 And thank my Vice Chair, Chris McCall, for beginning  
5 this meeting.

6 ITEM NO. 3: APPROVAL OF AGENDA.

7 A.G. BALDERAS: Now that we've announced roll  
8 call, if we can go to item No. 3, approval of the  
9 agenda.

10 DIRECTOR MARSHALL: Mr. Chairman.

11 A.G. BALDERAS: Yes.

12 DIRECTOR MARSHALL: Before we approve the  
13 agenda, I would like to point out that item No. 18,  
14 Mr. Lawrence Louick, I got a call late yesterday  
15 asking us to bump that to the next meeting. So I told  
16 him we could do that.

17 I also want to apologize. The initial agenda  
18 went out with the correct date but the wrong day of  
19 the week. And we didn't catch that until yesterday.  
20 The notices had the correct date, just the top of the  
21 agenda was incorrect. I apologize for that, it was my  
22 fault, it won't happen again. That's all I have.

23 A.G. BALDERAS: Great. Thank you, Director.

24 I'll entertain a motion to remove item 18  
25 from the agenda.

1 CHIEF KASSETAS: So moved.

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

3 CHIEF SOLAND: Second.

4 A.G. BALDERAS: All in favor of removing  
5 item 18 from the agenda, all in favor.

6 (Those in favor so indicate.)

7 A.G. BALDERAS: Any opposed. The motion  
8 passes. Let the record reflect that we've removed  
9 item 18 as amended.

10 Are there any other changes or suggestions?

11 DIRECTOR MARSHALL: No, sir.

12 A.G. BALDERAS: Great. So I'll entertain a  
13 motion to approve the agenda as amended.

14 CHIEF McCALL: Motion to approve.

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

16 MR. KEY: Second.

17 A.G. BALDERAS: All in favor.

18 (Those in favor so indicate.)

19 A.G. BALDERAS: Any opposed. The agenda is  
20 approved.

21 ITEM NO. 4: APPROVAL OF MEETING MINUTES

22 A.G. BALDERAS: We can go to item No. 4,  
23 approval of minutes.

24 MR. KEY: I make a motion to approve the  
25 meeting minutes from September 12, 2017.

1           A.G. BALDERAS: There is a motion. Is there  
2 a second to that motion?

3           SERGEANT QUEZADA: Second it.

4           A.G. BALDERAS: All in favor to approve the  
5 September 12th minutes as stated.

6           (Those in favor so indicate.)

7           A.G. BALDERAS: Any opposed? Motion to  
8 approve the minutes of September 12, 2017, passes.

9           A.G. BALDERAS: Before we also go on, I would  
10 like to recognize one of our outstanding Board  
11 Members, Las Cruces Sergeant Jaime Quezada, who  
12 answered the call to action recently and represented  
13 us in the State of New Mexico very well in Puerto Rico  
14 with the recent disaster and hurricane relief.

15           Sergeant Quezada just returned to the States.  
16 And we're glad obviously to have him back. But I  
17 would like to recognize his efforts and give him a  
18 round of applause.

19           (Applause.)

20           SERGEANT QUEZADA: Thank you for that.

21           A.G. BALDERAS: Can you enlighten us in any  
22 way.

23           SERGEANT QUEZADA: You know, it's interesting  
24 how everything went. There were six of us. Everyone  
25 was assigned to different areas and different people.



1 But considering the devastation they have over there,  
2 the people of Puerto Rico -- I just use the words  
3 awesome, unbelievable, big hearts.

4 They're moving forward. There's definitely  
5 hope in their eyes. And during the time I was there,  
6 I think I gained more out of it than them honestly  
7 when it comes down to it. I left family back there.  
8 It wasn't just friends, I left family.

9 A.G. BALDERAS: How many days were you there,  
10 Sergeant?

11 SERGEANT QUEZADA: We were there for two  
12 weeks. And then we requested an extension and they  
13 granted it. And we stayed there for a total of a  
14 month. Hopefully maybe they'll let us go back again.

15 A.G. BALDERAS: If there are no more  
16 comments, thank you for your service.

17 SERGEANT QUEZADA: Thank you.

18 ITEM NO. 5: DIRECTOR'S REPORT

19 A.G. BALDERAS: Great. We are now at item  
20 No. 5, our Director's report. Director Marshall, you  
21 have the floor.

22 DIRECTOR MARSHALL: Thank you, Mr. Chairman.  
23 It's a privilege once again to address the Law  
24 Enforcement Academy Board. My staff and I continue to  
25 strive to find the best ways to serve this Board, the

1 law enforcement agencies in New Mexico, and the men  
2 and women who are cadets, officers, and  
3 telecommunicators in this State as well as the public.

4 I'd like to present the following information  
5 highlighting our activity since the last Board meeting  
6 in Hobbs, New Mexico, on September 12th.

7 The New Mexico Law Enforcement Academy Basic  
8 Police Officer Training Class No. 195 graduated on  
9 October 27th with 34 officers. That same day  
10 Bernalillo County graduated an academy of eight new  
11 deputies.

12 Dona Ana County Sheriff's Office graduated 18  
13 new deputies on October 19th. The Southeastern New  
14 Mexico Law Enforcement Academy is graduating 14 cadets  
15 this morning.

16 San Juan County graduated 14 new deputies and  
17 officers last Friday, on December 1st. And the  
18 Albuquerque Police Department has their next  
19 graduation scheduled for December 21st.

20 This coming Friday, on December 15th, we'll  
21 graduate 29 new certified public safety  
22 telecommunicators as well.

23 We also completed on November 17th a  
24 certification by waiver class of 19 people, which  
25 included two new chiefs of police from out of state.

1           So as you'll see, we've listed the totals  
2 there. We've graduated a total new certifications of  
3 officers of 284 officers this year. That number is a  
4 little lower than last year solely because we had less  
5 applicants.

6           We had a very small class in our academy last  
7 time comparatively speaking. This class, we already  
8 have a full class. And we're still a month ahead of  
9 the assessment. So we expect the numbers to be up  
10 across the State for the next six months.

11           We'll be starting in January. We're going to  
12 cap the class at 60 as we've discussed before. I  
13 believe that the training quality suffers if we try to  
14 put more than 60 people in a class. There just isn't  
15 space for them on particularly the important tactical  
16 aspects, officer survival shooting, driving, those  
17 kind of things.

18           So that's what we're looking at at this  
19 point. We've already got 60 applicants and we're  
20 still a month out.

21           The next thing I wanted to talk about very  
22 briefly is the sexual assault kit initiative that  
23 we've been dealing with in this State for the last  
24 year or so. There's been a big push to address the  
25 problem of untested sexual assault kits.

1           There was a mandate that all officers be  
2 trained as part of the biennium training for the  
3 current reporting period. DPS provided the DVD to  
4 satisfy that training. It's also part of our basic  
5 training curriculum.

6           The untested kits have been described as a  
7 backlog. But according to a report generated by the  
8 former State Treasurer, Tim Keller, a number of tests  
9 just weren't submitted. It wasn't backlogged  
10 necessarily, it was just kits not being submitted.  
11 Some just weren't tracked. Sometimes there was a  
12 deliberate decision not to test the kits.

13           The more common reasons for this included a  
14 lack of victim credibility, a loss of contact or  
15 cooperation from the victim, the fact that the suspect  
16 was known to the victim, that the issue was one of  
17 consent as opposed to identification so they didn't  
18 think the test was going to be particularly relevant,  
19 concern about lab resources, or that the case had  
20 already been adjudicated.

21           These reasons, however, assume that the only  
22 value of the kit is to identify an unknown offender in  
23 a particular case. There were other considerations  
24 such as linking an offender to cases in other  
25 jurisdictions, enhancing public safety by developing

1 the Combined DNA Index System or CODIS, and showing  
2 respect for the victims; if the victims are going to  
3 go through the trauma of getting a test done, then  
4 they should know that that test is going to be  
5 submitted and evaluated.

6 For all of these reasons, the legislature  
7 simplified the requirement. As of October 1st of this  
8 year, every law enforcement agency in New Mexico is  
9 supposed to create a policy prescribing how the agency  
10 handles a sample of biological material collected  
11 pursuant to a medical examination of a sexual assault  
12 victim who reported the sexual assault to law  
13 enforcement that is received by the agency.

14 It's a fairly broad requirement as far as  
15 those tests that are conducted. And, most  
16 importantly, it requires the agency to send the  
17 material to that agency's servicing laboratory for DNA  
18 testing as soon as practicable after receiving the  
19 sample and in all cases within 30 days. The Statute  
20 30-9-19 further requires that records derived from the  
21 testing that qualify be submitted to the CODIS system.

22 A multidisciplinary team has been formed to  
23 address these issues including Chief McCall, Site  
24 Program Coordinator Donna Richmond, DPS Special  
25 Projects Director Dianna DeJarnette, Deputy Secretary

1 Amy Orlando of the Department of Public Safety,  
2 Sheriff Gary Gold of San Miguel County, Major Tim  
3 Johnson of the New Mexico State Police, as well as  
4 various other representatives from the lab and law  
5 enforcement agencies.

6 The reason I wanted to bring this up to the  
7 Board, the reason I'm taking you-all's time this  
8 morning to talk about it, is that we still have a few  
9 agencies that we're still trying to get on board to  
10 send all the kits in. Like I said, the law is fairly  
11 simple. If a test is taken and a report has been  
12 made, the kit gets submitted either to the APD lab or  
13 the DPS lab.

14 I'm seeking the Board's support in getting  
15 this message out to all the agencies to make sure that  
16 they're compliant with this law and that all the tests  
17 get submitted. It's good policy, it's good for the  
18 people of New Mexico, and it's a legal requirement.  
19 So that's why I wanted to bring that up in this  
20 environment.

21 The next thing I wanted to update the Board  
22 on is our efforts in implementing the trauma kit bill,  
23 HB-9, as it was known. As we discussed at a previous  
24 meeting, the legislature in the last session passed  
25 the Tourniquet and Trauma Kit Training and

1 Distribution Act, 29-7-7.7, which was funded through  
2 the efforts of Chief Kassetas and the New Mexico State  
3 Police and the Department of Public Safety.

4 New Mexico was the first state in the country  
5 to do this sort of training and provide this sort of  
6 equipment on a statewide basis. And we're very proud  
7 of that.

8 Over the last couple of months, Deputy  
9 Director Brian Coss and I have traveled to Ruidoso,  
10 Silver City, Red River, Farmington, and Santa Rosa,  
11 providing training to other trainers and distributing  
12 2,000 kits. But we still only heard from about half  
13 the agencies as far as getting their participation in  
14 this program.

15 We've included a link in our newsletter,  
16 telling people about it. We've sent letters to every  
17 agency. We've sent emails.

18 Again the reason I'm bringing it up here is  
19 we ask your help in getting the word out that we have  
20 these kits available and we have the training  
21 available. Mr. Coss and I have been doing the  
22 train-the-trainer parts of it ourselves because we  
23 wanted to make it clear how serious we take this  
24 program.

25 So again we ask the Board's support in

1 getting everybody on board so that every officer in  
2 New Mexico has a tourniquet and trauma kit on their  
3 person when they're working. It saves lives. And  
4 that's what we're looking to do here.

5 So as the year comes to a close, we believe  
6 it's been a successful year. We're making progress on  
7 the areas we discussed. We're going to continue to  
8 try to get the word out on the sexual assault kits and  
9 the trauma kits. We continue to focus on our primary  
10 mission, which is training officers, cadets, and  
11 dispatchers.

12 And we look forward to implementing our new  
13 data management system over the next few months. We  
14 believe we're moving in the right direction. We look  
15 forward to working with the Board in the coming year.  
16 That's all I have. I would be happy to answer any  
17 questions.

18 A.G. BALDERAS: Thank you, Director Marshall.  
19 Are there any questions from the Board?

20 DR. MILLER: Just one. Regarding the sexual  
21 assault kits and the trauma kits, if you're asking for  
22 our help, what is it that we can do?

23 DIRECTOR MARSHALL: I think part of it is we  
24 just wanted to get the discussion on the floor here,  
25 where people are paying attention to what we're



1 saying. And any agencies that you do deal with, we  
2 just ask that you bring it up every chance you get.

3 We want to get the word out that this is an  
4 important mandate from the State. I mean it's a legal  
5 requirement, but it's also just a really good idea.  
6 So we heavily support it.

7 I know Chief McCall is part of the committee  
8 with me. I think we're both on the same page in that  
9 regard. Anything you wish to add, Chief?

10 CHIEF McCALL: You know, really just  
11 conversation. As you run across people in law  
12 enforcement, just bringing that up in conversation,  
13 keeping that out in the forefront of people's minds,  
14 to include that.

15 I had one question on the trauma kits. You  
16 guys have done a great job getting them distributed  
17 throughout the state. From this point forward, will  
18 those be distributed through the basic academy as  
19 officers go through the academy?

20 DIRECTOR MARSHALL: It will be distributed  
21 through all the basic academies. We will continue to  
22 conduct training for the other agencies as we can get  
23 it scheduled. As I said, we tried to contact  
24 everybody in the last few road trips. We didn't get  
25 the complete response.

1           So we'll go wherever we need to go to get the  
2 training out there and to get the kits delivered. So  
3 like I said, we take it very seriously so we'll get  
4 them out.

5           CHIEF KASSETAS: Mr. Chair, Director, I'll  
6 add that I have allowed for -- and correct me if I'm  
7 wrong, Director -- in each of my State Police  
8 districts and subdistricts, extra kits to be held for  
9 when anybody, not just State Police, needs  
10 replacements, they can go locally to pick that up. Is  
11 that correct?

12           DIRECTOR MARSHALL: That's correct. We very  
13 much appreciate the assistance with the distribution.  
14 The idea being, if somebody uses a kit, it shouldn't  
15 take a week or two weeks or a month to get another  
16 kit. If somebody uses a kit, they should be able to  
17 pick up another kit immediately. And with the  
18 district and subdistrict offices, everybody is going  
19 to be fairly close to one.

20           So again, if we're going to that much effort,  
21 and with the chief's cooperation, that much success in  
22 getting the replacement kits issued, it's really  
23 important for us to get the initial kits out there.  
24 So that's what we're shooting for at this point.

25           A.G. BALDERAS: Any more questions?

1 Thank you, Director, for your report.

2 DIRECTOR MARSHALL: Thank you, Mr. Chairman.

3 ITEM NO. 6: ADDITION OF DISCIPLINARY ACTIONS TO THE  
4 NMLEA WEBSITE

5 A.G. BALDERAS: I'd like to go to item No. 6,  
6 addition of disciplinary actions to the New Mexico Law  
7 Enforcement Academy website. Agenda item No. 6 will  
8 be presented by Chief Kassetas.

9 CHIEF KASSETAS: Thank you, Mr. Chair.  
10 Members of the Board, I started this discussion about  
11 a year ago regarding what we do as a board and how we  
12 communicate that to the public and the agencies that  
13 we essentially oversee.

14 I want to be very clear in that there are two  
15 processes we know for discipline. One relates to an  
16 agency and its particular Internal Affairs process  
17 dealing with the commissioning of officers and the  
18 conduct of officers.

19 What I'm talking about today has nothing to  
20 do with that. I am not advocating asking agencies to  
21 turn over Internal Affairs investigatory reports or  
22 information as there is a bill of rights for police  
23 officers that many of us are aware of. There is  
24 statutory language that protects officers.

25 And rightly so. Just because we wear a badge

1 and a gun and enforce the law doesn't mean we give up  
2 our rights just like the criminals don't or the people  
3 we're enforcing the law against. So keep that in  
4 mind.

5           What I'm talking about is the work that the  
6 LEA Board does, addressing the certification of  
7 officers; not the commissioning but the certification,  
8 which is important work. I feel that sometimes our  
9 decisions get lost in translation to our audience here  
10 today and the general public.

11           I think that, when the Board takes action  
12 regarding someone's certification, it should be very  
13 clear what decision we made, whether that officer was  
14 cleared and those charges were dismissed or whether  
15 they were upheld.

16           And obviously we go into closed session  
17 because we're discussing essentially personnel matters  
18 and certification matters. And that can't and  
19 shouldn't change.

20           We need to have a forum where we have the  
21 ability to have free and open dialogue regarding these  
22 cases. However, when we come out of closed session  
23 and announce what our decision is, it's a bit vague  
24 and ambiguous.

25           I would like to propose that the LEA staff

1 prepare a summary right after the meeting and the  
2 public decisions are announced that recaps what we've  
3 decided on each particular case, keeping in mind that  
4 our decisions are public record already. It's just  
5 difficult for the public and even the agencies to find  
6 out what we've done.

7 So once we determine discipline, I think that  
8 the summary should include the officer's name, the  
9 name of the agency that submitted the LEA-90, the  
10 discipline decision, and the charges that are upheld  
11 and/or dismissed depending on what that was.

12 And then I also think that we should take  
13 another step forward and actually post in a PDF format  
14 the stipulated orders. Those are also public record.

15 I believe that right now we require the  
16 public, the media, to IPRA those from DPS and  
17 ultimately the Attorney General's Office, which causes  
18 a lot of work for a document that's already being made  
19 public.

20 And then I would also ask the Attorney  
21 General's Office, our counsel, to review what else is  
22 releasable or not and just put it there for people to  
23 access. There's no point in them having to IPRA and  
24 wait after we've made a decision.

25 That's the proposal that I've thought about.

1 I think it's transparent. It's all done in the open.  
2 And I think it's something that we should talk about  
3 and discuss.

4 And in no way does the LEA's oversight  
5 encroach on each agency's Internal Affairs process,  
6 because those are personnel matters and there are  
7 other avenues that the public needs to go through to  
8 access that. I believe this is separate. Mr. Chair.

9 A.G. BALDERAS: Thank you, Chief. Any  
10 further discussion on the idea?

11 MR. KEY: Mr. Chairman, my only question  
12 might be to Director Marshall, to ask him if there's  
13 anything in terms of workload that would prevent you  
14 from doing that in an easy and kind of a summary  
15 fashion?

16 DIRECTOR MARSHALL: No, sir. I don't think  
17 it would be overly burdensome. I think the  
18 information is going to primarily come I think from  
19 the stipulated orders and, on the contested hearings,  
20 the orders that are rendered by the Board. We can  
21 summarize that.

22 There's a couple of different formats. I've  
23 talked to the chief. We can put it on the new website  
24 I think fairly easily. We can also include it as part  
25 of our newsletter, if the chief thinks that would be

1 appropriate as well, with a quarterly report of  
2 everything that was done. I think both of those are  
3 exceptionally doable.

4 CHIEF KASSETAS: I will point out that we're  
5 about to launch a new DPS website that also has  
6 retooled the Law Enforcement Academy website. And  
7 there public access can be gained similar to how we  
8 put our policies online.

9 The media and public used to have to IPRA  
10 those. And now those are public documents. Anybody  
11 can go there. Hopefully, especially with the new  
12 website, they are updated and they can access that  
13 information.

14 Now, we've done some research. I know Brian  
15 Coss, the Assistant Director, has done some research.  
16 And we've looked at some other states and what other  
17 states have done. Some states will do a summary. And  
18 they do not name the officer, they will say Officer A  
19 or Officer B.

20 That doesn't make much sense to me, because  
21 quite frankly I believe our agenda names the officers  
22 in question here and it's public record, correct?

23 MR. DWORAK: Correct.

24 CHIEF KASSETAS: Look, I'm not here to shame  
25 anybody. But at the end of the day, officer conduct

1 is important. There needs to be oversight. And  
2 that's what this Board does. But quite frankly maybe  
3 some of these officers that are not really holding  
4 true to the oath that we took, maybe they'll think  
5 twice about it if they know that ultimately what they  
6 do will be in the public eye.

7 And I think sometimes they forget that. And  
8 I don't want officers walking around worried about it.  
9 But it should be ingrained from day one in the  
10 academy.

11 You are a reflection of your community and  
12 your department and this profession. And when that's  
13 breached, it's an embarrassment for the entire law  
14 enforcement profession. And that's a tall order. I  
15 think that gets us here.

16 And again, Director, I appreciate it. I  
17 think we can work with IT to make this posting pretty  
18 seamless. It's just about the mechanics and how it  
19 gets done. And maybe Brian can talk about some of the  
20 research you've done in some of the other states, if  
21 you would like.

22 MR. COSS: I would be more than happy to,  
23 Chief.

24 Members of the Board, I did a quick Google  
25 search, if you will, of a number of state POSTs, Peace



1 Officer Standards and Training. The five states I  
2 looked at, Colorado, Utah, Texas, Wyoming, and  
3 Louisiana, I couldn't locate anything on their  
4 websites that dealt with misconduct cases other than a  
5 means by which a complaint could be filed. But no  
6 listing of the outcomes.

7 The State of Arizona publishes a  
8 name-redacted version of that product. Officer A or  
9 Deputy B did A, B, or C. So it's a pretty  
10 comprehensive summary of the charges, allegations,  
11 the incident, if you will, and then the outcome of  
12 that case.

13 The State of Oklahoma and Washington State  
14 both post officers by name, agencies, certification  
15 numbers, certification dates, the original charges,  
16 the outcome. And it's posted in almost like a graph,  
17 sort of a PDF kind of a format. So it's Officer A,  
18 certification number, department, allegations, all  
19 basically in one line on a spreadsheet, if you will,  
20 in a PDF format.

21 So of those eight total that I just looked at  
22 briefly, there are a couple states out there that do  
23 publish a little bit more detail than right now we're  
24 currently making available to the public.

25 A.G. BALDERAS: Thank you. It appears that

1 you have support for this proposal. We have a couple  
2 options.

3 We can ask the Director to move forward on  
4 this project or ask him to move forward on this  
5 project with putting more specificity into a proposal  
6 in terms of when this could be accomplished, what  
7 specific information.

8 And we can take a formal vote at the next  
9 meeting or we can move forward and have him present a  
10 proposal and move forward on the execution. But it  
11 seems like there's support for this.

12 The only thing I would advise is if my staff  
13 could be involved and make sure that the information  
14 is subject to public inspection and that we hit no  
15 snags. I think it's a good idea and a good proposal.

16 CHIEF KASSETAS: Mr. Chair, I think, because  
17 this is on the agenda as a discussion topic, not a  
18 vote, that we can take the time between now and the  
19 next meeting and have the Director and your office  
20 work with us to come up with a process and procedure  
21 like you had said, have it vetted by our attorney to  
22 make sure that what we are putting on there is public  
23 record and appropriate.

24 And then, by the next meeting, we can make it  
25 an action item and then get this done. I like that

1 idea.

2 A.G. BALDERAS: Okay. Great. Go ahead.

3 MR. COSS: Mr. Chair. If I may, Chief, the  
4 other thing, just to remind the Board, the Board did  
5 authorize us a couple meetings ago to start adding  
6 these names to the IADLEST, the National  
7 Decertification Index, and that is ongoing and that is  
8 continuing.

9 So that just kind of continues to build on  
10 what we're discussing here today. That process is  
11 started. And so that does allow a little bit more  
12 access to the agencies statewide. Not necessarily the  
13 public at this point through IADLEST. But the  
14 agencies statewide do have the ability to log into  
15 that system.

16 A.G. BALDERAS: Great. Thank you, Chief, for  
17 bringing up this idea. We direct our Director to move  
18 forward on building out and executing on this  
19 proposal, to put final outcomes and other respective  
20 information that is public record.

21 I think this is a very important step.  
22 Clearly we don't want taxpayers and citizens having to  
23 struggle to gain what is easily accessible  
24 information.

25 More importantly, to the chief's point, many

1 times these individuals as part of this Board take  
2 action. And I think that any way we can directly  
3 communicate that to the general public further  
4 restores confidence in the law enforcement profession.

5 ITEM NO. 7: DISCUSSION AND APPROVAL, IF FEASIBLE, OF  
6 PERMITTING PUBLIC ACCESS TO CERTIFICATION AND CONDUCT  
7 ISSUES AS MAINTAINED IN CURRENT SKILLS MANAGER SYSTEM

8 A.G. BALDERAS: Let's move on to item No. 7,  
9 discussion of permitting public access to  
10 certification and conduct issues. Is that the same  
11 topic, Chief?

12 CHIEF KASSETAS: That's a separate topic,  
13 Mr. Chair.

14 A.G. BALDERAS: Okay. Great. You also have  
15 the floor on this topic of permitting public access to  
16 certification and conduct issues.

17 CHIEF KASSETAS: So I think the second  
18 component of what we do here is the officer's record  
19 and/or history of their employment and conduct, which  
20 really is housed at the Law Enforcement Academy on a  
21 system called Skills, which is in the process of being  
22 replaced. That system is being upgraded.

23 And I think the Director or Assistant  
24 Director can talk about how that database operates.  
25 It's old, it's antiquated. But it does collect basic

1 information about an officer's certification date,  
2 about their employment history or summary, about the  
3 certifications and their training, and also about some  
4 of the discipline that they face throughout their  
5 career.

6 That is a document that can be obtained  
7 through IPRA. I believe there are some redactions. I  
8 actually had mine pulled. And obviously there's an  
9 entry issue.

10 But there is some information on here that I  
11 certainly do not believe is appropriate for public  
12 release, like my date of birth. Not that I care that  
13 people know how old I am but because of identity  
14 theft.

15 But you've got some driver's license  
16 information, home address, which there's NA. So it  
17 doesn't look like they entered those fields. There's  
18 emergency contact information. And probably the new  
19 program will be revised to capture some of this or  
20 maybe none of it at all.

21 But what's important is the employment  
22 summary. The public can see where I have been  
23 commissioned and where I've worked and whether I'm  
24 still working with an agency or been dismissed  
25 summarily from that agency or resigned or whatnot.

1           It shows an officer's work history in New  
2 Mexico. It also again shows by education some of the  
3 courses I've taken and whatnot. We're public  
4 employees. And I think the public has a right to know  
5 that basic information. I don't believe right now  
6 that the Skills database can be accessed by anybody  
7 outside the organization.

8           So what I'm asking for is the Board to  
9 entertain the thought and have the Director research,  
10 with the new system coming online, is it possible that  
11 there could be a link between a portal on the new DPS  
12 website and this new database, where anybody can go in  
13 and put in a name of an officer and pull up this basic  
14 history instead of having to go through the IPRA  
15 process or records process ultimately for the same  
16 information to be released.

17           Director, if you could add anything to that  
18 about the current system. I know we've talked and you  
19 don't think it's possible under the old system, the  
20 Skills system. I don't know where you're at with this  
21 new endeavor as far as records retention and  
22 information. Can you help us understand that.

23           DIRECTOR MARSHALL: I can try. I am not the  
24 tech guy. I am so not the tech guy.

25           CHIEF KASSETAS: You're fired. Brian.

1           DIRECTOR MARSHALL: Brian is much more  
2 technical than I am. I know, as you said, with the  
3 current system, I don't think it's possible. Plus  
4 there's a lot of information, Social Security numbers,  
5 other things that would have to be redacted.

6           Whether they can add it into the new system,  
7 we haven't really gotten that far on this particular  
8 issue with the provider of the new system. But we can  
9 certainly take a look at it and see if there's some  
10 way to provide the sort of information that you're  
11 looking for on some sort of connection between the  
12 database and the new website.

13           It's going to take somebody with skills  
14 better than mine, which is basically limited to  
15 checking my email. But we'll take a look at it. I  
16 can give you a report by the next meeting, if that's  
17 satisfactory. By then we should be a lot further  
18 along the road on our new database system to see if  
19 there's any way to make a public link.

20           I'm pretty confident at this point that  
21 hasn't been contemplated for this system. So I think  
22 the short answer is it can't do it today. But we can  
23 take a look and see if it can be developed into the  
24 system.

25           CHIEF KASSETAS: I'll go ahead and pass down

1 what I have. After 25 years of this, it's a page and  
2 a half. I'm kind of sad, maybe I should have done  
3 more. But it gives the Board an idea of exactly what  
4 the history shows.

5 So maybe at this point it's a discussion  
6 topic. And we can have you look at the feasibility of  
7 it and have our attorney look at the legality behind  
8 it to see if it's acceptable to have that information  
9 readily available to the public.

10 DIRECTOR MARSHALL: The other option, if I  
11 may, would be perhaps a contact. If we can't do it in  
12 the system, we can certainly put a contact on the  
13 website of somebody that they can contact to get that  
14 information fairly quickly and efficiently. So that  
15 may be another option.

16 CHIEF KASSETAS: Maybe take it out of the  
17 hands of DPS records and have someone streamline that  
18 through your office might be another way to do that.

19 DIRECTOR MARSHALL: Yes. I don't think we're  
20 going to have so many requests based on what we've  
21 seen so far with IPRA that it's going to be a game  
22 changer as far as our personnel.

23 CHIEF KASSETAS: Okay.

24 DIRECTOR MARSHALL: So I think possibly, if  
25 we have a particular email address or a particular



1 phone contact who can respond to these questions  
2 quickly, that might be another way to go. I don't  
3 think it would be requiring an IPRA for this  
4 information to get released.

5 But again I'll talk with counsel first and  
6 figure out exactly the best way to do it. But I think  
7 we can do something that accomplishes your goal here,  
8 sir.

9 CHIEF KASSETAS: Thank you. That's all I  
10 have, Chairman.

11 A.G. BALDERAS: Great. Thank you, Chief.  
12 Thank you, Director.

13 CHIEF McCALL: Mr. Chair, I have a question.

14 A.G. BALDERAS: Sure.

15 CHIEF McCALL: Director, what is the timeline  
16 on our new data management system?

17 DIRECTOR MARSHALL: We are beginning weekly  
18 meetings on putting it into place. I think at this  
19 point May 7th is the date that it's supposed to go  
20 live. Is that correct, Mr. Coss?

21 MR. COSS: That is correct. It may be set  
22 back just a couple weeks. But it's in the process,  
23 contracts are being signed, important people are  
24 talking to important people. We should have a kickoff  
25 meeting with the vendor hopefully the first week of

1 January.

2 CHIEF KASSETAS: And if I may suggest to the  
3 Board and Director, it might be by the next meeting a  
4 good time to present exactly what that system does for  
5 us. I think it's important. It tracks a lot of stuff  
6 related to a police officer's history. And it's  
7 important information.

8 And I commend you and the LEA for embracing  
9 technology. You know, the reality and the push behind  
10 this is we see officers that continue to apply with  
11 other agency after other agency after other agency.

12 And the reality is that sometimes that's not  
13 the best thing for law enforcement in this state,  
14 moving the problem from one agency to another. Good  
15 and bad conduct should follow somebody. It's an  
16 unfortunate byproduct of what we do, but it's reality.  
17 Thank you.

18 DR. MILLER: One comment. I will just say  
19 that, if you're in the process of system design, you  
20 should be able to determine if these two different  
21 systems can talk to each other. And then you can get  
22 permission support over specific fields from this  
23 form.

24 So you wouldn't even have to change what's on  
25 here. It's just that in one venue you could only get,

1 say, the employment information and not the driver's  
2 license and all of that. But if you ask now, you  
3 should be able to do something like that.

4 DIRECTOR MARSHALL: As I said, we are  
5 beginning the weekly meetings with the vendor in order  
6 to put the final touches on it. So we'll be sure that  
7 that information gets brought to them. And by the  
8 next meeting, I'll have a much better understanding of  
9 what the capabilities and limitations are in that  
10 regard.

11 CHIEF McCALL: Chief Kassetas, I noticed on  
12 your training record --

13 CHIEF KASSETAS: Here we go.

14 CHIEF McCALL: -- that you were hired on  
15 December 12th, 1992. Congratulations on a 25-year  
16 career today.

17 CHIEF KASSETAS: Thank you.

18 A.G. BALDERAS: Thank you, Director. Thank  
19 you, Chief, for that transparency proposal.

20 ITEM NO. 8: PUBLIC COMMENT

21 A.G. BALDERAS: Let's now move on to public  
22 comment. Mr. Mechels, welcome back. You have the  
23 floor for a couple minutes.

24 MR. MECHELS: For those in the audience who  
25 don't know me, I'm Chris Mechels. I'm retired from

1 Los Alamos. And I've been engaged in police matters  
2 for about four years.

3 A quick aside before I get to my main topic  
4 was what you've just discussed here. What I noticed  
5 was there was no mention -- I'm basically in favor of  
6 openness of information. But I heard no mention of  
7 anybody engaging the public as to whether they  
8 actually would prefer this information over some other  
9 information or the formatting.

10 What would be useful to the public? I heard  
11 no mention of that. This seems to be an initiative  
12 coming from the chief and the Director. Did the  
13 public ask for any of this? Where does the public get  
14 involved in developing this direction?

15 The things that I think you should have open  
16 on your website and you do not is that, if you have  
17 any IPRA requests -- and I know you consider these  
18 burdensome. That when the requests are filled, they  
19 should be posted on your website so other people don't  
20 have to request them.

21 That would limit your workload a lot. Things  
22 that you should -- that I have requested which ought  
23 to be posted on the website and are not are class  
24 schedules so we can actually see what the content of  
25 the class schedule is as opposed to the curriculum.

1           That would be very useful for the public to  
2 know. But it's not available to them. I have it  
3 because I IPRA'd it. But it's not on the public site.  
4 The public can't see it.

5           Lesson plans. For three years you were bound  
6 to put lesson plans on the website. You never did.  
7 Now you've decided you shouldn't. The public never  
8 agreed to any of this. As far as we're concerned, you  
9 spent three years not providing something you were  
10 legally bound to provide.

11           And as someone who engages the police  
12 matters, I think the lesson plans should be on the  
13 website. It's one of the most useful things you could  
14 provide to the public as far as your training.

15           And let's not forget, you are basically not a  
16 disciplinary organization. Your function is a  
17 training organization. Let the public see the  
18 information on your training. We can't see it.  
19 You're hiding it from us.

20           So you're offering something that's a  
21 subsidiary function of your Board which is the  
22 disciplinary side. And you're concealing from us what  
23 you're doing in training. This is not really very  
24 helpful. Please consider that. Be open on your main  
25 mission, which is training.

1           Now, I mentioned that we've been engaging --  
2 my colleague, Chris Goad, and I have been engaging  
3 this Board for four years. What brought us to the  
4 Board was the shooting of Jeanette Anaya in Santa Fe  
5 in November of 2013. That's about four years ago.

6           That's what brought us to this Board. We  
7 were looking for the Board to show some interest in  
8 that problem. That shooting involved a questionable  
9 pursuit policy, a questionable action on the part of  
10 the officer, and a questionable use of force.

11           Not only should that Anaya case have been  
12 looked at I would say for lessons learned, what did we  
13 do wrong that led to that tragic death, I've seen no  
14 mention of that. You don't have any lessons learned.  
15 You don't look into the root cause of any of these  
16 problems.

17           So it's Anaya. Then there was Kenneth Ellis,  
18 which resulted in a legal change through the  
19 legislature which resulted in a curriculum change.  
20 There was the Torres case, there was the Boyd case.

21           I asked you to discuss the Boyd two sessions  
22 ago, when I wasn't able to attend, in Silver City.  
23 You didn't discuss it. I put it on your agenda, but  
24 it wasn't discussed. Boyd was tragic. It ought not  
25 have happened. It was totally messed up.

1           They paid \$5 million for that mess-up. And  
2 the fact that they weren't successfully tried is not a  
3 surprise. We have trouble trying police. So you had  
4 Anaya, Ellis, Torres, Boyd. I have seen no signs that  
5 this Board has addressed any of those problems.

6           All of them involved questionable use of  
7 force. Some of them involved questionable pursuit  
8 policies. Why doesn't this Board take up those  
9 issues? Not only were these people tragically killed  
10 for no good reason, it was like \$21 million that was  
11 paid out in settlements.

12           The other thing that's just an ongoing issue  
13 here is New Mexico once again, today, leads the  
14 country in police killings per capita. There was a  
15 survey last year that said we led the country at the  
16 bottom as having the worst public safety in the  
17 nation.

18           Now, my looking at those cases -- there were  
19 19 cases which are available online. And The  
20 Washington Post says that. Over half of those cases  
21 are the result of bad use-of-force policy, bad pursuit  
22 policies, bad treatment of the mentally defective and  
23 drug-related incidents.

24           At least half of those deaths are not  
25 necessary. And yet this Board never discusses it.

1 Why don't you discuss it? When will you discuss it.  
2 You're killing a lot of people for no good reason  
3 outside of the fact you won't take up the problems  
4 that you have in training and policy in this state.

5 A.G. BALDERAS: Mr. Mechels, you've exceeded  
6 your time. I would ask you to wrap it up.

7 MR. MECHELS: I just did. Thank you, sir.

8 A.G. BALDERAS: Thank you, Mr. Mechels. As  
9 always I welcome your comments. As the Chair of the  
10 Board and in my own independent manner, I would  
11 respectfully disagree with you as the Attorney General  
12 of New Mexico that anyone on this Board has killed  
13 anybody or assisted in the killing of lives in New  
14 Mexico.

15 But I do welcome your input as always. I  
16 want to continue to work with you. And we'll note to  
17 the public and to you that we've also placed you on  
18 the agenda for an additional formal matter at a later  
19 time during this meeting.

20 ITEM NO. 9: RATIFICATION OF CERTIFICATIONS FOR LAW  
21 ENFORCEMENT OFFICERS

22 A.G. BALDERAS: Let's move to ratification of  
23 certifications of law enforcement officers, item  
24 No. 9. The next agenda item is the ratification of  
25 certifications for law enforcement officers which will



1 be facilitated by Director Marshall. Thank you.

2 DIRECTOR MARSHALL: Thank you, Mr. Chairman.

3 Our first list of certifications contained in  
4 Exhibit A is the New Mexico State Police Lateral Class  
5 No. 2. I would certify that these officers have met  
6 the necessary standards and the training requirements  
7 and request that they be approved.

8 A.G. BALDERAS: Great. I'll entertain a  
9 motion.

10 CHIEF McCALL: Motion to approve.

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

12 SERGEANT QUEZADA: Second it.

13 A.G. BALDERAS: All in favor of Director  
14 Marshall's request say aye.

15 (Those in favor so indicate.)

16 A.G. BALDERAS: Any opposed. The  
17 certifications are approved with respect to that  
18 exhibit.

19 DIRECTOR MARSHALL: Thank you, sir. The  
20 second one would be Exhibit B. It's Western New  
21 Mexico University Class Nos. 61 and 62. I will attest  
22 that the officers listed in that exhibit have met the  
23 necessary requirements of training and request that  
24 they be certified as well.

25 A.G. BALDERAS: I'll entertain a motion.

1 MR. KEY: So moved, Mr. Chairman.

2 A.G. BALDERAS: Thank you. Is there a second  
3 to Director Marshall's request?

4 DR. MILLER: Second.

5 A.G. BALDERAS: All in favor say aye.

6 (Those in favor so indicate.)

7 A.G. BALDERAS: Any opposed. You have  
8 passage of your second motion.

9 DIRECTOR MARSHALL: Thank you, sir. Our  
10 Exhibit C is the Dona Ana County Sheriff's Office  
11 Class No. 22, Certification Nos. 202 through 219. We  
12 would request that those officers be approved as well.  
13 And I'll attest that they have also met the necessary  
14 training requirements.

15 A.G. BALDERAS: Great. I'll entertain a  
16 motion to pass.

17 SERGEANT QUEZADA: I'll make that motion to  
18 approve certification.

19 A.G. BALDERAS: Thank you. Is there a  
20 second?

21 CHIEF McCALL: Second.

22 A.G. BALDERAS: All in favor say aye.

23 (Those in favor so indicate.)

24 A.G. BALDERAS: Any opposed. The motion  
25 passes. You may move forward.

1           DIRECTOR MARSHALL: Thank you, sir.

2           Mr. Chairman, I would next move that Exhibit D from  
3           the New Mexico Law Enforcement Academy Basic Class  
4           No. 195, Certification Nos. 220 through 253, be  
5           approved. I will attest that they have also met the  
6           necessary training requirements.

7           A.G. BALDERAS: Great. I'll entertain a  
8           motion to pass Exhibit D as stated.

9           CHIEF KASSETAS: So moved.

10          A.G. BALDERAS: Great. Is there a second for  
11          the passage of Exhibit D?

12          MR. KEY: Second.

13          A.G. BALDERAS: All in favor of passing  
14          Exhibit D.

15          (Those in favor so indicate.)

16          A.G. BALDERAS: Any opposed. You have  
17          passage of Exhibit D, Director Marshall.

18          DIRECTOR MARSHALL: Thank you, sir. Next I  
19          would propose certification of the officers listed in  
20          Exhibit E, Certification By Waiver Class 93, with the  
21          particular certification numbers as listed on the  
22          agenda.

23          A.G. BALDERAS: Great. I'll entertain a  
24          motion to pass Exhibit E, Certification Nos. 17-0255  
25          through 17-0267, 12-0228, 00-0079, 97-0316, 04-0224,

1 10-0207, and 98-0277.

2 CHIEF McCALL: Motion to approve Exhibit E.

3 A.G. BALDERAS: Great. Is there a second to  
4 approve Exhibit E?

5 CHIEF SOLAND: Second.

6 A.G. BALDERAS: Great. All in favor of  
7 passage of Exhibit E as stated.

8 (Those in favor so indicate.)

9 A.G. BALDERAS: Any opposed. The motion  
10 passes to approve Exhibit E.

11 DIRECTOR MARSHALL: Next I would propose the  
12 certification of those contained in Exhibit F,  
13 Bernalillo County Sheriff's Office Class No. 38,  
14 Certification Nos. 268 through 275. And I will also  
15 attest they have met the necessary requirements.

16 A.G. BALDERAS: I'll entertain a motion to  
17 pass Exhibit F, Certifications 268 through 275. Is  
18 there a motion?

19 SERGEANT QUEZADA: I'll make that motion to  
20 approve Exhibit F.

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

23 CHIEF KASSETAS: Second.

24 A.G. BALDERAS: There is a second. All in  
25 favor.

1 (Those in favor so indicate.)

2 A.G. BALDERAS: Any opposed. The motion  
3 passes to approve Exhibit F.

4 ITEM NO. 10: RATIFICATION OF CERTIFICATION FOR PUBLIC  
5 SAFETY TELECOMMUNICATORS

6 DIRECTOR MARSHALL: Our next one would be  
7 item No. 10, sir. It's the ratification of  
8 certifications for public safety telecommunicators.

9 First I'd ask approval of Exhibit A under  
10 Section 10, which is the Southeastern New Mexico Law  
11 Enforcement Academy Public Safety Telecommunicator  
12 Class No. 12. And I will attest that they have also  
13 met the training requirements.

14 A.G. BALDERAS: Thank you. I'll entertain a  
15 motion to pass Exhibit A, Certification Nos.  
16 17-0049-PS through 17-0058-PS and 11-0021-PS. Is  
17 there a motion?

18 CHIEF McCALL: Motion to approve.

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

20 SERGEANT QUEZADA: Second it.

21 A.G. BALDERAS: All in favor say aye to pass  
22 Exhibit A.

23 (Those in favor so indicate.)

24 A.G. BALDERAS: Any opposed. The motion  
25 passes to approve Exhibit A certifications.

1           DIRECTOR MARSHALL: Next, Mr. Chairman, we  
2 have Public Safety Telecommunicator Certification By  
3 Waiver Class No. 10 with two telecommunicators,  
4 10-0065 and 13-0066. We would move that those be  
5 approved as well. And I'll attest they have also met  
6 the training requirements.

7           A.G. BALDERAS: Thank you. I'll entertain a  
8 motion to pass Exhibit B as stated. Is there a  
9 motion?

10          MR. KEY: So moved.

11          A.G. BALDERAS: Is there a second to pass  
12 Exhibit B?

13          CHIEF SOLAND: Second.

14          A.G. BALDERAS: All in favor say aye.

15          (Those in favor so indicate.)

16          A.G. BALDERAS: Any opposed. The motion  
17 passes to approve Exhibit B certifications.

18          DIRECTOR MARSHALL: And the last one I have  
19 is Exhibit C under No. 10, which is Public Safety  
20 Telecommunicator Class No. 136, Certification  
21 Nos. 17-0059 through 0084 and 02-0079. And I will  
22 attest they have also met the training requirements  
23 necessary.

24          A.G. BALDERAS: I'll entertain to move for  
25 passage of Exhibit C. Is there a motion?

1 DR. MILLER: So moved.

2 A.G. BALDERAS: Thank you. Is there a second  
3 to approve that motion?

4 SERGEANT QUEZADA: Second it.

5 A.G. BALDERAS: There is a second. All in  
6 favor to pass Exhibit C certifications.

7 (Those in favor so indicate.)

8 A.G. BALDERAS: Any opposed. The motion to  
9 approve certifications for Exhibit C is passed. Thank  
10 you, Director.

11 DIRECTOR MARSHALL: Thank you, sir.

12 ITEM NO. 11: REQUEST TO REVIEW AND CONSIDER UPDATING  
13 THE STATE DEFENSIVE TACTICS AND SUBJECT CONTROL  
14 CURRICULUM FOR LAW ENFORCEMENT

15 A.G. BALDERAS: I want to move on to item  
16 No. 11. The Board will now hear from Greg Jackson. A  
17 little bit of background on Mr. Jackson.

18 You can come up to the mike, sir.

19 Not only is he a world class MMA trainer,  
20 he's very humble. But he also engages with law  
21 enforcement throughout the nation.

22 And it was a community conversation about not  
23 only a concern for officer safety but our concern for  
24 all New Mexicans and the safety of all citizens of New  
25 Mexico that kind of prompted a casual discussion.

1           So I would like to recognize Greg Jackson and  
2 allow him to present to this Board a very interesting  
3 topic and a topic that I know is not only a concern  
4 for law enforcement officers, but I know is a concern  
5 of all citizens of New Mexico and all the families  
6 that we're attempting to protect.

7           So you have the floor, Mr. Jackson.

8           MR. JACKSON: Thank you. Good morning,  
9 Members of the Board. I'm Greg. If you guys don't  
10 know me, you probably know Holly Holm or some of my  
11 fighters.

12           Like the Attorney General said, the other  
13 half of my life is basically engaging with Special  
14 Forces operators and law enforcement across the  
15 country, which I'm very privileged to do.

16           The reason I'm here this morning is to ask  
17 the Board to consider to update the defensive tactics  
18 curriculum for the State and all the agencies there  
19 within.

20           And as my colleagues there will tell you,  
21 some of the techniques that we have are -- I wouldn't  
22 say antiquated. But they're a little old. They  
23 haven't been updated in quite awhile. There's new and  
24 better information out there. That's one end of it.

25           The end of it that's really important to me



1 is the safety end. Right now we have a lot of stuff  
2 in the curriculum that -- like distraction strikes and  
3 things of that nature. But again those things work,  
4 but I don't think they're necessary.

5 Using a more grappling approach, which I'm  
6 going to get into the weeds here a little bit, and  
7 kind of taking out a lot of the blunt force trauma of  
8 what we do I think would be a very, very helpful  
9 thing.

10 So I'm going to go down a little list here.  
11 Remember, I get hit in the head for a living. The  
12 first thing I want to talk about with that in mind is  
13 delineating between subject control and defensive  
14 tactics. Two very different things, all already put  
15 in the curriculum, a curriculum that we have already  
16 submitted to DPS.

17 Subject control is that, is when you are  
18 going hands-on with a subject, with somebody that  
19 needs to be arrested. It's how you control that  
20 person. And that's very important. The delineation  
21 between the two are very important.

22 With defensive tactics, well, now you're in a  
23 little bit of trouble. The person has decided to  
24 engage you in a way that could be possibly harmful to  
25 you or other members of the public or the members of

1 the department.

2 So that's kind of the delineation. Does that  
3 make sense to everybody real quick? I won't talk your  
4 ears off. I'll try to go fast.

5 So the subject control itself, we teach it in  
6 a control zone manner. This means that it's all  
7 grappling based. In other words, we're not trying to  
8 hit somebody, knock them out, do anything like that.  
9 You take control of the subject using control zones.

10 And the control zones real quick are just  
11 different parts of the body. Most of us have two  
12 arms, two legs, and a head. So if you're fighting  
13 somebody with two heads -- or fighting is the wrong  
14 word. If you're trying to control somebody with two  
15 heads or something, it might not work. Outside of  
16 that my jokes don't get any better.

17 So going to those control zones is very  
18 important, because what happens to officers is you  
19 know where to go. Imagine you're a police officer.  
20 Somebody grabs an arm, somebody maybe grabs another  
21 arm. Now it's your job to control them. Well, where  
22 do you go?

23 And a lot of police officers don't know  
24 because it's not in our curriculums at the moment.  
25 Some of it is. You have two-man for sure. But what

1 about if there's three officers there or four?

2 What you get is this dog-piling situation,  
3 where everybody is fighting each other. One guy is  
4 pulling this way, the other person is pulling that  
5 way, everybody is fighting each other, and then you  
6 dog-pile on each other to try to hold somebody down.

7 So when I went through the Department of  
8 Justice, I worked with the moderators for a couple of  
9 hours. They grilled me pretty good. And one of their  
10 big concerns was, well, these guys have their hands  
11 kind of underneath them and there's a dog-pile on top  
12 of them and now the guy can't get his hands out from  
13 underneath him.

14 Officers get frustrated, they're scared, they  
15 start with, "Give me your hands, give me your hands."  
16 And stuff can go downhill from there quickly.

17 The way we do it is control-zone based,  
18 meaning one person controls the legs, one person  
19 controls the upper body, another one controls this.  
20 So it should only take three or four officers tops to  
21 control somebody with these new techniques. And  
22 that's very important. So instead of having to  
23 dog-pile and hurt people, we're able to control them a  
24 lot more efficiently.

25 These techniques have already been vetted.

1 I've been very lucky to work with like the HRT team  
2 out of Quantico. Even here in Albuquerque, the SWAT  
3 team has used a lot of our techniques to just kind of  
4 control and arrest people, which is really great.

5 So that's on one end of it. So what that  
6 does is always take kind of the fear out of the  
7 situation in that you always have a place to go.

8 The second aspect of it that with fear is  
9 what if your technique doesn't work. So what if you  
10 grab the arm and the guy is like no way. Or you try  
11 to take something and it doesn't work.

12 Well, with the control zone, it's very  
13 simple. You just switch to another control zone. If  
14 that doesn't work, you can switch to the first one or  
15 the next one. They're all connected.

16 So even if you fail, you have what I call the  
17 allowance of failure. That's still okay. Even if you  
18 can't get control of them, you can try another one.  
19 You always have something to do. So you don't need to  
20 resort to hitting them or striking them or doing  
21 whatever bad things could happen there. So that's  
22 very important. That's our subject control.

23 On the defensive tactics end, we already have  
24 a great defensive tactics curriculum. We just need to  
25 update it. We need to know more efficient methods if

1 somebody is trying to take your weapon and kill you,  
2 if somebody is putting choke holds on you. If any of  
3 those things happen, we just need the current  
4 information there.

5 We also need to know how as a team can we  
6 help each other out. If somebody is tackling the  
7 officer on the floor, how as a team can we get control  
8 of this subject again without striking him, without  
9 hurting him, or at least keeping that to a minimum.

10 So that's our real goal, is protecting the  
11 public; because if you're getting detained, we should  
12 use the most efficient method possible to do that.

13 If you are going to be working as a team, we  
14 should be working to help protect the person that  
15 we're trying to detain. It's also going to help  
16 officers. If you have the current information, if you  
17 do get in trouble, you have techniques that really  
18 work over and over and over again.

19 So putting those two pieces of the puzzle  
20 together I think will allow us to update and really be  
21 on the cutting edge. I'm really lucky that I get to  
22 train with so many great law enforcement agencies.  
23 And I'll see a technique and think, oh, wow, that  
24 really works well.

25 And I've been lucky enough to be a real nexus

1 of information, so many people coming and showing me  
2 different stuff that's worked for their departments  
3 over the years. And then kind of bringing that  
4 together and giving it to you guys is what I want to  
5 do.

6 I don't have any financial interest in this,  
7 I'm not looking for contracts or anything like that.  
8 I make my money in other places. I just want to kind  
9 of give back to this state because I hold a bucket and  
10 scream at people. There's not a lot of social  
11 viability in my job. So a little bit of giving back  
12 never hurt anybody. So this is the other half of my  
13 life, what I do.

14 I think it's a very, very well put together  
15 curriculum. I'm certainly open to discussing any  
16 techniques that you guys want. If you guys want to  
17 watch some of them, we have a thumb drive over here.

18 We can put on some of the techniques with  
19 some of the APD SWAT members, showing some of the  
20 constraint maneuvers and the teamwork that we use. If  
21 you guys want to watch that, you can. I'll leave it  
22 up to the Members of the Board.

23 A.G. BALDERAS: Thank you for your  
24 presentation. Any questions from the Board?

25 MR. KEY: I have a question. Thank you for

1 your presentation. Just a question regarding how is  
2 this being accepted kind of nationwide in terms of  
3 best practices with law enforcement and how is it  
4 migrating to New Mexico?

5 MR. JACKSON: Well, the migration I suppose  
6 and how it's being accepted in other places can have a  
7 lot more -- we talk about some people fight change and  
8 stuff. The people in Virginia, like basically the top  
9 end of law enforcement which is the hostage rescue  
10 team, those are the Feds; they're in charge of the  
11 worst of the worst.

12 They can adapt to anything right away. So  
13 they come in with their curriculum, they see new  
14 stuff, boom, it's on, it's done, it's no problem. And  
15 the same thing with a lot of the Special Forces  
16 community. It's a little slower there for big Army.  
17 But the Special Forces community is the same.

18 When I worked like with people from San Diego  
19 all the way to New York and New Jersey, the  
20 implementation is kind of slower. And what officers  
21 are doing, just to get around that, is they just do  
22 the techniques anyway; because that's what works.  
23 Some of them will take time to write out the  
24 curriculum, some of them won't.

25 We just teamed up with Northern Red, which is

1 the biggest training agency on the East Coast. So  
2 we're going to be redoing everybody's stuff kind of  
3 incrementally over there.

4 It's a little silly for me to say, oh, you  
5 know, I go to New Jersey and New Jersey has all these  
6 cutting edge techniques and, in my own home state, we  
7 don't have anything. So that's why I wanted to come  
8 here first before we really rolled it out back East.

9 MR. KEY: Thank you.

10 CHIEF KASSETAS: Mr. Chair.

11 A.G. BALDERAS: Sure.

12 CHIEF KASSETAS: A few comments.

13 Mr. Jackson, I appreciate you bringing this forward.  
14 We're always looking at areas where we can improve.  
15 What you're talking about is giving officers in the  
16 field options when they can use them.

17 You know, we have certainly people that dwell  
18 on officer-involved shootings. But more so our  
19 officers go hands-on with individuals on a daily  
20 basis. And you talk about protecting the public. But  
21 there's a second component of officers protecting  
22 themselves.

23 I just looked at the app that tracks officers  
24 killed in the line of duty. Can you believe there's  
25 an app for that? Could you imagine if there was an



1 app for tracking teachers that were killed in the  
2 classroom? Of course not. But for police officers  
3 there is one. 121 police officers have been killed in  
4 the line of duty.

5 But what that tells me is how many have been  
6 assaulted. Thousands upon thousands of officers are  
7 assaulted daily. And you're talking about teaching  
8 techniques that mitigate those assaults as quickly as  
9 they can and safely as they can for not only the  
10 suspect, which we care for, but also for their own  
11 officers and the public dealing with those  
12 individuals.

13 I'll tell you that's an acquired skill. I've  
14 been in this game a long time. And when I recently  
15 got into an altercation at Starbucks, I displayed  
16 probably some of the most ugly traits when it came to  
17 custody control and defensive tactics that there are.  
18 I got the job done.

19 And I go back to Mike Tyson, one of my  
20 favorite fighters. And he has a quote. And the quote  
21 is, "Everybody has a plan until" -- what? "They get  
22 hit in the face." We see that a lot in the  
23 profession, is that officers are initially trained  
24 and/or go to in-service once a year. And that  
25 training sometimes falls to the wayside.

1           And we're trying to reinvigorate how that's  
2 done in the state through the LEA, whether it's  
3 custody control, verbal judo, or de-escalation issues.  
4 And I look at what you're proposing, although it's  
5 hands-on and physical, as a form of de-escalation.

6           Instead of having to go to guns or a taser or  
7 a baton or impact weapons, there are ways to mitigate  
8 that to get the person under control a lot quicker and  
9 efficiently which limits the officer's exposure to  
10 injury and the suspect's exposure to injury. And  
11 hopefully this works out.

12           So I as a Board Member certainly embrace it.  
13 I think it's a good idea. LEA is vetting the lesson  
14 plan now I suppose and looking at all the options.  
15 But it sounds like we're on the right track. Thank  
16 you.

17           MR. JACKSON: Thank you.

18           A.G. BALDERAS: Thank you, Greg. I echo the  
19 same sentiments. I see the real vision here as not  
20 only giving New Mexico officers the world-class  
21 training and modernization; but when situations  
22 involve adrenaline, deadly force, I think you're  
23 presenting a multitude of options that the community  
24 will be very supportive of.

25           I also note that, as you were talking, most

1 recently, just the other day, there was an incident  
2 where an officer was assaulted and the other officer  
3 needed to use deadly force. There was the choke hold  
4 issue in New York.

5 So this issue is at the forefront of every  
6 household in New Mexico and across this country. And  
7 I think that you, offering yourself up as a resource,  
8 should be commended.

9 And I think there will also be discussion, as  
10 you move forward and as we vet the curriculum, to  
11 invite the Board and the community for some  
12 demonstration of basically actually what we're talking  
13 about as there is some community interest. And we can  
14 talk about that more in the future.

15 But that's also in development, is to really  
16 show how this curriculum can actually work. Not only  
17 for the average officer, but for the average citizen.  
18 So thank you for your presentation.

19 MR. JACKSON: No worries. Thank you, guys.

20 SERGEANT QUEZADA: Mr. Chair, can I ask  
21 Mr. Jackson a quick question.

22 A.G. BALDERAS: Sure.

23 SERGEANT QUEZADA: I would like to get his  
24 opinion on something. And I hope you don't mind that  
25 I put you on the spot a little bit on this.

1 MR. JACKSON: Throw me under the bus. No  
2 worries.

3 SERGEANT QUEZADA: No. It's not that. It's  
4 actually in respect to your experience and you dealing  
5 with a lot of law enforcement, answering a question on  
6 another item that kind of came up.

7 The Board is trying to show the transparency  
8 as far as a lot of the disciplinary actions. This got  
9 brought up earlier about the curriculum and the  
10 details of what we're teaching our officers.

11 What is your opinion on the public knowing  
12 exactly what an officer is learning in defensive  
13 tactics and what maneuvers they would use in a certain  
14 situation?

15 MR. JACKSON: I think that's a tricky  
16 question. In my opinion, and this is only my opinion,  
17 I would not put up the curriculum for public  
18 consumption only because there are a lot of members of  
19 the public that feel, okay, you know what, I need to  
20 see what the police officers are doing, I need to see,  
21 you know, if it's all right.

22 The problem is, when you're talking about  
23 defensive tactics, you are talking about a potentially  
24 lethal situation to officers; and to the public, but a  
25 lot to officers as well.

1           If you put up the techniques that are used on  
2 a website, on a video, something like that, there are  
3 people in this world that will look at those  
4 techniques and train against them. That's just what  
5 they do.

6           If you are a prisoner, and I don't know if  
7 you guys have ever been to a prison, there's not a lot  
8 to do. You kind of hang out all day. There's an arms  
9 race there. And any CO will tell you, there's an arms  
10 race. The prisoners try to come up with counters to  
11 what the corrections officers are going to do.

12           So I would say that, on the front end, I  
13 wouldn't put the techniques up because you will have  
14 people that will train against it with the intention  
15 of hurting officers.

16           The flip side to that is, if the techniques  
17 are done correctly, the public can see it all the  
18 time. In my opinion you're welcome to take out a cell  
19 phone and videotape officers performing as a team in a  
20 beautiful, coordinated manner and watching people get  
21 restrained without injury.

22           I would say the public is very welcome to do  
23 that. Videotape it, put it on the website, whatever  
24 you want to do. Because for me that would be a very  
25 proud moment.

1           And I've seen it already with officers that I  
2 have trained, where you watch them work in this  
3 beautiful team. The person is struggling but cannot  
4 get free. They're not in danger, the officers are not  
5 in danger. I would say videotape that all day.

6           As to how you do that and the specific  
7 techniques, in my opinion I would keep that off the  
8 website only because there are members of the public  
9 that mean to do harm, especially to police officers.

10           And I would not feel conscionable -- is that  
11 even a word? Now it is -- putting that on the website  
12 for those people to prepare against the men and women  
13 that put their lives on the line to protect us.

14           SERGEANT QUEZADA: Thank you for your  
15 opinion.

16           MR. JACKSON: Thank you.

17           A.G. BALDERAS: Thank you, Board Member.  
18 Thank you, Greg.

19           ITEM NO. 12: DISCUSS "THE LEA RULEMAKING PROCESS AND  
20 THE PUBLIC"

21           A.G. BALDERAS: Let's move on to item No. 12,  
22 discussion of the LEA rulemaking process.

23           Mr. Mechels, you have the floor for item No. 12.

24           MR. MECHELS: Thank you. Again for the  
25 record I am Chris Mechels. And before I start out

1 with my discussion of the curriculum, I'd like to  
2 respond briefly to what Mr. Jackson said. Because  
3 ordinarily you don't allow members of the public to  
4 address your other discussions, although I think you  
5 should.

6 I think what he's doing is commendable. Our  
7 defensive tactics need to be trained, need to be  
8 improved. We see far too much in Santa Fe, where I  
9 live, of just officers wrestling with suspects.

10 That doesn't look very attractive, when you  
11 just find somebody grabbing ahold of somebody and  
12 wrestling them to the ground. Certainly we can do  
13 better than that.

14 One thing I suggest, which I think this Board  
15 might well consider, is you've got nine academies.  
16 And when I look at their class schedules -- because I  
17 have them. The public should have them, but they  
18 don't. I have them because I did an IPRA request on  
19 them.

20 If you look at the nine different academies,  
21 you find nine different approaches to defensive  
22 tactics. Why is that? The State Police have a lot of  
23 defensive tactics training. APD has --

24 CHIEF McCALL: Mr. Mechels, I thought you  
25 were going to talk about rulemaking.

1 MR. MECHELS: No, no. I'm trying to say  
2 something useful about what he just said. Okay?  
3 Because you wouldn't give me --

4 A.G. BALDERAS: Mr. Mechels, I don't want  
5 there to be any conflict between the Board and you.  
6 We want you to engage. We're just asking that you  
7 stick to item No. 12, which is the compliance with  
8 State law. That's all.

9 MR. MECHELS: A question then please, sir.  
10 If I had asked to address him when he was speaking,  
11 would you have allowed it?

12 A.G. BALDERAS: Mr. Mechels, I'm not going to  
13 get into a legal discussion. I have offered you  
14 several minutes exceeding the public comment, I have  
15 allowed you to further comment. Now I'm asking you to  
16 address item No. 12, which we have put on the agenda.

17 MR. MECHELS: Thank you. I take that as a  
18 no.

19 A.G. BALDERAS: Thank you, Mr. Mechels, for  
20 addressing item No. 12, the Law Enforcement Academy  
21 rulemaking process.

22 MR. MECHELS: Okay.

23 A.G. BALDERAS: Thank you.

24 MR. MECHELS: Yes. I did come here, I'm on  
25 the agenda to speak to the current rulemaking process



1 and to suggestions going forward.

2 I suggest to you that your current rulemaking  
3 process has some serious problems. Not only does it  
4 not work, does it not allow for public involvement, it  
5 also has legal problems.

6 For an example, the rulemaking process that  
7 took place in 2016, the public hearing on that had two  
8 OMA violations. This is a matter of record. Two OMA  
9 violations were suggested and a Rules Act violation  
10 going into that hearing. Mr. Dworak I believe was  
11 there at the time.

12 This then went on to the Board for approval  
13 and the changes were approved. The question was did  
14 any of that get to the Board, the fact that there were  
15 two OMA violations, that there was a rules violation?  
16 It's very troubling that you had those violations and  
17 that apparently they were not dealt with.

18 So not only that. But the way you're  
19 generating changes currently is using a rules  
20 committee. The effect of the rules committee appears  
21 to be to cut out all public input.

22 Because when I read the minutes, and they're  
23 discussing how they're doing the rules, the rules  
24 committee is working with the Director's office,  
25 they're doing teleconferencing, they're coming up with

1 a rule; and then the rule goes to the Board originally  
2 to approve and set it up for hearing. But there's no  
3 provision for public input in that process.

4 Then it goes to the public hearing and  
5 there's -- you've done this on two occasions. Then it  
6 goes to the public hearing. And in the public  
7 hearing, yes, the public can comment all they want.

8 And I have commented very extensively and  
9 very completely on the changes that were before us.  
10 But then those changes go on to the Board, they're  
11 part of the record, but there's no discussion of them  
12 on the record.

13 And those changes, in the case of the 2016  
14 LEA Board meeting, the changes were referred to -- I  
15 believe the counsel at the time, Mr. Dworak, cautioned  
16 against making changes to the proposal because, if  
17 they made substantive changes such as what I was  
18 proposing, they wouldn't be able to proceed with the  
19 change.

20 But isn't that the whole idea? That if  
21 substantive changes are made and they're discussed,  
22 that perhaps you shouldn't go forward with the change  
23 before you because it would be inappropriate based  
24 upon the testimony provided by the public.

25 But there was no provision for that. So, in

1 effect, what you did is you had the hearing, you took  
2 the output of the hearing, you took it to the Board  
3 for approval, and the Board was cautioned against  
4 considering the public input.

5 And so essentially the public input  
6 disappears. It gets thrown in the trash. You pass  
7 whatever change you had brought forth, you throw our  
8 input in the trash. You've done this on two  
9 occasions.

10 When does a public comment that has been  
11 made, and some of it was very well-considered, when  
12 are those comments addressed? It appears that there's  
13 no provision for addressing those public comments.  
14 They just get thrown in the trash.

15 The public isn't involved in generating  
16 changes because that's not allowed. The public is  
17 allowed in public hearing.

18 But then the output of the public hearing  
19 goes to the Board, has no effect, and it's discarded  
20 and the changes are not considered going forward. I  
21 mean this shuts the public out totally of the process.  
22 I don't think that was the intent.

23 Now, I'm going to make a suggestion. First,  
24 get rid of your rules committee. It's making things  
25 worse, not better. If you're going to have a rules

1 committee, and I think a rules committee is an  
2 excellent idea by the way, it should be a rules  
3 committee outside of the Board.

4 Many, many POST standards such as the LEA  
5 board in other states do exactly that. They'll have a  
6 rules committee which has members of the board on it,  
7 but also members of the public. And you actually seek  
8 public input in the process.

9 And they generate the changes and then that  
10 becomes part of the process. That is a much more  
11 workable solution going forward, because the public  
12 has a right. And I say there's some value to public  
13 input, that part of the process which is not being  
14 considered in your current process.

15 Get rid of your current rules committee. It  
16 is just stifling public input. Have a real public  
17 input. And at the end of the process, what you should  
18 be doing and with what's considered under the recent  
19 House Bill 58 is, at the end of the process, public  
20 input and the original change ought to be part of the  
21 record.

22 And all public input that is not adopted or  
23 considered should be dealt with in the output of the  
24 hearing or the output of the meeting when the Board  
25 makes a decision. There should be a record of what

1 happened to that public input. Right now there is  
2 none. It just disappears.

3 So I suggest that you can make a lot of  
4 improvements in this. You can let the public into the  
5 process which is where they belong and which is where  
6 they are in other states. I really question why  
7 you're so intent upon shutting the public out of the  
8 current process.

9 So please. And I would be willing, of  
10 course, I invite the Director's office, I would be  
11 happy to sit down and discuss any ideas I have on this  
12 with them and to see if I can be helpful.

13 I'm a member of the public. I have tried to  
14 engage. I've been extremely frustrated. And it is  
15 getting worse, not better. And I think the more you  
16 cut yourself off from the public, the worse the  
17 problems are going to be with the police. So at that  
18 point I'll stop and take any questions.

19 CHIEF McCALL: Any questions from the Board?  
20 Thank you, Mr. Mechels, for your comments.

21 MR. MECHELS: Thank you.

22 ITEM NO. 13: SCHEDULING OF 2018 BOARD MEETINGS

23 CHIEF McCALL: We'll move to item 13,  
24 scheduling of 2018 board meetings.

25 So the dates to present to the Board for

1 consideration for locations and setting meeting dates  
2 will be Tuesday, March 6th, in Santa Fe; Tuesday,  
3 June 12th, in Socorro; Tuesday, September 4th, in Las  
4 Cruces; and Tuesday, December 4th, in Albuquerque.

5 We'll continue to hold meetings around the  
6 state to give the public access to our proceedings.  
7 And we want to balance that with the accessibility for  
8 Board Members.

9 ITEM NO. 14: REQUEST BY MICHAEL PARRISH FOR  
10 REINSTATEMENT OF LAW ENFORCEMENT CERTIFICATION

11 CHIEF McCALL: Now we'll hear a request on  
12 No. 14, Michael Parrish.

13 MR. PARRISH: Good morning. First off, thank  
14 you, Director Marshall, for allowing me on the agenda.

15 I was revoked in August 2015. I tried to  
16 speak with you at that meeting but Rick Word denied  
17 me. Hearing Officer Louis Medina presided over my  
18 case and listed multiple false statements as findings  
19 of fact to support revoking my license in this report  
20 that you as a Board relied on to make a decision.

21 I'm going to read the summary paragraph under  
22 his recommendation. And I quote, "Respondent failure  
23 to respond to Priority One domestic violence call in  
24 this case demonstrates that Respondent is possibly  
25 fearful of getting hurt. The evidence also

1 demonstrates that Respondent is unable to separate his  
2 issues with Sergeant Simmons with his professional  
3 responsibilities.

4 "Therefore, I find a preponderance of the  
5 evidence that establishes Respondent's actions in this  
6 case and in particular his failure to respond to  
7 emergency Priority One domestic violence calls  
8 demonstrates a lack of good moral character that  
9 adversely affects his ability to exercise his duties  
10 as a law enforcement officer."

11 The same witness that testified that I did  
12 not respond to the call is the same witness who gave  
13 me an order to only respond to dispatched calls one  
14 week prior to the incident, all of which is in the  
15 formal transcripts.

16 Obeying a supervisor's order is not an act  
17 that constitutes a lack of good moral character. I  
18 submit to you this is not a matter of moral character,  
19 rather a matter of maturity and life experience.

20 I met with the Director in September and  
21 provided him with my lapel camera videos from that  
22 year that show me in a foot chase with an aggravated  
23 burglary suspect who was resisting, a foot chase with  
24 an aggravated battery suspect who was resisting, a  
25 foot chase with an aggravated burglary suspect armed

1 with five stolen guns, taking down an aggressive  
2 suicidal subject, and a takedown of a violent felon on  
3 narcotics who head-butted me as I was trying to arrest  
4 him.

5 I also provided the Director with a summary  
6 report from Dr. Pete DiVasto, who performed a fitness  
7 for duty on me shortly after the incident and declared  
8 me as being fit for duty with no issues.

9 The other false allegation in the report was  
10 me being unable to separate my issues with my  
11 supervisor. I provided the Director with again lapel  
12 camera video of myself and the sergeant on several  
13 other Priority One calls together and nine months of  
14 text messages exchanged with the sergeant,  
15 exemplifying a professional working relationship.

16 Hearing Officer Medina denied me a fair due  
17 process by refusing to accept the evidence that I  
18 attempted to provide him or consider any testimony on  
19 the record that would have cleared me of wrongdoing.

20 If a resolution isn't made on my  
21 certification today, I will get a meeting with the  
22 Hearing Officer to get to the bottom of this and  
23 report back to you at the next Board meeting on  
24 March 6th.

25 I want my dignity back and these false



1 allegations rescinded from my record, because I'm not  
2 going to my grave letting anyone tell me I lack good  
3 moral character. Thank you, Board Members, for your  
4 time. Merry Christmas and God bless.

5 CHIEF McCALL: The Board will move into  
6 disciplinary matters. And I'll now move that the  
7 Board go into closed session to discuss only those  
8 matters listed on the agenda under executive session  
9 pursuant to NMSA 1978, 10-15-1(H)(1), (3), and (7).

10 Do I have a second?

11 CHIEF SOLAND: Second.

12 CHIEF McCALL: I have a second.

13 Ms. Medrano, could you call the roll.

14 MS. MEDRANO: Attorney General Hector  
15 Balderas.

16 (No response.)

17 MS. MEDRANO: Mr. Scot Key.

18 MR. KEY: Yes.

19 MS. MEDRANO: Chief Pete Kassetas.

20 (No response.)

21 MS. MEDRANO: Sheriff Wesley Waller.

22 (No response.)

23 MS. MEDRANO: Chief Darren Soland.

24 CHIEF SOLAND: Yes.

25 MS. MEDRANO: Chief Chris McCall.

1 CHIEF McCALL: Yes.

2 MS. MEDRANO: Sergeant Jaime Quezada.

3 SERGEANT QUEZADA: Yes.

4 MS. MEDRANO: Dr. Elisabeth Miller.

5 DR. MILLER: Yes.

6 CHIEF McCALL: The Board will now move into  
7 closed session. We'll reconvene at the conclusion of  
8 our deliberations.

9 (Recess from 9:55 a.m. to 11:34 a.m.)

10 ITEM NO. 27: RETURN TO OPEN SESSION; ACTION ON  
11 MATTERS DISCUSSED IN CLOSED SESSION

12 CHIEF McCALL: The Board is back in open  
13 session on the record. The current time is 11:34 a.m.

14 Let the record show that the matters  
15 discussed during closed session were limited only to  
16 those specified in the motion for closure and that no  
17 votes or official actions were taken.

18 We will pick up on item No. 14, Michael  
19 Parrish.

20 MR. KEY: Mr. Chairman, I make a motion that  
21 we deny the request.

22 CHIEF McCALL: I have a motion for denial.  
23 Is there a second?

24 DR. MILLER: Second.

25 CHIEF McCALL: A motion and a second. All in

1 favor.

2 (Those in favor so indicate.)

3 CHIEF McCALL: Any opposed. The motion  
4 carries.

5 ITEM NO. 15: TREY THOMPSON

6 CHIEF McCALL: Next is proposed dismissals.  
7 Item No. 15, Trey Thompson.

8 CHIEF KASSETAS: Mr. Chair, I make a motion  
9 to accept the recommendation to dismiss.

10 CHIEF McCALL: I have a motion to accept. Is  
11 there a second?

12 SERGEANT QUEZADA: Second it.

13 CHIEF McCALL: I have motion and a second.  
14 All in favor.

15 (Those in favor so indicate.)

16 CHIEF McCALL: Any opposed. The motion  
17 carries.

18 ITEM NO. 16: CODY DOVE

19 CHIEF McCALL: Proposed Pre-NCA settlement,  
20 stipulated orders of suspension. Number 16, Cody  
21 Dove.

22 CHIEF SOLAND: Mr. Chair, I make a motion to  
23 approve the stipulated order of suspension for three  
24 months.

25 CHIEF McCALL: I have a motion to approve

1 three months stipulated order of suspension. Is there  
2 a second?

3 CHIEF KASSETAS: Second.

4 CHIEF McCALL: I have a motion and second.  
5 All in favor.

6 (Those in favor so indicate.)

7 CHIEF McCALL: Any opposed. The motion  
8 carries.

9 ITEM NO. 17: WILLIAM DURAN

10 CHIEF McCALL: Number 17, William Duran.

11 SERGEANT QUEZADA: Mr. Chair, I would like to  
12 make a motion to accept the recommendation of the  
13 two-year suspension.

14 CHIEF McCALL: We have a motion to accept.  
15 Is there a second?

16 DR. MILLER: Second.

17 CHIEF McCALL: A motion and a second. All in  
18 favor.

19 (Those in favor so indicate.)

20 CHIEF McCALL: Any opposed. The motion  
21 carries.

22 ITEM NO. 19: CURTIS LUCERO

23 CHIEF McCALL: Number 18 was removed from the  
24 agenda.

25 Number 19, Curtis Lucero.

1 DR. MILLER: Mr. Chairman, I make a motion to  
2 accept the recommended one-year suspension.

3 CHIEF McCALL: We have a motion to accept the  
4 one-year suspension.

5 MR. KEY: Second.

6 CHIEF McCALL: A motion and a second. All in  
7 favor.

8 (Those in favor so indicate.)

9 CHIEF McCALL: Any opposed. The motion  
10 carries.

11 ITEM NO. 20: RICHARD RANGEL

12 CHIEF McCALL: Number 20, Richard Rangel.

13 SERGEANT QUEZADA: Mr. Vice Chair, I would  
14 like to make the motion of accepting the  
15 recommendation of a six-month suspension.

16 CHIEF McCALL: We have a motion on the floor.  
17 Is there a second?

18 CHIEF SOLAND: Second.

19 CHIEF McCALL: A motion and a second. All in  
20 favor.

21 (Those in favor so indicate.)

22 CHIEF McCALL: Any opposed. The motion  
23 carries.

24 ITEM NO. 21: ROSHERN MCKINNEY

25 CHIEF McCALL: Number 21, Roshern McKinney.

1 CHIEF KASSETAS: Mr. Chair, in the matter of  
2 Mr. McKinney, I make a motion to revoke his law  
3 enforcement certification.

4 CHIEF McCALL: I have a motion to revoke. Is  
5 there a second?

6 SERGEANT QUEZADA: Second it.

7 CHIEF McCALL: And a second. All in favor.  
8 (Those in favor so indicate.)

9 CHIEF McCALL: Any opposed. The motion  
10 carries.

11 ITEM NO. 22: JESSE DIAZ

12 CHIEF McCALL: Number 22, Jesse Diaz.

13 MR. KEY: Mr. Vice Chair, I make a motion to  
14 dismiss and to follow the recommendation of dismissal.

15 CHIEF McCALL: There's a motion on the floor.  
16 Is there a second?

17 DR. MILLER: Second.

18 CHIEF McCALL: A motion and a second. All in  
19 favor.

20 (Those in favor so indicate.)

21 CHIEF McCALL: Any opposed. The motion  
22 carries.

23 ITEM NO. 23: JONAS PROCTOR

24 CHIEF McCALL: Number 23, Jonas Proctor.

25 CHIEF KASSETAS: Mr. Chair, I will make a

1 motion. But I will state that the Board struggled  
2 with this decision. The statements made by  
3 Mr. Proctor are not endorsed, we do not endorse this  
4 type of conduct. We are limited in what we can do as  
5 a board by how we're regulated through statute. So  
6 with that said, I make a motion to dismiss this case.

7 CHIEF McCALL: We have a motion on the floor  
8 to dismiss the case of Jonas Proctor. Is there a  
9 second?

10 SERGEANT QUEZADA: I'll second it.

11 CHIEF McCALL: A motion and a second. All in  
12 favor.

13 (Those in favor so indicate.)

14 CHIEF McCALL: Any opposed?

15 I vote nay.

16 The motion carries.

17 ITEM NO. 24: CARMELITA JAMES

18 CHIEF McCALL: Number 24, Carmelita James.

19 CHIEF SOLAND: Mr. Chair, I make a motion to  
20 not accept the recommendation and stipulated  
21 settlement agreement and send this back for a formal  
22 hearing.

23 CHIEF McCALL: We have a motion on the floor.  
24 Is there a second?

25 MR. KEY: Second.

1 CHIEF McCALL: I have a second. All in  
2 favor.

3 (Those in favor so indicate.)

4 CHIEF McCALL: Any opposed. The motion  
5 carries.

6 ITEM NO. 25: VALERIE WILSON

7 CHIEF McCALL: Number 25, Valerie Wilson.

8 CHIEF SOLAND: Mr. Vice Chair, I make a  
9 motion to accept the stipulated settlement agreement  
10 and approve an 18-month suspension.

11 CHIEF McCALL: We have a motion on the floor.  
12 Is there a second?

13 SERGEANT QUEZADA: Second it.

14 CHIEF McCALL: A motion and a second. All in  
15 favor.

16 CHIEF SOLAND: Aye.

17 SERGEANT QUEZADA: Aye.

18 CHIEF KASSETAS: Aye.

19 CHIEF McCALL: Any opposed?

20 I vote nay.

21 DR. MILLER: Nay.

22 MR. KEY: Nay. We have three nays.

23 CHIEF McCALL: Three nays and three ayes.

24 ITEM NO. 26: FRANK TILLMAN

25 CHIEF McCALL: Number 26, Frank Tillman.



1           SERGEANT QUEZADA: Mr. Vice Chair, I would  
2 like to make a motion of accepting the Director's  
3 recommendation of a three-year suspension.

4           CHIEF McCALL: I have a motion on the floor  
5 to accept the recommendation of a three-year  
6 suspension.

7           MR. KEY: Second.

8           CHIEF McCALL: And a second. All in favor.  
9 (Those in favor so indicate.)

10          CHIEF McCALL: Any opposed. The motion  
11 carries.

12          That concludes our disciplinary action.

13          MR. DWORAK: Chairman, just one question. I  
14 want to confirm the number of votes for No. 25,  
15 Valerie Wilson, since we're an even number of votes  
16 here. I thought I saw three nays.

17          CHIEF McCALL: Yes.

18          MR. KEY: Nay.

19          DR. MILLER: Nay.

20          MR. DWORAK: Three nays. So then the motion  
21 does not pass. So that item still needs to be  
22 decided.

23          CHIEF McCALL: Okay. Would that remand for a  
24 hearing, if it did not pass?

25          MR. DWORAK: The Board could approve

1 additional terms or different terms in the settlement  
2 subject to approval by the Respondent. Or if no  
3 motion passes, it would just fail, the proposed  
4 settlement, and it would revert to a hearing.

5 So I think the best option might be to open  
6 the floor for discussion, to see if there is any  
7 compromise with the Board. The Board could vote to  
8 return for a hearing. Otherwise, if there's no motion  
9 made, there would just be no approval.

10 CHIEF McCALL: Okay. Does anyone have any  
11 comment with regard to Valerie Wilson or a  
12 recommendation? Would it be possible to get a motion  
13 to return for a hearing?

14 CHIEF KASSETAS: I'll make a motion to reject  
15 the settlement as it was voted on and set this for  
16 hearing, formal hearing.

17 MR. KEY: I'll second.

18 CHIEF McCALL: We have a motion and a second.  
19 Is there any discussion on that motion before we take  
20 a vote?

21 DR. MILLER: In light of what we read about  
22 the case, there appears to be one facet that doesn't  
23 look like it was really explored. Can the Board make  
24 a recommendation that there's something we want you to  
25 consider in terms of a hearing or in terms of

1 fact-finding?

2 MR. DWORAK: I think that that can certainly  
3 be conveyed. I don't think it needs to be stated in a  
4 motion, if it's for the altercation issues with the  
5 police officers or the allegations.

6 DR. MILLER: This is the domestic violence  
7 case. It's referencing Valerie Wilson's knowledge and  
8 collusion in the girlfriend's statements, which would  
9 rise to the level of lying.

10 CHIEF McCALL: This is part of the  
11 discussion, correct?

12 MR. DWORAK: Yes. That would be part of the  
13 discussion. The motion on the table right now is to  
14 reject the proposed settlement and set the matter for  
15 hearing. And then the Director could convey some of  
16 the concerns regarding the allegations to the  
17 prosecutor.

18 CHIEF McCALL: Okay. I have a motion and a  
19 second on the floor to continue this to a formal  
20 hearing. All in favor.

21 (Those in favor so indicate.)

22 CHIEF McCALL: Any opposed. The motion  
23 carries. It will be returned to the Director for a  
24 formal hearing.

25 MR. DWORAK: And to clarify, that was a

1 unanimous motion, correct?

2 CHIEF McCALL: Yes.

3 With that I believe we conclude our  
4 disciplinary matters. Before we adjourn, I will open  
5 the floor for any comments from the Board.

6 CHIEF SOLAND: Merry Christmas, everybody.

7 ITEM NO. 28: ADJOURNMENT

8 CHIEF McCALL: All right. We'll adjourn.

9 (At 11:45 a.m. the meeting was adjourned.)

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## REPORTER'S CERTIFICATE

1  
2  
3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO  
4 HEREBY CERTIFY that on December 12, 2017, the  
5 proceedings in the above captioned matter were taken  
6 before me, that I did report in stenographic shorthand  
7 the proceedings set forth herein, and the foregoing  
8 pages are a true and correct transcription to the best  
9 of my ability.

10 I FURTHER CERTIFY that I am neither employed  
11 by nor related to nor contracted with (unless excepted  
12 by the rules) any of the parties or attorneys in this  
13 case, and that I have no interest whatsoever in the  
14 final disposition of these proceedings.  
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22

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23 JAN A. WILLIAMS, RPR  
24 New Mexico CCR #14  
25 License Expires: 12/31/17

## A

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